

## THE ADOPTION AND CHILDREN (SCOTLAND) BILL PARLIAMENTARY CONSIDERATION PRIOR TO STAGE 3

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Stage 3 proceedings on the Adoption and Children (Scotland) Bill will take place on Thursday 7 December 2006.

This briefing summarises the legislative and non-legislative recommendations made by the Education Committee in its Stage 1 Report and the Executive's response to the Report. It also summarises the key amendments passed at Stage 2 and considers the key areas of debate where no amendments were passed.

SPICe Briefing 06/24 *The Adoption and Children (Scotland) Bill* (Berry 2006) provides an overview of the Bill as introduced.

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## INTRODUCTION

The Adoption and Children (Scotland) Bill was introduced in the Parliament on 27 March 2006. It was accompanied by Explanatory Notes (2006) and a Policy Memorandum (2006).

The aim of the Bill is to improve, modernise and extend adoption in Scotland and to provide greater stability for children who cannot live with their original families. Much of the Bill restates, with some amendments, provisions contained in the Adoption (Scotland) Act 1978 (c 38). The main policy objectives of the Bill are:

- to modernise and improve the legal framework for adoption and permanence planning
- to create greater long-term stability and permanence (the sense of belonging to a family) for children who cannot live with their original families
- to improve procedures, services and support for adoptive and foster parents and everyone involved in adoption and permanence
- to ensure that Scotland's most vulnerable children have the protection and security they need
- to create a modern, child-centred adoption and permanence service that responds to the changing needs of individual children.

SPICe briefing [The Adoption and Children \(Scotland\) Bill](#) (Berry 2006) provides information on the Bill's provisions and some of the key issues that arose during the consultation.

## PARLIAMENTARY CONSIDERATION

The Education Committee was appointed as lead Committee on the Bill. The Committee appointed an adviser, Professor Kenneth Norrie, to assist in its Stage 1 considerations of the Bill. Table 1 below lists the key dates for parliamentary consideration of the Bill.

**TABLE 1: SUMMARY OF PARLIAMENTARY CONSIDERATION**

<b>Pre Legislative Discussion</b> - Education Committee	1, 8, 22, 29 March 2006
<b>Bill Introduced</b>	27 March 2006
<b>Preliminary Discussion</b>	
Education Committee	19 April 2006
Finance Committee	18 April 2006
<b>Stage 1</b>	
Education Committee	10, 17, 24, 31 May 2006; 7, 21, 28 June 2006
Finance Committee	9, 16, 23 May 2006
Subordinate Legislation Committee	2, 16 May 2006
<b>Stage 1 Report</b> (Education Committee)	Published on 29 June 2006
<b>Stage 1 Debate</b>	13 September 2006
<b>Stage 2 Committee Stage</b> Education Committee	4 October 2006 1 November 2006 8 November 2006
<b>Stage 3 Plenary Final Consideration</b>	Wednesday 7 December

The remainder of the briefing highlights the key points of the Education Committee's Stage 1 [Report](#) (Scottish Parliament Education Committee 2006a), the Scottish Executive's response to

the Stage 1 Report (Scottish Executive 2006a), the main amendments passed at Stage 2 and a summary of other issues raised at Stage 2 which did not result in any amendments.

## **STAGE 1**

During Stage 1 (consideration of the general principles) the Committee took oral evidence over five meetings from ten panels of witnesses, including local authorities, adoption support groups, fostering groups, the legal profession and faith organisations. The Committee also met three separate groups of adopted children, adoptive parents and birth parents to discuss their experiences of the adoption process.

The Bill's principles were largely supported by the witnesses giving evidence to the Committee. One issue where concerns were raised by some witnesses related to the proposal to extend joint adoption to unmarried couples. However, the Committee agreed in principle with the Executive's proposals as outlined in the Bill. Many of the matters that were raised during Stage 1 were technical issues relating to the drafting of the Bill. Therefore the Committee's report included, in an annex, a list of drafting comments.

Table 2 on page 5 summarises the recommendations made by the Education Committee in its Stage 1 Report (Scottish Parliament Education Committee 2006a) and the Executive's response to the Stage 1 Report's recommendations (Scottish Executive 2006a).

