

REPORT

To: SOCIAL WORK (OPERATIONS & SERVICES) SUB COMMITTEE	Subject: CHANGES IN ADOPTION LAW IN ENGLAND AND WALES AND PROPOSALS FOR LEGISLATION IN SCOTLAND	
From: DIRECTOR OF SOCIAL WORK		
Date: 2 ND MAY 2006	Ref: JD/DC/KE	

1. Purpose of Report/Introduction

To advise Committee of changes in the Adoption Law for England and Wales that will also impact on Scotland, and to outline the proposals for legislative changes in Scotland.

2. Background

- 2.1. The Adoption and Children Act 2002 became fully implemented in December 2005. It mainly applies to England and Wales, but some of the provisions also apply to Scotland.
- 2.2. The Adoption and Children (Scotland) Bill was published on 27th March 2006 and is expected to be debated in the Scottish Parliament during the coming months.
- 2.3. A previous report advising of the possible implications for Scotland of the Act was considered by Committee in June 2005 (Implications of Adoption and Children Act 2002).

3 Proposals Considerations

- 3.1 The Adoption and Children Act 2002 puts the needs of the child at the centre of the adoption process by aligning adoption law with the Children Act 1989 to make the child's welfare the paramount consideration in all decisions to do with adoption.
- 3.2 The Act also includes provision to:
 - encourage more people to adopt looked after children
 - encourage more people to come forward to adopt and be able to access an independent review mechanism if they feel they have been turned down unfairly; enable unmarried couples to apply to adopt jointly
 - introduce safeguards for adoption by improving legal controls on inter-country adoption and the advertising of children for adoption.
- 3.3 The Act was fully implemented in England and Wales in December 2005. Some Scottish related provisions include those which are necessary to enable orders made under the Act in England and Wales to be recognised here and to enable cross border placements for adoption to continue.
- 3.4 The Adoption and Children (Scotland) Bill is intended to modernise, improve and extend the system of adoption in Scotland.
- 3.5 The key provisions of the Bill are:
 - Unmarried couples will be able to adopt jointly if they can prove that they have a stable and loving relationship and can provide a loving family environment for a child
 - Local Authorities will have a duty to provide a range of adoption support services
 - People directly affected by adoption (the child, parents and adoptive parents) will have a right to pre-adoption and post-adoption support services
 - The provision of support services will be a clearly stated part of the adoption process

- A new type of order – “the Permanence Order” will be introduced for children who cannot live with their families

4. Financial/Personnel/Legal/Policy Implications

5.1 At this point in time there are no resource implications. If the impact of the new legislation increases the number of families coming forward to adopt, a further report will be presented to Committee detailing the resource implications.

5. Recommendation

5.1 Committee is asked to

- (i) note the content of this Report.
- (ii) request a further Report from the Director about the implementation of the new act.



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6th April 2006

For further information on this report please contact Susan Taylor, Manager, Children, Families and Justice (Tel: 01698 – 332032) or David Carver, Service Co-ordinator (LAAC) (Tel: 01698 332651)