

**ADOPTION POLICY REVIEW GROUP:
REPORT OF PHASE TWO**

Secure and safe homes for our most vulnerable children

SCOTTISH EXECUTIVE PROPOSALS FOR ACTION

A CONSULTATION PAPER

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CONSULTATION ON SCOTTISH EXECUTIVE PROPOSALS FOR ACTION

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MINISTERIAL FOREWORD

We in the Executive want the children of Scotland to be confident individuals, effective contributors, successful learners and responsible citizens; and ambitious for themselves. We want all of our children to fulfil this vision, and for some that means we need to provide more stability, security and permanence in their lives.

I welcome the final report of the Adoption Policy Review Group, which focuses on the need to provide greater stability and permanence to one of the most vulnerable groups of children in Scotland – those who can no longer live with their families. The report clearly shows how permanence – a sense of belonging to a family – is an absolute requirement for these children to thrive, and to give them a chance of turning our vision into reality.

The best interests of these children need to inform all our actions. I strongly support the principal recommendation of the report – the need for a new legal status for children to provide stability and complement traditional adoption – as well as almost all of their other proposals. I believe that acting on these recommendations will protect the best interests of a larger number of children who are in need of new secure and safe homes. I am now seeking your views in this consultation paper, following which we will legislate at the earliest suitable opportunity.

I would like to thank the Adoption Policy Review Group – and its chair, Sheriff Principal Graham Cox – for its efforts over the last four years. I believe their recommendations will make real improvements to the lives of real children.

Peter Peacock
Minister for Education and Young People

30 June 2005

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I: Introduction

1.1 On 4 April 2001, the Scottish Executive launched a review of adoption policy. The review was carried out by an independent Adoption Policy Review Group, made up of experts in relevant fields, and chaired by Sheriff Principal Graham Cox. The aim of the review was to identify weaknesses within the current adoption system, and suggest ways to modernise and improve adoption.

1.2 The first phase of the review concentrated on the place of adoption services within the spectrum of services considered for children and young people; the quality of recruitment, selection and assessment procedures for prospective adopters; and the extent and quality of post-adoption support. The report on the first phase was published in June 2002 and its recommendations are being taken forward by the Scottish Executive in partnership with local authorities and voluntary organisations.

1.3 The second phase was launched in March 2003 and looked at the legal framework for adoption and other possible forms of permanence, as well as a wide range of related subjects - some of which had come out of the first phase. The adoption issues examined by the Group included the continuing need for adoption, adoption by unmarried couples and contact with birth families. Other issues explored include: the provision of support services to families; court procedures; and access to information about adoption cases. The Group also considered the role of the children's hearing system.

1.4 Following the delivery of the Group's report on the second phase to Ministers, the report was published by the Scottish Executive on 10 June 2005. On the same day Euan Robson, then Deputy Minister for Education and Young People, announced the Executive's initial response to the recommendations in the report. This consultation paper explains the Scottish Executive's response to the report in more detail and invites comments on the Executive's proposed way ahead.

1.5 Also relevant to the Executive's response to these recommendations are the Family Law Bill currently going through the Scottish Parliament and *Getting it right for every child*, the Executive's consultation on improving children's services, integrated assessment and planning and proposals for action on the children's hearing system, published on 21 June 2005.

II: Overview of recommendations and Scottish Executive's response

Summary of recommendations

2.1 In its report the Group has considered the needs of children who cannot, for whatever reason, live with their birth families, but require alternative secure and stable permanent homes. Traditionally these have been provided by adoption, but the number of adoptions has fallen over the last twenty years, and there remain many children who are being looked after by local authorities away from their own families for long periods of time, but for whom adoption is not a suitable option. The other legal options for these children are not adequate to provide the sense of permanence, or belonging to a family, which the Group identifies as necessary to allow these children to develop and thrive. The Group's major recommendation is that a new legal status – a Permanence Order - is created to complement adoption and provide more children with this sense of permanence.

2.2 In total the Group has made 107 recommendations across ten chapters of their report. The major recommendations in each area are:

- Adoption should be retained as an option for looked after children, but the law on adoption in Scotland should be modernised. (Chapter 3 – Adoption)
- Legislation should allow joint adoption by unmarried couples (including same-sex couples) and fostering by same-sex couples. (Chapter 3 – Adoption and Chapter 10 – Fostering issues)
- Contact with members of the birth family (including siblings and unmarried fathers) should only be arranged for the benefit of the child and for a clear purpose. (Chapter 4 – Contact and conditions in orders for permanence)
- A Permanence Order should be introduced to complement adoption and provide stability for a wider range of children. (Chapter 5 – Permanence Order)
- There should be an improved legal framework for and better delivery of adoption support services. (Chapter 6 – Support for adoption)
- Court procedures should be improved to ensure that cases are progressed as quickly as possible, and judges and sheriffs should take an active role in managing cases. (Chapter 7 – Improving court procedures and avoiding delays)
- The system of selecting, paying and training curators, reporting officers and safeguarders should be improved. (Chapter 8 – Curators, reporting officers and safeguarders)
- The Children's Hearings System should be formally and consistently involved earlier in permanence planning. (Chapter 9 – Role of the Children's Hearing System in permanence cases)

- Support to foster carers should be improved; in particular there should be national fostering allowances. (Chapter 10 – Fostering issues)
- Local authority procedures for permanence cases and fostering should be improved to clarify processes and provide appeals mechanisms. (Chapter 11 – Procedures within local authorities and agencies)
- Rights to information about adoption, and people involved in adoption, including medical information, should be clarified. (Chapter 12 – Access to information)

Taken together, the recommendations represent a comprehensive review of the adoption and permanence system.

Scottish Executive response

2.3 The Scottish Executive agrees with the overall conclusions of the report. The Executive recognises that it is vital to provide stable and secure new homes for children who cannot live with their families. The Executive accepts that the current legal options other than adoption cannot give these children the sense of permanence they need. The Executive strongly supports giving responsibilities and rights to carers so they can make day-to-day decisions for the child in the same way as other parents. The Executive also recognises the need to provide proper support to adopters and carers to ensure these new families are successful. The Executive believes that these measures will secure the best interests of more children in Scotland.

2.4 The Scottish Executive accepts all of the Group's main recommendations; in particular:

- The Scottish Executive supports the **Permanence Order**, and agrees that adoption should continue for those children for whom it is suitable.
- The Scottish Executive supports the recommendations on adoption by **unmarried couples** and fostering by same-sex couples.
- The Scottish Executive supports an improved legal framework for **adoption support services**.
- The Scottish Executive supports the proposed improvements to the **court and children's hearings procedures**.
- The Scottish Executive supports the need for **better fostering allowances**.

Details of all the Group's recommendations and the Executive's response to each are in the annex to this paper. A number of these recommendations will require further work before legislation can be brought forward, for example the procedural requirements for the Permanence Order will have to be worked out in some detail, and the Executive welcomes comments on these issues.