**TABLE 2: EDUCATION COMMITTEE STAGE 1 REPORT RECOMMENDATIONS AND SCOTTISH EXECUTIVE RESPONSE**

Stage 1 Report Paragraph	Recommendation	Scottish Executive Response
<b>Adoption Support Services</b>		
33	The Committee believed that adoption support services should be seen holistically and invited the Scottish Executive to explain why it needs to distinguish pre-adoption, adoption support and post-adoption services.	The Executive agreed to bring forward amendments at Stage 2- see Table 3.
36	The Committee's evidence suggested that for some people there is a need for on-going adoption support services long after three years. It asked the Scottish Executive to explain why it had placed a limit of three years on the provision of post-adoption services.	The Executive's response clarified the policy intention to be that a person who has been affected by adoption should be able to apply for support at any point during his or her lifetime. The responsibility to provide adoption support will lie with the authority which placed the child for adoption for the first three years of the adoption, after which responsibility will transfer to the local authority in whose area the child lives. Amendments to clarify this were passed at Stage 2.
39	The Committee believed that although it should be left to local authorities' discretion as to how they deliver adoption support services, there must be minimum standards that everyone involved in the adoption process can expect. It encouraged the Scottish Executive to issue guidance on this subject.	The Executive's response indicated that there was extensive guidance on how local authorities should provide adoption services and that this would be updated in light of the new legislation. The National Care Standards for adoption agencies ensure minimum standards and state the level of service that users should expect.
106	The Finance Committee expressed doubt over the "cost neutral" statement in the Financial Memorandum regarding adoption support services, given evidence it received that adoption support services are currently underfunded.	The Executive's response confirmed it intended to consult further with relevant groups on implications for adoption support services with a view to further refining the information given in the Financial Memorandum.

108	The Committee supported the Finance Committee's concerns and asked the Scottish Executive to conduct a robust assessment of the likely long term demand for such services.	
<b>Adoption by Unmarried Couples</b>		
51  54	The Committee supported the extension of joint adoption to unmarried couples.  The Committee noted the assurances from the Minister that nothing in the Bill would require faith based agencies to operate in conflict with their faith and agreed that there was therefore no need for an opt-out clause in either primary or secondary legislation. The Committee believed that where an agency is unable to provide a service to potential clients they should refer them on to other agencies.	The Executive's response indicated that the National Care Standards already demand at Standard 20 that 'You [the prospective adopter] are dealt with openly and sensitively if your application cannot be taken forward: if the agency considers that your application could be taken forward by another agency, it will provide you with information about that agency'.
<b>Dispensing with Parental Consent</b>		
55	Section 33 of the Bill allows an adoption order to be made without a parent or guardian's consent if "the welfare of the child requires the consent to be dispensed with". The Committee noted the Minister for Education and Young People's assurance that the European Convention on Human Rights (ECHR) implications have been looked at and that it will be for the courts to interpret the grounds in such a way as to ensure ECHR compliance, but sought reassurance that the test for dispensing with parental consent will not be so	The Executive's response stated that "our view is that the provision in the Bill as introduced does meet the criteria" but agreed that there was merit in further clarifying the grounds. It committed to bring forward Stage 2 amendments "we will consider the detailed wording but would expect any amendment to reflect the spirit of the Committee's decision".  Executive amendments at Stage 2 were passed in this area. See Table 3.

