
To: Education and Children Policy Board

On: 20 August 2015

Report by: Director of Children's Services

Heading: Adoption Register Consultation Response

1. Summary

- 1.1. The Children & Young People (Scotland) Act 2014 became law on the 27th of March, 2014 and contains several changes to how children and young people in Scotland will be cared for. These changes will come into force by August 2016.
- 1.2. The Act introduces a number of changes for Looked After and Accommodated young people in Scotland one of which was to place a duty on all local authorities to use Scotland's Adoption register.
- 1.3. Scotland's Adoption Register is a project funded by the Scottish Government and operated by the British Association of Adoption and Fostering (BAAF) Scotland. The Register has a remit to facilitate family finding across Scotland with the aim of increasing the numbers of children that are placed for adoption.
- 1.4. The Scottish Government launched a consultation document in relation to the use of the Scottish Adoption Register in May 2015 and closed on 22 June 2015. The register will be placed on statute in 2016 and will have implications for how children are matched with potential adopters. The draft response is attached as an appendix to this report.
- 1.5. Renfrewshire's children's service currently uses the Adoption Register for some children when seeking an adoptive family. From August 2016 all children will be required to be included on the register who are being considered for adoption.

2. Recommendations

- 2.1. The education and children policy board is asked to homologate the Renfrewshire response to the Scottish Government consultation document on the remit of the Scottish Adoption Register attached as an appendix.
-

3. Background

- 3.1. The Children and Young People (Scotland) Act 2104 is a far reaching piece of legislation. It has introduced a number of changes for Looked After and Accommodated young people in Scotland one of which was to place a duty on all local authorities to use Scotland's Adoption register.
- 3.2. The register has a remit to facilitate family finding for children in need of permanence across Scotland thereby increase the numbers of placements found for children who have been identified as suitable for adoption. The register is a database which uses the information about both children and prospective adopters to identify potential links between children with a plan for adoption and prospective adopters.
- 3.3. The register is intended to streamline the matching process and ensure that children who have been identified as requiring adoption are matched with prospective adopters from a national database. Prospective adopters will also be included on the database to ensure that they are matched with a suitable child. Much of the consultation document focuses on the information that is being proposed for inclusion in the register.
- 3.4. Renfrewshire Council currently uses the Scottish Adoption Register for some children who require adoptive families. We do not currently use it for every child but will be required to do so from 2016 onwards.
- 3.5. The 2014 act will place the register on a statutory footing from 2016 and will empower Scottish Ministers to make regulations which include:
- Prescribe the information to be included in the register
 - How information should be provided and retained
 - Prescribe fees to be paid by adoption agencies in relation to the Register
- 3.6. There is currently a Data Sharing Agreement between the Scottish Government and all registered Adoption Agencies in Scotland. It is the intention that this remains in place and be updated to take account of the 2014 Act and the final Adoption Regulations Agreement.
- 3.7. A further proposal is that information contained in the register may be disclosed under certain circumstances which include:
- To an English, Welsh or Northern Irish adoption agency for the purpose of finding a prospective adopter for a child
 - for finding a child who is suitable for adoption by a prospective adopter

- 3.8. Section 13E(c) of the Adoption and Children (Scotland) 2007 Act (as amended by the 2014 Act) contains a regulation making power to prescribe fees to be paid by adoption agencies in relation to the Register. Scottish Ministers at this time have no intention of charging fees for the use of the register.
- 3.9. Often adopters are recruited and approved by one agency and matched with a child in the care of another. It has become increasingly common for fees to be applied to the securing of an adoptive family. The consultation is being used as an opportunity to explore the possibility of setting a standard inter-agency fee. Currently the payment of these fees varies widely across Scotland from £7,000 - £27,000. The Scottish Governments preference would be to set a standard fee for all inter-agency matches which is currently the case in England and Wales. Since April 2013 the Department for Education in England has encouraged Local Authorities to charge the same inter-agency fee of £27,000 which reflects the costs to local authorities of recruiting and assessing prospective adopters. It is likely that this costs will be broadly similar both sides of the border. The adoption of a similar fee structure across agencies would ensure that a difference in cost between placing a child in Scotland and placing a child in England plays no part in the thinking behind any cross border adoptions.
- 3.10. If the same fee structure is adopted in Scotland it may result in an increase in costs to the Council. We currently place more children with adopters externally than we have available within the authority therefore the costs to the council will be greater as the payment is always made by the placing authority. This is due to the success in promoting tighter timescales for moving children who require permanent placements, through our processes. Any potential increase in costs regarding an interagency fee for adoption must be seen in the context of the annual cost to keep a child in foster care which ranges from £20,000 to £73,000 per annum.
- 3.11. We are currently working on a new campaign to recruit more Renfrewshire based adopters. It is anticipated this will be launched in October/November 2015.