2.5 The Executive is aware of the sensitivities around adoption by unmarried and same-sex couples. An unmarried couple – including a same-sex couple - can already apply to be assessed as adopters, but only one partner can actually adopt the child while the other partner applies for a residence order. In this way unmarried couples can adopt together, if not jointly, under the current law, and a number have. Changing the law to allow unmarried couples to adopt as a couple would not be a radical legal change, but would be significant for those involved, and would allow the court to make a joint adoption order where this is in the best interests of the child.

2.6 The Executive does not believe that anything in these proposals undermines marriage, which remains the most recognisable and widely accepted way for a couple to signal their commitment to each other and to their life together as parents. However, many couples do not marry but choose to live together, which can also provide a stable relationship in which many children are brought up today. The best interest of the child, and stability for children, in whatever form of family relationship exists, are the key concerns in framing policy. The Executive therefore welcomes the recommendation that an unmarried couple wishing to adopt should be living as partners in an enduring family relationship. This consultation invites comments on this definition.

2.7 While supporting the recommendations of the Group, the Executive wishes to hear a full range of views on this issue.

2.8 The Executive proposes to reject three of the Group's recommendations (Recommendations 9, 18 and 61) and consult on one without commitment (Recommendation 85). The Executive intends to support four recommendations in principle only, consulting on the detail (Recommendations 26, 51, 52 and 103). These recommendations are either being considered in other work, or require further views and investigation to justify being implemented.

III: Consultation

3.1 The recommendations of the Group would require a mixture of primary and secondary legislation, guidance from the Scottish Executive, and administrative action by the Scottish Executive, General Registers of Scotland, local authorities, adoption agencies and others to implement fully.

3.2 The Executive welcomes general comments on the recommendations of the Group and the Executive's proposed responses. The Executive has also identified a number of specific questions on which further views are welcome. These are highlighted in the text and summarised at the end of the annex.

3.3 Following this consultation, the Executive will focus on implementing those recommendations that require legislation. **These recommendations are indicated in the annex and views on them are particularly welcome.**

3.4 The planned legislation is expected to replace the Adoption (Scotland) Act 1978 in its entirety. It will therefore reproduce other provisions in that Act - as well as the Children (Scotland) Act 1995, Adoption (Intercountry Aspects) Act 1999 and the Adoption and Children Act 2002 - about which the Group has not made recommendations, notably on intercountry adoption. In the meantime, the Executive welcomes views on any aspects of adoption and permanence law not covered in the Group's report which should be reflected in future legislation.

3.5 Responses on this consultation are invited by **31 October 2005**.

3.6 Responses should be sent to:

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**ADOPTION POLICY REVIEW GROUP
RECOMMENDATIONS FROM THE REPORT OF THE SECOND PHASE
SCOTTISH EXECUTIVE PROPOSALS FOR ACTION**

Chapter 3 - Adoption

Models of adoption, agreement of birth parents, revocation

Recommendations of Review Group:

1. Adoption should remain as a legal option for children needing permanent placements away from their own families. (3.11)
2. Full adoption (which transfers all parental responsibilities and rights from the birth parents to the adoptive parents) should remain the only model for adoption in Scotland. However, it may be in the best interests of some adoptees to allow a degree of contact between the child and the birth family, sometimes known as an “open” adoption. (3.15)
3. Agreement of birth parents to adoption should continue to be sought. However, there will be cases where the best interests of the child would be served by the child being adopted by an alternative family, despite the objections of the parents. In these circumstances, the court should have the power to dispense with the parents’ agreement. (3.18)
4. The current grounds for dispensing with the agreement of birth parents should be changed and those in the Westminster Adoption and Children Act 2002 should be adopted, amended to reflect the necessity test in Article 8 of the European Convention on Human Rights (ECHR). (3.23)
5. There should not be any extension of the statutory grounds for revocation of adoption orders. (3.30)

The Scottish Executive SUPPORTS these recommendations and proposes to implement them through legislation.

The Executive agrees that adoption remains an important option for some children who cannot stay with their birth families and that full adoption should remain the only model used in Scotland. The Executive also agrees that there should be mechanisms for birth parents to agree to adoption and for the agreement of the birth parents to be dispensed with by the court, where adoption is in the best interests of the child. The Executive welcomes the proposed simplification of the grounds for dispensing with birth parents’ agreement, as the current provisions have been criticised as complex. The Executive agrees that there should be no extension of the statutory grounds for revocation of adoption orders. This underlines the permanent nature of adoption.

Joint adoption by unmarried couples

Recommendations of Review Group:

6. Joint adoption should be extended to all unmarried couples, same and opposite sex. (3.41)
7. The majority of the Group supported the definition of unmarried couples used in the 2002 Act and is in favour of the law being substantially similar north and south of the border. (3.41)
77. The restriction on fostering by adults of the same sex living in the same household should be removed. (10.19)

The Scottish Executive SUPPORTS these recommendations and proposes to implement them through legislation.

The Executive believes that the Group's recommendations would clarify the current legal situation. Despite the restriction in current legislation, unmarried couples can and do adopt together although not jointly. The Executive believes it is right that our legal system should allow unmarried couples to adopt jointly, where this is in the best interests of the child, and the law should reflect this position clearly and unambiguously. The Executive believes the most important consideration is that the court can make decisions in the best interests of the child, and is not constrained by the status of the relationship between the adults.

In accepting these recommendations, the Executive emphasises the importance of ensuring that children are only adopted by couples with a stable and strong relationship, whether married or unmarried. For same-sex couples, the new legal status of civil partnership will attract the same legal consequences as marriage. The Executive believes these should include joint adoption.

For unmarried couples, or same-sex couples whose partnership has not been registered, the Executive believes it is important that the court should consider the enduring strength of the relationship in deciding whether to make a joint adoption order. The Executive therefore supports the principle of the Group's recommendation that Scottish legislation adopts the definition of an unmarried couple from similar English legislation: two people living as partners in an enduring family relationship. The Executive would not propose to elaborate on this definition, for example by including a minimum time qualification. However, the Executive notes that other definitions of cohabitation are used elsewhere in Scots law, and there is the potential for inconsistency in adopting this definition.

The Executive would welcome views on what would be the appropriate definition of an unmarried (or unregistered) couple for a Scottish court to apply in deciding whether to make a joint adoption order, bearing in mind the Executive's intention that the court should consider the enduring nature of the relationship.

The Executive would also expect the criteria used by adoption agencies to assess the suitability of a couple to adopt to consider the stability of their relationship, as now. The Adoption and Children Act 2002 gives UK Government Ministers the power to make regulations to ensure that, in determining the suitability of a couple to adopt a child, proper regard is had to the need for stability and permanence in their relationship (s.45(2)).

The Group did not make a similar proposal, but the Executive would welcome views on whether such a provision should be included in Scottish legislation.