56	<p>broad as to lead to inconsistent interpretations.</p> <p>The Committee believed the wording as it stands may be excessively broad and welcomed the Minister's commitment to review the drafting of the provision while retaining the policy intention of ensuring the child's best interests are paramount.</p>	
<b>Access to Medical Information</b>		
60	<p>The Committee supported the British Medical Association's argument that regulations controlling the disclosure of medical information should be subject to the Parliament's affirmative procedure.</p>	<p>The Executive confirmed that regulations would be subject to affirmative procedure and that any regulations would be consulted on in draft with interested parties.</p>
<b>Permanence Orders</b>		
68	<p>The Committee welcomed the introduction of permanence orders and welcomed the Minister's commitment to address points made about the need for clarity about the interaction between the permanence orders (and the adoption system more generally) and the Children's Hearing system. The Committee believed that the separate functions of the two systems need to be maintained.</p>	<p>The Executive agreed to bring forward a number of amendments at Stage 2 to address the concerns that were expressed. See Table 3.</p>
69	<p>The Committee was concerned that the grounds for making a permanence order were not sufficiently clear.</p>	<p>The Executive agreed to introduce an amendment at Stage 2. Their response stated, "We will consider the detailed wording but would expect any amendment to reflect the spirit of the Committee's suggestion". See Table 3.</p>
<b>Contact Orders</b>		
73	<p>The Committee supported the intention of the Minister to bring forward an amendment at Stage 2 to ensure that birth parents must seek leave of court</p>	<p>An Executive amendment was lodged and passed to this effect.</p>

	<p>before seeking a section 11 order as it believed such a requirement would act as a valuable sifting mechanism.</p> <p>However, it questioned whether with a system of leave in place it is necessary to restrict the scope of section 100 to contact orders. This limitation was not envisaged by the Adoption Policy Review Group.</p>	<p>Lord James Douglas-Hamilton MSP lodged an amendment that would have widened the application of section 100. The Executive did not support the amendment. The Deputy Minister stated that “I am concerned that its terms might threaten the stability of an adoptive family” (Col 3669 Education Committee 2006d) Lord James Douglas-Hamilton did not press the amendment.</p>
<b>Fostering</b>		
80	<p>The Committee looked forward to the announcement of the fostering strategy. The Committee also asked the Scottish Executive to confirm whether a number of issues raised in evidence could or should be addressed through regulations rather than primary legislation.</p>	<p>The Executive indicated that it was content that all of these issues could be taken forward, if need be, without primary legislation.</p>
85	<p>The Committee believed that there should be a national minimum fostering allowance.</p>	<p>The Executive’s response noted that the Bill contains a power to make regulations with regard to fostering allowances and that there would be consultation beforehand on the content of any regulations.</p>
	<p>The Committee noted that a clearer overview of the content of the National Fostering Strategy would have been helpful in its consideration of the Bill and urged the Scottish Executive to ensure that its review of the educational outcomes for looked after children is published before the Stage 1 debate on the Bill.</p>	<p>The Executive’s response indicated that officials have held discussions with key stakeholders in relation to fostering and that the Committee would be informed of developments.</p>
<b>Information Regarding Adopted Children</b>		
87	<p>The Committee believes that birth parents should have a right, if they wish, to be informed of the death of their adopted child and asks the Scottish Executive to consider an amendment to</p>	<p>The Executive’s response outlined the difficulties of achieving this in practice. It believed that the way forward would be through the steps being taken by the legislative changes in the Bill and developments in social work in practice. It indicated that the Bill makes it easier for birth parents to seek contact by removing the current bar in section 11 contact orders.</p>

	the Bill which would enable this. The Committee believes that all other information must remain under the control of the adopted person.	
<b>Step Parent Agreements</b>		
90	The Committee supports the Justice 1 Committee's recommendation that the Scottish Executive should "...take steps to publicise to step-parents those provisions which may be of direct relevance and benefit to them"	The Executive's response explained that the Family Law (Scotland) Act 2006 was commenced on 4 May 2006 and was accompanied by widespread publicity. The Executive provides funding to Stepfamily Scotland, which provides help and information to step-parents, including on the implications of the 2006 Act.
<b>Kinship Care</b>		
92	The Committee believed that family group conferencing may be one approach to ensuring greater involvement of the extended family and asked the Scottish Executive for its views on the approach.	The Executive's response stated that the Bill strengthens existing safeguards for ensuring that the views and wishes of the extended family are taken into account. It suggested that the use of family group conferencing was a practice issue for local authorities to consider.
93	The Committee proposed that the Scottish Executive considers whether it should bring forward an amendment to specify that adoption agencies must demonstrate that they have considered whether the extended family can, with adequate support, provide appropriate care for a child. It suggested that this may be achieved by strengthening the existing section 9(5) of the Bill, which presently requires adoption agencies to consider alternatives to adoption.	The Executive's response pointed out that s10(2)(b) of the Bill (as introduced) provided sufficient reinforcement to ensure that the potential role of the extended family is adequately considered.  Stage 2 amendments to s9 and s10 of the Bill as introduced were passed. See Table 3.
94	The Committee noted the ongoing research work by Professor Jane Aldgate as part of the Scottish Executive's review of the Educational Outcomes for Looked After Children and reiterated its wish that this important	The Executive noted that Professor Aldgate's report is one of several supporting documents for a wider review of services and outcomes for looked after children in Scotland, carried out by the Social Work Inspection Agency (SWIA).  The SWIA's main report <i>Extraordinary Lives</i> was published on 14 September 2006 (Social Work Inspection Agency 2006). Professor Aldgate's was published at the same time (Scottish