Implications of this report

1. **Financial Implications**
There may increased cost to the council if Scottish Ministers agree to adopt a national fee structure.
2. **HR and Organisational Development Implications**
None.
3. **Community Plan/Council Plan Implications**

Children and Young People	- Providing children and young people with safe, supportive and nurturing placements, increases the likelihood of them becoming effective citizens who contribute productively to the communities in which they live.
---------------------------	---

Safer and Stronger

- Providing good quality care is central to ensuring that the most vulnerable children in Renfrewshire are provided with an opportunity to be cared for in a safe and nurturing environment

4. Legal Implications

None.

5. Property/Assets Implications

None.

6. Information Technology Implications

None.

7. Equality and Human Rights Implications

- (a) The Recommendations contained within this report have been assessed in relation to their impact on equalities and human rights. No negative impacts on equality groups or potential for infringement of individuals' human rights have been identified arising from the recommendations contained in the report because it is for noting only. If required following implementation, the actual impact of the recommendations and the mitigating actions will be reviewed and monitored, and the results of the assessment will be published on the Council's website.

8. Health and Safety Implications

None.

9. Procurement Implications

None.

10. Risk Implications

None.

11. Privacy Impact

None.

List of Background Papers

- (a) Copy of consultation document response

The foregoing background papers will be retained within Social Work for inspection by the public for the prescribed period of four years from the date of the meeting. The contact officer within the service is Joyce Gartshore 01416186649

*Children's Services
DH/KO/CVG/FD/JG
6 August 2015*

Author: Dorothy Hawthorn Head of Service Child Care: 0141 618 6827

Consultation: Scotland's Adoption Register Regulations 2016



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Renfrewshire Council

Title Mr ☐ Ms ☒ Mrs ☐ Miss ☐ Dr ☐ Please tick as appropriate

Surname

Gartshore

Forename

Joyce

2. Postal Address

Abbey House

8 Seedhill Road

Paisley

Renfrewshire

Postcode PA1 1JT

Phone 0141 618

Email

joyce.gartshore@renfrewshire.gov.uk

3. Permissions - I am responding as...

Individual

☐

/ Group/Organisation

Please tick as appropriate

☒

- (a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate ☐ Yes ☐ No

- (b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available ☐

or

Yes, make my response available, but not my name and address ☐

or

Yes, make my response and name available, but not my address ☐

- (c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate ☐ Yes ☒ No

- (d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

☒ Yes

☐ No

CONSULTATION QUESTIONS

Q1. Do you agree that the types of information identified in annex A are suitable for inclusion in the Register?

Yes x No ☐

Comments: Yes the list is extensive and covers the relevant details required for linking purposes. Only additional information that could be relevant for older children is the child's view which is not listed in annex A.

Q2. Do you think that children's information should only be able to be referred to the Register once the Agency Decision Maker has confirmed that adoption is in their best interests (under Regulation 13(1) of the Adoption Agencies (Scotland) Regulations 2009)?

Yes ☐ No x

Comments: No. It has been our local practice that linking opportunities are explored before the Adoption Plan has been approved by the Agency Decision Maker therefore we would refer on completion of Form E following an agency recommendation at a children's 'Looked After Meeting'. Also in cases of concurrency planning an earlier referral may be of benefit.

Q3. Are there any additional types of information which should be included in the Register?

Yes x No ☐

Comments: Where appropriate the child's view.

Q4(a). Do you agree that the information in relation to children listed in annex A should be provided by adoption agencies when a child is referred to the Register?

Yes x No ☐

Comments: Appropriate information should be shared at the earliest opportunity.

Q4(b). Is there any further information relating to a child to be placed for adoption which should be provided to the Register?

Yes ☐ No x

Comments: No

Q5(a). Do you agree that the information in relation to a prospective adopter listed in annex A should be provided to the Register?

Yes X ☐ No ☐

Comments: Yes, this maximises appropriate linking opportunities.

Q5(b). Is there any further information relating to a prospective adopter which should be provided to the Register?