There are other issues raised by the proposal on which the Executive would welcome views:

- What other factors should the court take into account in deciding whether an unmarried couple should adopt a child? For example, should the views of birth parents or the child be considered?
- Should there be any exceptions or special rules, for example for faith-based adoption agencies?
- Should the Executive issue guidance on considerations to be examined in determining the best interests of the child, and what might such considerations be?

The Executive also supports the recommendation that same-sex couples should be allowed to foster, where that would be in the best interests of the child. The current rule against such fostering has caused practical difficulties in some cases where former foster children wish to remain in the foster home as adults, and the Group has found no evidence to support a continuing ban.

Step-parent adoption

Recommendations of Review Group:

8. Step-parent adoption should remain as it is, as an option for families. Unmarried step-parents should be able to adopt along with other step parents. (3.51)
10. In future, only the step-parent should be shown as an adopter on birth certificates in step-parent adoptions. (3.54)

The Scottish Executive SUPPORTS these recommendations and proposes to implement them through legislation.

The Group highlighted concerns that adoption by a step-parent removes the rights of the absent birth parent, and this is not always appropriate. The Executive accepts the Group's suggestion that there should be increased information and publicity to highlight alternatives to step-parent adoption.

However, the Executive agrees with the Group's conclusion that step-parent adoption should remain available for cases where this is in the best interests of the child. The Executive also accepts the Group's view that this should be extended to unmarried partners of birth parents.

The Executive accepts the Group's recommendation that only the step-parent should be registered as an adopter. The Executive will examine how the Adopted Children Register would best be amended to reflect this recommendation.

Recommendation of Review Group:

9. There should be step-parent agreement as an alternative to step-parent adoption. (3.53)

The Scottish Executive REJECTS this recommendation.

A similar proposal has already been rejected following the consultation on the Family Law Bill.

Other proposed changes to adoption

Recommendations of Review Group:

11. There should be a duty on agencies to consider parental views on a wider range of matters than religious upbringing when placing for adoption. (3.55)
12. There should be a discretion for courts to require the local authority to see a child in the home. (3.57)
13. Interim adoption orders should be abolished. (3.58)

The Scottish Executive SUPPORTS these recommendations and proposes to implement them through legislation.

The Executive would welcome views on the issues on which parental views should be sought. The Executive considers that wider issues of identity, such as language and culture, could be included in a revised provision.

Interim adoption orders are very rarely granted and alternatives would be available, particularly under the Group's other recommendations.

Cross-border provisions

Recommendations of Review Group:

14. Any changes in Scots Law resulting from this report should be properly reflected in the legislation for the rest of the UK to secure cross-border recognition of Scottish orders. (3.60)

The Scottish Executive SUPPORTS this recommendation.

The Executive is working closely with its counterparts in England, Wales and Northern Ireland on our proposals, as well as other adoption issues, and will keep them fully informed as our work progresses to allow them to make any necessary consequential amendments to their legislation.

Chapter 4 – Contact and conditions in orders for permanence

Contact

Recommendations of Review Group:

15. Contact should be for the benefit of the child not the adults. The purpose of the contact also should be clear to help shape decisions on type and frequency of contact. (4.4)

16. Young people and children should be enabled to keep in contact with other important people in their lives, not just birth parents. In particular, contact with siblings may be beneficial to everyone and is different from contact with birth parents. (4.9)

The Scottish Executive SUPPORTS these recommendations.

The Group has found that for some children contact with members of their birth families, particularly siblings, and other significant people, such as previous carers, is important, even once adopted.

The Scottish Executive considers that improved guidance and training would be required to ensure these recommendations are delivered.

Conditions in adoption orders

Recommendation of Review Group:

17. Conditions – including contact – should still be possible in adoption orders but this should remain exceptional. Matters such as contact should generally be dealt with alongside the adoption order, and the current prohibition on parents applying for contact under s.11 of the Children (Scotland) Act 1995 should be removed. (4.14)

The Scottish Executive SUPPORTS this recommendation and proposes to implement it through legislation.

The Executive agrees with the Group's conclusion that it is generally better for matters such as contact to be dealt with through agreements alongside the adoption order, rather than in court orders. However, there will be circumstances in which the court should make formal directions on contact and other matters and the law should allow this.

The Group's recommendation on s.11 is dealt with under Recommendations 51 and 52 below.

Conditions in freeing

Recommendation of Review Group:

18. Section 11 of the 1995 Act should be amended as a matter of urgency to remove the current restriction on those who have lost parental responsibilities and rights through adoption or freeing applying under that provision. Any application for an order under s.11 in these circumstances should only be allowed with the leave of the court, to protect adoptive families from inappropriate or vexatious applications. (4.16 and 4.18)

The Scottish Executive REJECTS this recommendation.

The Executive understands the reasons the Group has made this recommendation as a matter of urgency. However, the Executive now plans to bring forward legislation on all the Group's recommendations as early as possible, so there will be no need for separate legislation on this point.

Chapter 5 – Permanence Order

Problems with the current law and proposals for a new Permanence Order

Recommendations of Review Group:

19. The current “freeing” should be abolished. However, there should be a pre-adoption order to preserve the current advantages of freeing. (5.7)

20. Current Parental Responsibilities Orders (PROs) should be abolished. However, there should be an order that would secure children in a long-term placement and be flexible enough to meet the needs of individual cases. (5.11)

21. There should be a new Permanence Order. The court should have complete flexibility in making orders to fit the needs of the individual child, and should secure the interests of the child, the birth family and the new family. (5.14)

22. As a minimum, a Permanence Order should remove the right of the parent to have the child reside with them or to regulate the child’s residence. All Permanence Orders should also give to the local authority at least the right to regulate residence, to control, direct and guide, and to act as the child’s legal representative. (5.22)

23. A child on a Permanence Order should remain “looked after” by the local authority. (5.24)

24. The Permanence Order provisions should allow an order to be made authorising the local authority to place the child for adoption. (5.28)

25. Only the local authority should be able to apply for a new Permanence Order. (5.29)

The Scottish Executive SUPPORTS these recommendations and proposes to implement them through legislation.

The Executive strongly supports the Group’s proposals for a flexible Permanence Order which can meet the needs of individual children in individual cases. Another important feature of the proposed Order is that foster, and other, carers can be given legal responsibilities and rights under a Permanence Order to make decisions for children that other parents would normally make for their own children, but which existing orders do not necessarily provide.

The Executive also supports the Group’s proposals about the detail of the Permanence Order. In particular the Executive agrees that children on Permanence Orders should remain looked after by the local authority and that only local authorities should apply for new Permanence Orders. The Executive also agrees with the Group’s procedural recommendations: that any existing orders (for example under s.11 of the Children (Scotland) Act 1995), or new applications for such orders,

should be dealt with in the proceedings for the Permanence Order. The Executive also agrees that the Sheriff Court should deal with most applications for Permanence Orders, but that the Court of Session should also have jurisdiction in appropriate cases.