	contextual work is published prior to the Stage 1 debate (see paragraph 8 above). (94, p.19)	Executive 2006b).
<b>Drafting Issues</b>		
A large number of written submissions and supplementary evidence supplied following oral evidence made suggestions regarding the drafting of the Bill. These suggestions are collated in Annexe B of the Committee's report.	The Executive provided a response to these comments (Scottish Executive 2006c)	

## STAGE 2: SUMMARY OF MAIN AMENDMENTS PASSED

Stage 2 took place over three committee meetings; 4 October 2006 (Scottish Parliament Education Committee 2006b), 1 November 2006 (Scottish Parliament Education Committee 2006c) and 8 November 2006 (Scottish Parliament Education Committee 2006d). The Deputy Minister for Education and Young People, Robert Brown MSP, (referred to as the Deputy Minister) spoke to the Executive amendments. Following the amendments a Bill (as amended at Stage 2) was published (2006). Many of the amendments made were of a technical nature.

Table 3 provides an overview of the main amendments passed at Stage 2 and provides links to the Official Report where the debate surrounding the amendments can be viewed. One the key area of debate was on permanence orders. Given the restructuring of the Bill and the complexity of some amendments, particularly in relation to permanence orders, the Deputy Minister and Committee members agreed that informal discussion of the Bill as amended would be useful prior to Stage 3.

**TABLE 3: SUMMARY OF MAIN AMENDMENTS PASSED AT STAGE 2**

Issue	Amendment and Effect
<b>Adoption Support Services</b> <a href="#">4 Oct Col 3497</a>	The Bill as introduced referred to the provision of “pre-adoption”, “post-adoption” and “adoption support services”. The Committee’s Stage 1 Report argued that adoption services should be seen holistically. The Executive lodged amendments in response to this concern and the Bill now refers generally to “adoption support services” in s1. The Deputy Minister undertook to examine the provisions once the amendments had been made to check that there had been no “unintended consequences” of the amendments (Col 3516).
<b>Care Plans</b> <a href="#">4 Oct Col 3523</a>	Executive amendments changed the name of ‘care plans’ to ‘adoption support plans’ and changed the point at which support plans come into effect. They will now come into effect when the child is placed with the prospective adopters, rather than when an adoption order is made.  Executive amendments also clarified that an adoption support plan will last until it is replaced by another adoption support plan or until the child reaches the age of 18.
<b>The Adoption Process Considerations</b> <a href="#">4 Oct Col 3557</a>	The Bill as introduced, under s9 and s10, requires courts and adoption agencies to consider a number of factors when coming to a decision in relation to the adoption of a child. Executive amendments deleted s10 and inserted some of s10’s provisions into s9. The Bill now places a duty on the courts and adoption agencies to have regard to the factors and the views of parents, guardians and other relatives so far as is reasonably practicable. The intention of this change is to “achieve a balance between requiring an adoption agency or court to have regard to such matters and leaving discretion so that a case can move forward if information is unavailable.” (Col 3559)
<b>Definition of Parent</b> <a href="#">1 Nov Col 3608</a>	Executive amendments defined the word “parent” in certain circumstances. The amendments were passed on division and the Deputy Minister stated, “I will take account of what has been said. We must work to ensure that we have got things right and that our proposals are compatible with all the other sections of the bill. We think that our approach is the right one, but I