Yes ☐ No ☐

Comments: No it seems that all relevant information is listed

Q6. Do you agree that the means of submitting information to the Register should be dealt with in the Data Sharing Agreement, rather than the Regulations?

Yes X☒ No ☐

Comments: Yes the Data Sharing Agreement covers

Q7. Do you agree that the timeframe for referring information to the Register should be 3 months from the point of the agency decision maker a) deciding adoption is in the best of interests of the child, and b) approving a prospective adopter?

Yes X☒ No ☐

Comments: Agree and think this is a generous timescale as this would become an automatic business process therefore it would expected that we would try to do this sooner.

Q8. Do you agree that when an adoption agency becomes aware of any changes to the information it has submitted to the Register, it must notify the Register of these as soon as possible?

Yes ☐ No ☒

Comments: Rather than 'as soon as possible' it would be clearer if this were defined as an actual time scale and if the type of changes were also defined.

Q9. Do you agree that when an adoption agency has submitted information on a child to the Register, they must notify the Register as soon as possible if the agency decides that adoption is no longer in the child's best interests and the reasons for this?

Yes ☒ No ☐

Comments: Yes this is current practise and provides an accurate reflection of the status of the child. It also prevents adoption agencies who may think there is a potential link from approaching the agency.

Q10. Do you agree that when an adoption agency has submitted information on a prospective adopter to the Register, they must notify the Register as soon as possible should the prospective adopter no longer be available for matching?

Yes ☒ No ☐

Comments: Yes however again it would be clearer if 'define as soon as possible' could be defined.

Q11. Do you think that personal, identifiable information about a child and a prospective adopter should be archived on the Register for a period of 12 months as is the current practice and following notification by the referring agency that the information is no longer required for the purposes of linking?

Yes X ☒ No ☐

Comments: Yes Information should only be held if necessary and held securely.

Q12. In future we would suggest that non-identifiable information about prospective adopters should continue to be retained as it is currently, but is stored separately from the Register. Do you agree?

Yes ☐ No ☐

Comments: This raised an issue of why it would be required to be stored as the reason for retaining this is not clear from the consultation paper. If non identifiable then this could be retained securely.

Q13. Do you agree that the detailed requirements for the way in which the Register keeps information secure, should be outlined in the Data Sharing Agreement?

Yes X ☒ No ☐

Comments: Yes

Q14. Do you agree that the two circumstances identified in paragraphs 34 and 35 of the consultation paper should prevent adoption agencies from disclosing information to the Register?

Yes ☒ No ☐

Comments:yes

Q15. Do you agree that adoption agencies should be required to refer a child to the Register when the birth parents have not consented to that child's information being shared?

Yes ☒ No ☐

Comments: Yes. A significant number of cases which have a plan for permanence do not have parental agreement particularly at the registration and linking period. By not proceeding varying degree of delay would be experienced.

Q16. Do you think there are any other circumstances in which adoption agencies should not disclose information to the Register?

Yes ☐ No ☒

Comments:No, agree with the list.

Q17. Do you agree that information from the Register should be disclosed to those listed and for the purposes set out under paragraphs 41 and 42 of the consultation paper?

Yes x No ☐

Comments: Yes as long as this is in the best interest of child and managed securely

Q18. Do you think there are any other circumstances in which it would be appropriate for information from the Register to be disclosed to a specified person/group of people?

Yes x No ☐

Comments: Yes information may be disclosed to Inspection agencies for audit purposes.

Q19. Do you agree with the suggestion in principle, that a standard inter-agency fee should be paid by the child's adoption agency to the adopter's adoption agency?

Yes x No ☐

Comments: Yes currently Renfrewshire Council relies on placing many children out with the authority for adoption and there are inconsistencies across Scotland in relation to which Authorities charge and what they charge compared to the Independent Sector.

Q20. Do you think that the Scottish Government should endorse the standard inter-agency fee structure used in England or do you think that a Scottish inter-agency fee structure should be established through research and further consultation?

Yes ☒ No ☐

We agree that the Scottish Government should adopt the standard agency fee structure used in England as this is based on current research into relevant costs. There would be no benefit in commissioning further research which would likely come to the same conclusion.

Q21. Do you agree that the adoption of a standard inter-agency fee structure in Scotland should be endorsed by Scottish Ministers in guidance?

Yes ☒ No ☐

Comments: Yes if this is decided.