The Executive would welcome views on the principle and details of the Permanence Order, in particular any practical or procedural issues that might arise from use of the Orders, and how these can best be addressed.

Applications for revocation and variation of Permanence Orders

Recommendation of Review Group:

26. In order to protect the child's security and stability by avoiding repeated or vexatious applications to revoke or vary Permanence Orders, there should be a requirement for leave to make an application to be given by the court on cause shown. (5.31)

The Scottish Executive SUPPORTS this recommendation IN PRINCIPLE and proposes to implement it through legislation.

The Executive supports the Group's conclusion that variation or revocation of a Permanence Order should only be possible if there is a good reason for the court to consider an application. This is necessary to preserve the security provided by the Order for the child, and to deter repeated or malicious applications.

However, the mechanism of seeking the leave of a court to make an application is not as commonly used in Scotland as it is, for example, in England and Wales. The Executive would welcome views on whether this approach would provide the desired level of protection for children in the Scottish court system. This is discussed further under Recommendations 51 and 52 below.

Transitional provisions

Recommendation of Review Group:

27. Under transitional provisions existing PROs should become Permanence Orders, as should existing freeing orders after a year, subject to any successful applications to revoke the order. (5.36)

The Scottish Executive SUPPORTS this recommendation and proposes to implement it through legislation.

Permanence Orders and the Children's Hearing system

Recommendations of Review Group:

28. Following an application for a Permanence Order, any existing supervision requirement should continue in force, but the majority view is that any changes to it should be made by the court rather than the children's hearing that made the supervision requirement. (5.43)

29. There is a divergence of view in the Group about what should happen if the hearing wishes to impose a condition that conflicts with the Permanence Order if a child on a Permanence Order is referred to a hearing on fresh grounds. (5.46)

The Scottish Executive SUPPORTS the majority view on these recommendations and proposes to implement them through legislation.

The Executive understands the reasons for the differences in view within the Group on these recommendations. There are clear attractions in treating all children before the hearing system in the same way. However, the Executive supports the views of the majority in both recommendations.

The Executive believes that it is preferable for the court to have responsibility for all decisions related to a child between an application for a Permanence Order being made and the Order being granted. This is only for a limited period during which the child's case is already before the court; it would be sensible for the court to have clear primacy during this period.

Following the granting of a Permanence Order, the Executive believes that the system should recognise the special arrangements that have been put in place to protect the stability and security of the child. The Executive believes that modifying the approach of children's hearings in these cases as recommended by the majority of the Group, by limiting the powers of the hearing to change the residence and contact arrangements for the child, is a sensible way of recognising the position of these children.

The Executive would welcome views on this issue, in particular any practical difficulties that would be raised by the recommendations and further suggestions on how the special arrangements that have been made for children on permanence orders can be recognised by the hearing system.

Issues for birth families in permanence and adoption

Recommendations of Review Group:

30. Unmarried fathers without parental responsibilities and rights should be informed about applications for Permanence Orders and adoption orders. However, their agreement should not be required to place children for adoption, or for an adoption order. (5.57)

31. The formal rights of other birth relatives should not be extended, but courts should continue to have discretion to give notice about hearings for Permanence Orders and adoption orders to anyone with an interest in the case. (5.62 and 5.63)

The Scottish Executive SUPPORTS these recommendations and proposes to implement them through legislation.

The Executive agrees with the Group's conclusion that there should be no need to seek the consent to an application for a Permanence or adoption order of an unmarried father without parental responsibilities and rights. There are legal steps such fathers can take to establish parental responsibilities and rights at an earlier stage. However, the Executive agrees that such fathers should have a right to be informed of any applications.

The Executive also agrees that the formal rights of other birth relatives should not be extended. The involvement of birth relatives, and other adults, in the life of a child will vary from case to case and it would be wrong to lay down rules to cover all cases. The Executive agrees that the court should be able to recognise the interests of adults that have been involved with a child in a specific case by having a discretion to inform all interested parties of an application for a Permanence or adoption order.

Restrictions on the removal of children

Recommendation of Review Group:

32. There should be new, simpler provisions to protect children placed for adoption and on Permanence Orders, and their carers. These should include criminal sanctions and a straightforward civil mechanism to recover children unlawfully removed. (5.66)

The Scottish Executive SUPPORTS this recommendation and proposes to implement it through legislation.

Existing provisions are complex and this proposal, including the detailed circumstances in which the restrictions would apply, would provide greater clarity and security for children.

Chapter 6 – Support for adoption

Support services for adoption and adoption allowances

Recommendations of Review Group:

33. There should be adoption support services that are based on a sound legal framework, are properly resourced, and that have commitment from central government, local authorities and other providers. (6.9)

34. Adoption support services should be: counselling, advice, information and financial support, as well as other services prescribed by regulation. (6.12)

35. Adoption allowances should be paid under a national scheme, provided for in regulations. (6.13)

36. The current restriction on adoptive families receiving cash instead of services should be removed. (6.14)

The Scottish Executive SUPPORTS these recommendations, and proposes to implement them through legislation.

The Executive agrees that there is a need for a more comprehensive legal framework on adoption support as a tool to improve the delivery of services.

The Executive would welcome views on what additional services might be prescribed. Those specified in recent regulations for adoption support in England and Wales are:

- support to groups of adopted children, adopters and birth parents;
- assistance, including mediation, in arrangements for contact between adopted children and their birth parents, siblings and other relatives;
- services to meet the therapeutic needs of adopted children;
- assistance to adopters such as training to meet special needs and respite care;
- mediation and other services if there is a disruption in an adoption placement, or risk of one.

Adoption allowances are currently decided by local authorities, under a general framework set by regulations. The Group recommended that the current arrangements should be revised and that there should be a national scheme for adoption allowances across Scotland. The Executive agrees that the current regulations should be revised, and the restriction on receiving assistance in cash should be removed. However, the Executive does not believe there should be a national scale of allowances, or set levels, as the circumstances of adoptions differ from case to case. Local authorities are in a better position to judge the level of allowance appropriate in each case.

Local authority adoption support services

Recommendations of Review Group:

37. The adoption service provided by every local authority should clearly include adoption support services. (6.15).

38. Each local authority should have an adoption support officer within the senior management team for social services who has lead responsibility for service provision. (6.16)

39. There should be a Code of Practice for the provision of adoption support services. (6.17)

The Scottish Executive SUPPORTS these recommendations.

The Executive believes that these recommendations should be implemented through guidance, which should make clear that the local authority plan for providing adoption support should be included in the integrated children's services planning framework for the local authority area. Any guidance would need to be consistent with this wider planning framework and National Care Standards for adoption agencies.

The Executive recognises the recommendation on local authority senior management is prescriptive. The Executive would welcome views on this recommendation.