	want to take on board the comments that have been made and to respond to them". (Col 3611)
<b>Dispensing with Parental Consent</b> <a href="#">1 Nov 3612</a>	<p>The Bill as introduced, under s33 (2)(b) set out grounds on which courts could dispense with the need to obtain parental consent to an adoption order being made. Executive amendments inserted new subsections with the effect that the court can also dispense with parental consent if:</p> <ul style="list-style-type: none"> <li>• the parent or guardian has died or</li> <li>• a parent or guardian who has parental responsibilities and rights is in the opinion of the court unable satisfactorily to either discharge those responsibilities or exercise their rights and is likely to continue to be unable to do so, or</li> <li>• the parent or guardian has no parental responsibilities or rights (by the making of a relevant order) in relation to the child and it is unlikely that such responsibilities will be imposed on, or such rights given to, the parent or guardian</li> </ul>
<b>Automatic Revocation of Supervision Requirement</b> <a href="#">8 Nov Col 3622</a>	<p>Executive amendments redrafted s38 to the effect that when the court is making an adoption order it must make an order to end any existing supervision requirements, but only on being satisfied that compulsory measures of supervision in respect of the child would no longer be necessary once the adoption order had been made.</p>
<b>Information about adoptions</b> <a href="#">8 Nov Col 3623</a>	<p>Section 40 of the Bill, as introduced, contained provisions that would allow Ministers to make regulations about the disclosure of information about adoptions. Executive amendments widen the range of factors that may be included in the regulations.</p> <p>Executive amendments also provide that regulations made in connection with s40 or s78 (concerned with disclosure of medical information) are subject to the affirmative procedure, as recommended by the Subordinate Legislation Committee.</p> <p>An amendment by Adam Ingram MSP clarifies s44 of the Children (Scotland) Act 1995 (c 36) to the effect that adoption agencies may publish photographs of children who are seeking adoptive parents, in certain circumstances.</p>
<b>Permanence Order – Parties to Proceedings</b> <a href="#">8 Nov Col 3631</a>	<p>Executive amendments extend</p> <ul style="list-style-type: none"> <li>• the list of those who may apply to a court to vary the ancillary provisions in the permanence order</li> <li>• the list of people who will be permitted to make representations to the court in any proceedings for variation of a permanence order</li> </ul>
<b>Permanence Orders – Purpose and Effect</b> <a href="#">8 Nov 3683</a>	<p>Executive amendments:</p> <ul style="list-style-type: none"> <li>• clarify what rights and responsibilities are vested in a local authority on the making of a permanence order</li> <li>• enable a court to extinguish parental rights and responsibilities when making a permanence order</li> <li>• clarify that the making of a permanence order will always extinguish a parent or guardian’s right to have the child living with him or otherwise to regulate the child’s residence</li> <li>• remove the provision, under s87 of the Bill as introduced, which meant that making a permanence order would automatically revoke a pre-existing adoption order</li> </ul>

