MEMORANDUM

ADOPTION AND CHILDREN BILL

Background

1. The Adoption and Children Bill, which was introduced early 2001, but fell at the general election, was re-introduced to the UK Parliament on 19 October. The Bill follows the Prime Minister's review of adoption south of the border and a subsequent White Paper in 2000.

2. The Bill is concerned with reserved matters relating to adoption in England and Wales. The major proposals are placing the lifelong interests of the child at the heart of the adoption process; creating a new special guardianship status (a half-way position between fostering and adoption), the introduction of placement orders and for adoption purposes, tightening up restrictions on bringing children into the UK and advertising children placed for adoption . The Bill also empowers the Secretary of State to establish and prescribe the content of a register to maximise the potential matches with families for children in care.

3. Scottish Ministers with the agreement of the Scottish Parliament have taken advantage of the opportunity the Bill affords to introduce modernising reforms affecting UK issues to the Scottish Adoption process.

4. The Parliament has already agreed 2 Sewel motions relating to this Bill. Before the Bill fell, a Scottish Parliamentary debate on adoption on 4 April (Scottish Parliament Official Report Vol11, No11) agreed to a Sewel motion covering the areas of the Bill relating to restrictions on bringing children into the UK for the purpose of adoption and on advertising children for adoption. A further Scottish Parliamentary debate on 24 October agreed to a Sewel motion covering the areas of the Bill relating to maintaining cross border recognition of adoption etc orders and recognition of overseas adoptions.

Adoption and Children Bill Register

5. The Bill's proposal to set up a register to maximise available matches for children and families will help to ensure that vulnerable children do not wait too long for the chance to grow up in a stable family environment. Jack McConnell set up the independent Adoption Policy Review Group to consider ways of improving the place of adoption services within the spectrum of services for looked after children. He asked the group to report, amongst other matters, on whether a joint register spanning Scotland, England and Wales would be in the best interests of Scotland's children.

6. The review group reported in December. It recommended that Scotland should participate in the Adoption and Children Bill Register.

Proposal

5 Scottish Ministers accept this recommendation. The register will widen the potential pool of available adopters and will increase the chances of finding a good match for children with particular needs. A further Sewel motion is required in respect of the Adoption and Children Bill to allow Scotland to participate in the register. The provisions in the Adoption and Children Bill will ensure that the operation of the register (which will be prescribed in regulations) can reflect the wishes of Scottish Ministers and the Scottish Parliament.

Scottish Executive
January 2002