Specialist adoption support agencies

Recommendation of Review Group:

40. Legislation should allow for voluntary, specialist adoption support agencies to be established. (6.18)

The Scottish Executive SUPPORTS this recommendation, and proposes to implement it through legislation.

The Executive believes that specialist adoption support agencies, provided by the voluntary sector, would provide a useful complement to local authority services. Such agencies would need to be subject to inspection and approval by the Care Commission for Scotland.

Adoption support for families that move

Recommendation of Review Group:

41. In general, a local authority placing a child for adoption should have responsibility for providing adoption support services to the child and the adoptive family for three years after the adoption order is made, or until the child is 18, whichever is sooner, at which point the responsibility should transfer to the local authority where the adopted person and the family lives, if this is different. (6.19)

The Scottish Executive SUPPORTS this recommendation, and proposes to implement it through legislation.

The Executive agrees that this would be an important clarification of the existing position, which can be confusing when an adoptive family move or a child is placed outside a local authority's area. This is the same arrangement being introduced in England and Wales which would facilitate cross-border moves. However, the Executive will need to ensure that the arrangements that are put in place for adoption support work in conjunction with arrangements already in place under the Additional Support for Learning Act.

The Executive would welcome views on this recommendation, in particular whether the period of three years is appropriate.

Who should receive adoption support services?

Recommendation of Review Group:

42. Adoption support services should be available for all parties involved in adoption. (6.21)

The Scottish Executive SUPPORTS this recommendation, and proposes to implement it through legislation.

The Executive agrees that entitlement to various forms of adoption support should be widened to all parties involved with an adoption.

However, the Executive would welcome views on how widespread any entitlement should be – for example, should grandparents and siblings have a right to support – and on what services different groups of people should receive - for example whether birth relatives should have a right to any services beyond counselling.

Assessment and planning of adoption support needs

Recommendations of Review Group:

43. Each party to an adoption should be entitled to an assessment of their need for adoption services. The local authority should then plan how any assessed needs are to be met (6.22)

44. Following assessment and a plan, there should be a contract between the local authority adoption agency, the adopters, and any adopted child who is aged 12 or over, detailing the services that the agency will provide. (6.23)

The Scottish Executive SUPPORTS these recommendations, and proposes to implement them through legislation.

The Executive supports these recommendations which will be important in ensuring that the necessary adoption support services are delivered to those involved in an adoption, particularly the adopted child.

The Executive notes that, as in England and Wales, the Group has not recommended that there should be a duty on a local authority to meet any assessed need. The Executive supports this approach, which recognises the need for local authorities to have some discretion.

Chapter 7 – Improving court procedures and avoiding delays

Proposed changes to the court rules

Recommendations of Review Group:

45. All Sheriffdoms should have a Practice Note for adoption, related proceedings and other permanence cases. (7.9)
46. In the long-term, the Group recommends that the provisions of these Practice Notes should be incorporated in new court rules made following primary legislation. (7.10)
47. The Group believes that that active case management is crucial and that this should be clearly reflected in new court rules. (7.11)
48. Court rules should include provision for “Adoption Centres”, so that pre-proof proceedings are held in courts where there is a sheriff with some specialist knowledge. (7.12)
49. There should be a statutory scheme for dealing with situations where there is more than one type of case pending for a child with the aim of consolidating all court actions in respect of the child and giving an opportunity for those with an interest to take part in the process. (7.14 and 7.15)
50. There should be a bar on new, separate applications to the court on matters that can be dealt with in the Permanence Order. (7.16)
53. There should a number of detailed changes to the court rules, to improve the system and reduce delays. (7.19)

The Scottish Executive SUPPORTS these recommendations.

The Executive supports the aim of the Group in reducing the time taken by courts to handle permanence cases, as it is clearly not in the best interests of a child for these cases to take too long.

The proposed changes to Court Rules are for the appropriate judicial authorities to consider in detail. The Executive commends these recommendations to those authorities and hopes that the recommendations can be taken forward to achieve the aims of the Group.

Removal of the current bar on birth parents applying for contact and other orders

Recommendations of Review Group:

51. The leave of the court should generally be required for new applications in respect of children on Permanence Orders or adopted. (7.17)

52. The current absolute ban on applications under s.11 of the 1995 Act by people whose parental responsibilities and rights have been removed by freeing or adoption should be ended. (7.18)

The Scottish Executive SUPPORTS these recommendations IN PRINCIPLE, and proposes to implement them through legislation.

There could be cases in which the current bar on applications following an adoption could lead to injustice, for example if voluntary contact arrangements are stopped by the adopters. The recommendations would allow the court to consider an application in these circumstances, and make an order if that was in the best interests of the child. However, the Executive is aware that this proposal could cause anxiety to some adopted children and their adoptive families because of the risk of repeated or malicious applications to court. Adoptive families might also be concerned about the legal costs of resisting applications.

The Executive is prepared to support this recommendation in principle, but wants to ensure that there would be effective safeguards to deter or prevent repeated applications and protect families from abuse of the legal system.

The Group has proposed that applicants should have to seek the leave of the court to make an application. In seeking leave, the applicant would have to show reasons why the application should be allowed to proceed. This system is not as commonly used in Scotland as it is in England and Wales.

The Executive would welcome views on whether this system would be effective in providing the protection sought for adoptive families.

The Executive would also welcome views on whether other statutory measures would make the system of leave a more effective safeguard. For example:

- Should the legislation require the applicant to produce new evidence, or evidence of a significant change in circumstances to support an application for leave?
- Should there be a minimum period between new applications for leave in respect of the same child?

Some potential applicants might not have sufficient information about an adopted child to enable them to pursue a case, for example they might not be aware of the child's current address or surname. Legislation could limit the circumstances in which an applicant could seek such information from the court, which could in practice prevent applications if there has been no contact for many years after the adoption.

Views are also sought on this issue.

This recommendation is linked to that to the procedures for varying or revoking Permanence Orders (Recommendation 26).

Chapter 8 – Curators, reporting officers and safeguarders

Appointment and duties of curators, reporting officers and safeguarders

Recommendations of Review Group:

54. There is no reason to believe safeguarders are being appointed unnecessarily or disproportionately by the hearings system in permanence cases. (8.12)

55. The rules should continue to allow the court to appoint separate individuals to the roles of curator and reporting officer if this is the most practical approach in particular cases. (8.15)

56. The role of safeguarders should not be merged with that of curators and reporting officers. (8.16)

57. Curators and reporting officers should continue to be appointed in all applications for adoption, freeing and PROs (except post-freeing adoptions). If a Permanence Order is introduced, curators and reporting officers should be appointed in all applications for Permanence Orders, unless a court decides a curator is unnecessary in the particular circumstances of a case. (8.19)

58. The hearing must always have the option of appointing a safeguarder if it considers it necessary to do so. (8.20)

59. The involvement of safeguarders should not be extended either to all permanence cases or throughout a case. (8.21)

60. Court rules concerning appointments and duties of curators and reporting officers should be amended in line with detailed proposals. (8.23)

The Scottish Executive SUPPORTS these recommendations.