<p><b>Permanence Orders – Conditions for granting authority for a child to be adopted</b></p> <p><a href="#">8 Nov Col 3640</a></p>	<p>Executive amendments:</p> <ul style="list-style-type: none"> <li>• clarify that a local authority must specifically apply for a permanence order with authority to adopt before the court can include such authority in the order</li> <li>• amend the provisions for dispensing with parental consent, to make these similar to the provisions relating to the dispensing of parental consent for an adoption order</li> </ul>
<p><b>Grounds for Making Permanence Orders</b></p> <p><a href="#">8 Nov Col 3648</a></p>	<p>Executive amendments added factors that the court must consider when making a permanence order. The Court must be satisfied that:</p> <ul style="list-style-type: none"> <li>• there is no person who has the right mentioned in s(1)(a) of s2 of the 1995 Act to have the child living with the person or otherwise to regulate the child’s residence or where there is such a person that residing with them is likely to be seriously detrimental to the child’s welfare.</li> </ul>
<p><b>Interaction of Permanence Orders, Court Orders and Orders under the Children’s Hearings system</b></p> <p><a href="#">8 Nov Col 3653</a></p>	<p>Section 87 of the Bill, as introduced, set out the effect of a permanence order on existing orders. Executive amendments mean that court proceedings will take precedence over proceedings at Children’s Hearing System while an application for a permanence order is being considered. This intention of this is to avoid potentially conflicting decisions being taken in relation to a particular child at the same time, by two different bodies. But once the permanence order is in place, supervision requirements by Children’s Hearings may be made, and will take precedence over any court order, including a permanence order.</p> <p>A further Executive amendment allows the court to revoke a supervision requirement when it makes a permanence order. Section 88 of the Bill as introduced which meant that a permanence order ceases to have effect if the child married or entered into a civil partnership. This section was removed as it would have meant that young person would not have remained looked after and therefore would not be entitled to access services.</p>
<p><b>Interim Permanence Orders</b></p> <p><a href="#">8 Nov Col 3651</a></p>	<p>Executive amendments mean that the courts will be able to make interim permanence orders.</p>
<p><b>Fostering</b></p> <p><a href="#">8 Nov Col 3672</a></p>	<p>Section 103 of the Bill as introduced, allowed Ministers to make regulations concerning the payment of fostering allowances. Executive amendments widen the range persons that allowances can be payable to. This includes those who care for children who have been, or have become, looked-after children and those who are given parental responsibilities and rights under a permanence order (in both cases not necessarily approved foster carers although “kinship cares” are a different category – see below).</p>

## STAGE 2: KEY AREAS OF DEBATE - NO AMENDMENTS PASSED

Table 4 below outlines the key areas of debate where no amendments were passed and the outcome of the debate. A key area of discussion was in relation to the relevance of an adoption agency's values and the marital status of prospective adopters.

**TABLE 4: STAGE 2: KEY AREAS OF DEBATE – NO AMENDMENTS PASSED**

Issue	Discussion	Outcome
<p><b>Independent Advocacy</b></p> <p><a href="#">4 Oct 3507</a></p> <p><a href="#">1 Nov Col 3564</a></p>	<p>The suggestion that the Bill should contain reference to independent advocacy was raised on two separate occasions.</p> <p>Lord James Douglas-Hamilton MSP lodged amendments which would have required local authorities to set out the steps they would take to secure the availability of independent advocacy services to children, their parents and their relatives in relation to adoption.</p> <p>Adam Ingram MSP lodged amendments that would have given children a right to independent advocacy services before a decision by a court or adoption agency about adoption was made.</p>	<p>The Deputy Minister indicated that he would consider the issue in the context of supporting guidance.</p> <p>Lord James Douglas-Hamilton MSP did not press the amendments but stated “I reserve the right to return to the matter at Stage 3 if necessary, given precedents in other legislation.”</p> <p>Adam Ingram MSP moved one amendment which was defeated on division, while the other was withdrawn with the agreement of the Committee</p>
<p><b>Age of Maturity</b></p> <p><a href="#">1 Nov Col 3557</a></p>	<p>Under s 9 (4) the court or adoption agency must have regard to the wishes and feelings of the child in decisions about adoption, taking into account the “child’s age and maturity”. Kenneth Macintosh MSP lodged amendments (supported by Rosemary Byrne MSP) that would have removed references to a child’s age with the effect that a child’s maturity rather than age would be the key factor.</p>	<p>The Deputy Minister indicated that the provisions were consistent with the Children (Scotland) Act 1995.</p> <p>Kenneth Macintosh MSP indicated that he thought that his amendments would provide more clarity but “Given that the minister is clearly of the same mind as the committee, I am minded not to move amendment 179 and to discuss further whether to address the point at Stage 3”. (Col 3563)</p>