The Executive notes that the Group's recommendations are largely supportive of the current rules on the appointment and duties of curators, reporting officers and safeguarders. *Getting it right for every child* will also produce proposals on the role of safeguarders.

The Executive commends the recommendations concerning Court Rules to the appropriate judicial authorities.

National system for curators, reporting officers and safeguarders

Recommendation of Review Group:

61. There should be a centralised national system to appoint and train curators, reporting officers, and safeguarders from which individual case appointments are made locally. Remuneration should be paid centrally and should take account of the varying amounts of work required in individual cases (8.31)

The Scottish Executive REJECTS this recommendation IN PRINCIPLE.

The Executive is not convinced by the case for a national system for these appointments, nor for central payments. The Executive regards this as a function best organised and funded locally.

The Executive would welcome views on this proposal and its advantages to allow it to come to a final decision.

Chapter 9 – Role of the Children’s Hearing System in permanence cases

Improvements to the role of the children’s hearing system

Recommendations of Review Group:

62. The hearing system should continue to be involved in permanence planning and decision making for children, and this role should be improved. (9.10)

63. There should be a formal requirement to inform the hearing system of permanence planning by the local authority at an earlier stage. (9.12)

64. If a child has been looked after away from home for a year, the hearing should consider asking the local authority about permanence planning at the next review of the child’s case. (9.15)

65. The roles of both the local authority adoption or permanence panel and the children’s hearing in permanence cases should be preserved as they are valuable and distinctive. (9.17)

66. Reports from the adoption/permanence panel to the hearing in considering permanence cases should be improved and standardised. (9.19)

67. The provisions on providing advice from the hearing to the court should be reviewed in regard to who has responsibility for each step, and to allow the court to ask for updated advice from the hearing. (9.21)

68. The review and advice hearing should remain one process but that better information for all parties involved would address the concerns that have been expressed. (9.22)

69. There should be a standardised form for the hearing to provide advice to the court. (9.23)

70. There should be nationally developed and quality assured joint training between key agencies, the hearing, social work departments, safeguarders and others. (9.25)

71. Each hearing should, if possible, contain one member from a previous hearing throughout the progress through the system of a permanence case. (9.29)

The Scottish Executive SUPPORTS these recommendations, and proposes to implement them through legislation.

The Executive agrees with the conclusion of the Group that the children's hearing has an essential role to play in planning for permanence for children, as the body which is intended to play a central role in decision making for children. The Executive accepts the recommendation that this role can be played best if the hearing is formally involved in permanence planning at an earlier stage, and that there should be a statutory provision to ensure that such involvement starts consistently across Scotland.

The Executive would welcome views on the stage of the process that should trigger the formal involvement of the hearing. The Group has suggested it should be after a looked after child review has decided to proceed towards permanence. The Executive would also welcome views on the steps to be followed after the hearing is informed. The Group has suggested following the model currently used when a decision is taken to place a child for adoption.

The Executive agrees that the communication between the local authority adoption or permanence panel, the children's hearing and the court should be improved, and there should be clear ownership of the process for the court to seek advice from the hearing. The court should also be able to ask for updated advice from the hearing. The Executive also accepts the need for joint training and will consider how best this can be provided.

The Executive believes that a number of these recommendations, for example on the make-up of hearings or the form of reports, would better be dealt with through guidance, rather than primary and secondary legislation which would be too prescriptive.

Review of the Children's Hearings system

Recommendation of Review Group:

72. These recommendations on the role of hearings in permanence cases should be taken into account in the review of the hearing system. (9.32)

The Scottish Executive SUPPORTS this recommendation.

The recommendations of the Group are consistent with the principles established by the review of the children's hearing system. Any legislative proposals in this area will be based on both the Group's recommendations and the detailed proposals in *Getting it right for every child*. The Group's recommendations on assessment of children and adopters and foster carers will also be considered in the light of the integrated assessment planning and recording framework, on which the Executive is also consulting.

Publication of proceedings of children's hearings

Recommendation of Review Group:

73. Legislation should allow publication of details about children by local authorities and adoption agencies in planning for permanence. (9.35)

The Scottish Executive SUPPORTS this recommendation and proposes to implement it through legislation.

Chapter 10 – Fostering issues

Support following Permanence and s.11 orders

Recommendations of Review Group:

74. The support needs of the child and the carer should be assessed on the making of a Permanence Order for a child in foster care, and new plans should be put in place to meet those needs. (10.7)

75. When a s.11 order has been granted for the long-term security of a looked after child, the local authority should assess and plan to meet the support needs of the child and the carers. (10.11)

The Scottish Executive SUPPORTS these recommendations, and proposes to implement them through legislation.

It is clearly vital that children on Permanence Orders and their carers should receive the support they need to ensure the success of the placement. The Executive agrees that there should be a clear requirement to review support needs when a Permanence Order is made.

The Executive accepts that some carers will want to apply for s.11 orders, instead of a Permanence Order being sought by the local authority. This can be more appropriate for some children, as explained by the Group. The Executive agrees that such carers should also have their support needs assessed by the local authority. The Executive does not believe that carers should be deterred from seeking an order that best meets the needs of the child because of the risk of losing their support. The Executive notes that these provisions would give Scotland similar arrangements to Special Guardianship, to complement the Permanence Order.

Fostering allowances

Recommendation of Review Group:

76. A nationally agreed scheme of adequate allowances should be introduced for foster carers. (10.14)

The Scottish Executive SUPPORTS this recommendation IN PRINCIPLE.

Levels of fostering allowances are currently set by local authorities to meet local conditions and needs, although authorities are encouraged to meet national scales. However, the levels of fostering allowances vary across Scotland, and are not adequate in some areas. There is also an inconsistent approach to the reward payments for foster carers.

The Executive believes that the current situation cannot continue. As existing guidance makes clear, the costs of fostering children should not differ markedly across Scotland, and greater consistency of payment levels would be fairer and more comprehensible to foster carers. The Executive is therefore prepared to consider giving central direction on appropriate levels of allowances for foster carers. There are a number of options:

- The Executive annually sets mandatory national scales of fostering allowances.
- The Executive annually issues guidance containing national scales of allowances.
- Legislation requires local authorities to publish their fostering allowances and explain any variations from national scales.

The Executive would welcome views on these options, as well as any other suggestions for achieving this objective.

Fostering by same-sex couples

Recommendation of Review Group:

77. The restriction on fostering by adults of the same sex living in the same household should be removed. (10.19)

The Scottish Executive SUPPORTS this recommendation, and proposes to implement it through legislation.

This is discussed under Recommendations 6 and 7 above.

Emergency and immediate placements

Recommendations of Review Group:

78. The emergency placement provision should be clarified and should be self-contained, without cross-reference to other regulations. (10.21)

79. Immediate placements should last for up to four months, subject to an interim assessment and approval, during which time a full assessment and approval should be carried out. (10.24)

The Scottish Executive SUPPORTS these recommendations, and proposes to implement them through legislation.

The Executive agrees with the conclusion that children should not remain in the long term with carers who have not been properly assessed, including placements made under supervision requirements from children's hearings.

Accommodation under s.25 of the Children (Scotland) Act 1995

Recommendation of Review Group:

80. Clear guidance should be issued by the Scottish Executive to local authorities on the circumstances in which children should be regarded as accommodated under s.25 and the use of s.25 for respite care. (10.30 and 10.33)

The Scottish Executive SUPPORTS this recommendation.

The Executive will consider what further guidance should be made available in addition to existing guidance on the Children (Scotland) Act 1995.

Assessment and approval of foster carers

Recommendation of Review Group:

81. The regulations should allow all fostering providers, whether local authorities or voluntary organisations, to carry out their own assessment, approval, reviewing and de-registration processes. (10.37)

The Scottish Executive SUPPORTS this recommendation, and proposes to implement it through legislation.

In accepting this recommendation, the Executive notes that fostering agencies would be subject to inspection and approval by the Care Commission in this function, as with their other roles.

Assessment of partners of foster carers

Recommendation of Review Group:

82. There should be clear guidance from the Scottish Executive to local authorities on the procedures when a prospective foster carer acquires a new partner during or after the assessment process. (10.39)

The Scottish Executive SUPPORTS this recommendation.

The guidance should reflect current best practice, and possible improvements. The Executive will now consider how best to gather views on the contents of the guidance and draft a practical and useful document for practitioners.

Checks on friends of looked after children

Recommendation of Review Group:

83. The issue of checks on those in contact with looked after children should be dealt with by the current consultation and guidance process being carried out by the Scottish Executive. (10.45)

The Scottish Executive SUPPORTS this recommendation.

The relevant guidance will be issued by the Executive later this year.

Kinship care

Recommendation of Review Group:

84. The issues surrounding kinship care should be examined following the current research being carried out by the Scottish Executive. (10.48)

The Scottish Executive SUPPORTS this recommendation.

The Social Work Inspection Agency expects to publish this research later this year.

Private fostering

Recommendation of Review Group:

85. A Working Party should be set up to carry forward further investigation and discussion on private fostering. (10.52)

The Scottish Executive SEEKS VIEWS on this recommendation.

The Care Commission is inspecting this function of local authorities for the first time this year, and the Executive is conducting an awareness-raising campaign. The Executive believes that it would be better to consider the effects of these initiatives before proceeding with a working party.

In the meantime, the Executive would welcome views on this proposal, and on the possible remit of such a group.

Chapter 11 – Procedures within local authorities and agencies

Principles of permanence planning by local authorities and adoption agencies

Recommendations of Review Group:

86. The principles for permanence planning should remain the same, with the addition of a duty to consider the effect on the child of having ceased to be part of the original family and becoming an adopted person. (11.9)

87. There should not be a national adoption service, but, as recommended in Phase I, there should be centralisation of some services. (11.13)

The Scottish Executive SUPPORTS these recommendations.

The Executive agrees with the Group's conclusion that the paramount consideration in decision making should remain the welfare of children. However, the proposed addition would be useful to underpin planning for support in adoption cases.

Proposals for improvements to procedures within local authorities and agencies

Recommendations of Review Group:

88. All plans for permanence for children, including adoption, should be looked at by one advisory panel within each local authority. (11.19)

89. Adoption/permanence panels should be attended and/or hear representations from:

- children and young people, taking into account their age and maturity.
- birth parents (unmarried fathers at the discretion of the local authority/adoption agency).
- adopters.

(11.24)

90. There should be statutory timetables for the procedures between adoption/permanence panels and court applications and clear guidance from the Scottish Executive (or the Care Commission) about other parts of the process. (11.29)

91. The authority/agency decision-making role on permanence and adoption cases should be exercised by senior managers and every organisation should have more than one agency decision maker. (11.36)

92. Additional written or oral representations should be made to agency decision makers after an adoption panel's recommendations only if new information comes to light. (11.36)

93. There should be an independent review body (external to agencies) to consider appeals against the decisions of agency decision makers on adopters and adoptions but there should be no automatic review of cases where the decision maker disagrees with the adoption panel. (11.36)

94. Fostering applicants and existing carers on review should have the right to make oral or written representations to fostering panels, including the right to attend the panel. (11.40)

95. Fostering panels should be involved in reviews of foster carers every three to five years. (11.40)

96. Fostering applicants should be given a right to receive a copy of their assessment report, excluding confidential third party information. (11.42)

97. There should be an independent system for appeals by prospective foster carers and existing foster carers. (11.50)

98. There should be general guidance from the Scottish Executive on fostering and adoption/permanence panels covering:

- the composition of panel meetings (man and woman wherever practicable; reflect child's ethnicity and related matters);
- qualifications of panel members;
- the format of panel minutes; and
- the meaning of "panel" and "panel meeting".

(11.54)

99. There should not be a list of prescribed offences that prevent a person from adopting or fostering. However, enhanced criminal record certificates should be sought for all applicants. (11.57)

The Scottish Executive SUPPORTS these recommendations, and proposes to implement them through legislation.

The Executive accepts the detailed improvements to local authority and adoption agency procedures proposed by the Group. The Executive particularly supports the proposals to increase the flexibility of local authority adoption and fostering panels while maintaining their distinct roles. The Executive also supports the need for an independent element in appeals and complaints procedures for adopters, birth parents and foster carers who are unhappy with either the decisions or the conduct of the authority or agency, or its staff. At this stage, the Executive would not favour a

separate, independent body but would prefer local panels of independent people, who would consider appeals and complaints with senior managers of the local authority or agency.

The Executive would welcome views on the detailed proposals of the Group on local authority and adoption agency procedures, particularly on the issue of independent appeals and complaints.

A number of these recommendations would require primary or secondary legislation, but the Executive intends to include others in guidance to avoid excessive regulation on local authorities and adoption agencies, while introducing the changes the Group recommends consistently across Scotland.

Chapter 12 – Access to information

Access to information about adoptions

Recommendations of Review Group:

100. Only adopted people aged 16 or over should have an automatic right to information about their adoption. Adopted people under 16 should also have clear though limited rights to have access to appropriate information from their adoption agency records. (12.9)

101. There should be a support service for tracing and accessing information as a distinct part of the overall adoption support system. (12.10)

102. Voluntary agencies should be allowed to provide those adoption support services that involve tracing and access to records. (12.11)

The Scottish Executive SUPPORTS these recommendations, and proposes to implement them through legislation.

The Executive agrees with the Group's conclusion that only adopted people should have the right to access information about their adoption. While adoption agencies would retain a discretion to pass information to other people affected by adoption, the Executive would expect agencies to release information rarely, perhaps when the adopted person has died.