<p><b>Relevance of Adoption Agency's Values / Marital Status of Prospective Adopters</b></p> <p><a href="#">1 Nov Col 3569</a></p>	<p>Michael McMahon MSP lodged an amendment to the effect that faith based adoption agencies would be provided with a right to uphold their values when considering applications from prospective adopters.</p> <p>Paul Martin MSP lodged an amendment that would have meant that prior to making an adoption order the court would have to be satisfied that consideration had been given to placing a child with a married couple</p> <p>Lord James Douglas-Hamilton MSP lodged amendments that made changes to the definition of "couple" in the Bill as introduced under s 31(3) by deleting the references to persons who were "living together as if husband or wife in an enduring family relationship, or "living together as if civil partners in an enduring family relationship" with the intention of "maximising the necessary stability" (col 3572).</p>	<p>The Deputy Minister reassured the Committee that there is nothing in the Bill that prevents adoption agencies from having regard to their values and ethos and that, "We are more than happy to remain in dialogue with Michael McMahon and with committee members if they have concerns on the issue" (Col 3581). The amendment was withdrawn with the agreement of the Committee.</p> <p>The amendment was not moved.</p> <p>The amendments were disagreed to by division.</p>
<p><b>Adoption Allowances</b></p> <p><a href="#">1 Nov Col 3590</a></p>	<p>Adam Ingram MSP and Kenneth Macintosh MSP lodged amendments that sought to create a national system of specified rates for adoption allowances similar to that for fostering allowances that the Bill proposes.</p>	<p>The Deputy Minister did not support the amendments but indicated that he wanted "to continue to engage with the committee" and undertook to come back to the committee before Stage 3 "with a view to seeing what we can usefully do". (Col 3594) Although he also stressed this was not a commitment to introduce a national system of allowances.</p> <p>Adam Ingram MSP withdrew the amendment but reserved "the right to return at stage 3 after we have explored the issue further."</p>
<p><b>Home Visits</b></p> <p><a href="#">1 Nov Col 3598</a></p>	<p>Lord James Douglas-Hamilton MSP lodged amendments that sought to allow a local authority (or other body) proposed by the applicant and agreed by the court, to carry out the home visits for assessment purposes. The proposed body would</p>	<p>The Deputy Minister did not accept the arguments for the amendment.</p>

	be given notice about the need for an assessment to be made.	However, he indicated that it raised the issue that there were no provisions in the Bill regarding notice for a local authority to investigate applicants to adopt when they do not live in Scotland. He indicated that officials were exploring this issue with a view to lodging an amendment at Stage 3.
<b>Residence of Adopters</b> <a href="#">1 Nov Col 3599</a>	Lord James Douglas Hamilton MSP lodged amendments intended to make it clear that seeking to clarify that persons who do not have a home in Scotland can still adopt.	The Deputy Minister indicated that because of the technical nature of the issue he would write to the committee on the detailed implication of the point. (Col 3598).
<b>Restriction on Bringing Children into the United Kingdom</b> <a href="#">8 Nov Col 3626</a>	Adam Ingram MSP lodged amendments “in order to probe the robustness of the legal framework that covers intercountry adoptions.” (Col 3625) Discussion followed around the public perception of the process of adoption from overseas, particularly in light of the recent media attention when Madonna adopted a child from Malawi.	The Deputy Minister outlined his belief that the current framework provides a “sufficient deterrent and that further amendment is unwarranted” (Col 3629). The amendment was not moved.
<b>Fostering</b> <a href="#">8 Nov Col 3672</a>	Lord James Douglas-Hamilton MSP lodged an amendment that would restrict the number of children being accommodated at any one time by a foster carer to three looked after children.  Lord James Douglas-Hamilton MSP lodged an amendment that would introduce compulsory national registration of foster carers.	The Deputy Minister said that fostering issues would be considered in the context of the fostering strategy which will be issued for consultation in December. The amendment was moved and withdrawn with the agreement of the Committee.  The amendment was not moved.
<b>Kinship Care Allowances</b> <a href="#">8 Nov Col 3680</a>	Rosemary Byrne lodged amendments that would have provided for allowances to be paid to kinship carers.	The Deputy Minister outlined that kinship care would be considered in the context of the fostering strategy which will be issued for consultation in December.  Rosemary Byrne withdrew the amendments and outlined her intention to consider the Deputy Minister’s response.

## SOURCES

*Adoption and Children (Scotland) Bill [as introduced] Session 2 (2006)*. SP Bill 61. Edinburgh: Scottish Parliament. Available at:

<http://www.scottish.parliament.uk/business/bills/61-adoptChild/index.htm>

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