The Executive would prefer other people affected by adoption to access information through voluntary contact registers, such as that already operated by Birthlink in Scotland. The Executive supports the suggestion that this function is put on a statutory basis.

Sharing of medical information

Recommendations of Review Group:

103. There should be primary legislation to allow the release of medical information about birth parents in permanence cases, with or without consent, where this is necessary to plan properly for children. However, there should not be a right of access to medical information about the wider family. Professionals should consider carefully the need to disclose such medical information to adopted people and adopters. (12.17 and 12.21)

104. There should be clearer interagency guidance for general practitioners and consultants dealing with prospective adopters, possibly requiring doctors to disclose all information to adoption agencies. (12.23)

105. Courts and those representing birth parents should only make and grant such requests to see medical information about adopters where the information could be shown to be relevant. (12.25)

106. Regulations should make it clear that the term “registered medical practitioner” includes nurse practitioners as well as doctors. (12.27)

The Scottish Executive SUPPORTS these recommendations IN PRINCIPLE, and proposes to implement them through legislation.

The Executive supports the principle that medical information about birth parents should be available, without consent, to assist in planning for the best interests of children. However, this principle needs to be balanced with the right of the birth parent to medical confidentiality. Any legal changes would also have to satisfy the requirement of the Data Protection Acts and the ECHR. There is a need for clear procedures to ensure that the information shared is only used for the purposes it is released, and that information is only shared between those with a need to know.

The Executive would welcome views on the proposal. Particular issues include: what sort of information could be shared; who could have access to the information; and whether any information should be communicated to the adopted person or the adoptive parents.

The Executive notes the Group’s views on applications for medical information about adopters during court proceedings and commends their recommendation to the appropriate judicial and legal authorities.

Release of information to adopters

Recommendation of Review Group:

107. Existing regulations on the disclosure of information about children to adopters are satisfactory, but there should be further guidance to agencies to ensure that all relevant information about children is passed on to prospective adopters, in written form as well as orally. (12.30)

The Scottish Executive SUPPORTS this recommendation.

The Executive will consider what guidance should be issued following any primary legislation on sharing information resulting from the preceding recommendations.

SUMMARY OF CONSULTATION QUESTIONS

General

1. The Executive welcomes general comments on the recommendations of the Group and the Executive's proposed responses. Views on those recommendations requiring legislation are particularly welcome.
2. The Executive welcomes views on any aspects of adoption and permanence law not covered in the Group's report which should be reflected in future legislation.

Adoption

3. The Executive would welcome views on the appropriate definition of an unmarried (or unregistered) couple for a Scottish court to apply in deciding whether to make a joint adoption order, bearing in mind the Executive's intention that the court should consider the enduring nature of the relationship. (Recommendations 6 and 7)
4. The Executive would welcome views on whether there should be a power for Ministers to make regulations to ensure that, in determining the suitability of a couple to adopt a child, proper regard is had to the need for stability and permanence in their relationship. (Recommendations 6 and 7)
5. The Executive would welcome views on:

There are other issues raised by the proposal on which the Executive would welcome views:

- What other factors should the court take into account in deciding whether an unmarried couple should adopt a child? For example, should the views of birth parents or the child be considered?
- Should there be any exceptions or special rules, for example for faith-based adoption agencies?
- Should the Executive issue guidance on considerations to be examined in determining the best interests of the child, and what might such considerations be?

(Recommendations 6 and 7)

6. The Executive would welcome views on the issues on which parental views should be sought in placing a child for adoption. (Recommendation 11)

Permanence Order

7. The Executive would welcome views on the principle and details of the Permanence Order, in particular any practical or procedural issues that might arise from use of the Orders, and how these can best be addressed. (Recommendations 19 – 25)

8. The Executive would welcome views on the role of the hearing system in Permanence Orders, in particular any practical difficulties that would be raised by the recommendations and further suggestions on how the special arrangements that have been made for children on permanence orders can be recognised by the hearing system. (Recommendations 28 and 29)

Support for adoption

9. The Executive would welcome views on what additional adoption support services might be prescribed. (Recommendations 33 – 36)

10. The Executive would welcome views on the recommendation that local authorities should have an adoption support officer within the senior management team. (Recommendation 38)

11. The Executive would welcome views on the recommendation that a local authority placing a child for adoption should have responsibility for providing adoption support services to the child and the adoptive family for three years after the adoption order, in particular whether the period of three years is appropriate. (Recommendation 41)

12. The Executive would welcome views on how widespread any entitlement to adoption support should be – for example, should grandparents and siblings have a right to support – and on what services different groups of people should receive, for example should birth relatives have a right to any services beyond counselling. (Recommendation 42)

Improving court rules and avoiding delays

13. The Executive would welcome views on whether a system of leave to apply to court would be effective in providing the protection from repeated or vexatious applications for children and adoptive families. (Recommendations 26, 51 and 52)

14. The Executive would also welcome views on whether other statutory measures would make the system of leave a more effective safeguard. For example:

- Should the legislation require the applicant to produce new evidence, or evidence of a significant change in circumstances to support an application for leave?
- Should there be a minimum period between new applications for leave in respect of the same child?

(Recommendations 26, 51 and 52)

15. The Executive would welcome views on whether legislation should limit the circumstances in which an applicant could seek information about an adopted child in support of an application to court. (Recommendations 26, 51 and 52)

Curators, reporting officers and safeguarders

16. The Executive would welcome views on the recommendation that there should be a centralised national system to appoint and train curators, reporting officers, and safeguarders from which individual case appointments are made locally. (Recommendation 61)

Role of the children's hearing system in permanence cases

17. The Executive would welcome views on the stage in permanence planning at which there should be a statutory requirement on the local authority to inform the children's hearing of its intention. The Executive would also welcome views on the steps to be followed after the hearing is informed of the local authority's intention, for example the model currently used when a decision is taken to place a child for adoption. (Recommendations 62 – 71)

Fostering issues

18. The Executive would welcome views on the options for a national scale of fostering allowances. (Recommendation 76)

19. The Executive would welcome views on the proposed working group on private fostering, and what the remit of such a group might be. (Recommendation 85)

Procedures within local authorities and agencies

20. The Executive would welcome views on the detailed proposals of the Group on local authority and adoption agency procedures, particularly on the issue of independent appeals and complaints. (Recommendations 88 – 99)

Access to information

21. The Executive would welcome views on the proposal that medical information about birth parents and families should be shared, without consent, to plan properly for a child. Particular issues include: what sort of information could be shared; who could have access to the information; and whether any information should be communicated to the adopted person or the adoptive parents. (Recommendations 103 – 106)

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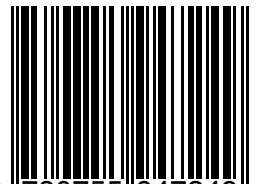
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