



Northern Ireland
Assembly

Committee for Health

OFFICIAL REPORT (Hansard)

Adoption and Children Bill:
Department of Health

30 September 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Colm Gildernew (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Ms Paula Bradshaw
Mr Jonathan Buckley
Mr Gerry Carroll
Mr Alan Chambers
Ms Órlaithí Flynn
Ms Cara Hunter
Ms Carál Ní Chuilín

Witnesses:

Ms Pamela Mallon	Department of Health
Ms Liz Marsh	Department of Health
Ms Frances Nicholson	Department of Health
Mrs Julie Stephenson	Department of Health

The Chairperson (Mr Gildernew): Department officials are here for the second part of the briefing on the principles of the Adoption and Children Bill ahead of its Second Stage. Members will recall that the first part of the briefing last week. I welcome Julie Stephenson, head of the Adoption and Children Bill team. Can you hear me, Julie?

Mrs Julie Stephenson (Department of Health): Yes, I can. Good morning.

The Chairperson (Mr Gildernew): Thank you, Julie.

I welcome Frances Nicholson, who is a social services officer. Can you hear me, Frances? We did not hear you, Frances. Can you check if you are muted?

We are also joined by Liz Marsh, a member of the Adoption and Children Bill team. Liz, can you hear us?

Ms Liz Marsh (Department of Health): Yes, I can. Thanks, Chair.

The Chairperson (Mr Gildernew): We are also joined by Pamela Mallon, a member of the Adoption and Children Bill team. Can you hear me, Pamela?

Ms Pamela Mallon (Department of Health): Yes, I can.

The Chairperson (Mr Gildernew): Julie, will you outline how you want to do your opening remarks or presentation? After that, we will have questions from the Committee.

Mrs Stephenson: I will give a brief overview of the main provisions that will be covered today. We will be happy to take questions afterwards. Last week, the Committee was briefed on the adoption provisions in the Adoption and Children Bill. As agreed, today's further briefing will focus on the other provisions in the Bill.

In addition to strengthening and consolidating the law on adoption in Northern Ireland, the Bill amends the Children (Northern Ireland) Order 1995 to extend and strengthen provision. The aim of that is to enhance services and improve outcomes for children and families in need, looked-after children and care leavers. For children and families in need, the Bill will give social workers more flexibility to provide financial support, and that will not be limited to exceptional circumstances. The Department will issue statutory guidance for trusts to ensure that there is a regionally consistent approach to making such payments.

Disabled children will be able to benefit from residential short breaks without having to become looked-after. There will be guidance to help social workers to decide on the safest and most appropriate way to support each child in those circumstances. The Bill also includes a power to extend that service to other groups of children, if required in the future.

The Bill will support children and young people who receive social care to raise issues or make complaints about the services they receive and have their views responded to appropriately. The complaints procedure that already applies for services provided to children and families in need, looked-after children and care leavers will be extended to include specified functions under Parts V and VI of the Children Order — the care, supervision and protection of children — and to adoption and special guardianship services. Statutory independent advocacy services will be available to support each child throughout that process.

The Bill introduces in law a set of corporate parenting principles that trusts must follow when looking after children in care and providing services to care leavers. The principles include promoting high aspirations for them, delivering safety and stability for them, preparing them for adulthood and independent living and ensuring that they receive the opportunities and life chances that any good parent would seek for their child. That includes the same learning opportunities and outcomes. The educational outcomes of many children in care are poor compared with those of their peers. The Bill will require trusts to promote the educational achievement of looked-after children and prevent disruption to their education and training when providing them with accommodation. By way of a power in the Bill, the Department will also be able to require or impose additional measures considered necessary to address the educational deficits that many children experience.

The Bill will place the existing system of care planning on a statutory basis. Trusts will be required to prepare a care plan for a child within a timescale set by the court and keep it under review. We will set out in regulations how the care plan is to be drawn up and the information to be included in it.

Fostering panels currently make decisions about whether a person should be approved to foster. The Bill will enable the Department to make regulations setting out the functions of fostering panels and how they should operate. Individuals who disagree with a decision about whether they should be approved or continue to be approved to foster will be able to ask for an independent review of the decision. That is similar to the review mechanism being introduced for adoption decisions.

If adoption is the proposed plan, trusts will be required to consider the placement of a child with dually approved carers, enabling the child to be placed with approved prospective adopters, initially on a fostering basis. That is intended to facilitate earlier attachment and, potentially, to reduce the number of placements a child waiting to be adopted may experience. Dually approved carers will have access to adoption pay and leave arrangements, including shared parental leave and paid time off to attend pre-adoption appointments.

The Bill will enhance the support provided to care leavers as they transition into independent living or move into further or higher education. The Bill will recognise in law the Going the Extra Mile scheme that enables care leavers to continue living with their former foster parents up to the age of 21. Support provided to care leavers who are in education or training will be extended to the age of 25 from the current age of 24. The Bill also includes a power *[Inaudible owing to poor sound quality]* the Department to amend the age limit of *[Inaudible owing to poor sound quality]* or request advice or support. That advice or support may continue beyond the age of 25 if the trust considers that it is

needed. Young people receiving such additional support, advice or assistance will have a personal adviser and a pathway plan throughout the time during which they receive assistance.

The Bill will also place a duty on trusts to publish information on the services that they offer to care leavers in preparation for adulthood and independent living. That will be known as the "local offer for care leavers".

The Bill will introduce new court orders and make adjustments to some existing court orders. Currently, a residence order stipulating with whom a child should live is granted until the age of 16, unless there are exceptional circumstances to extend it to 18. The Bill will provide that residence orders made in respect of a looked-after child will be automatically granted or extended to the age of 18 unless the court determines otherwise. The Bill will amend the time a child has to have lived with a foster carer from three years to one year before the foster carer can apply for a residence order in respect of the child. That amendment will ensure consistency with the residence requirements for adoption and special guardianship orders (SGOs).

A special guardianship order is a new order being introduced in Northern Ireland, although they have been operating in England and Wales since 2005. An SGO offers an alternative option for permanence and legal certainty outside the care system to children and young people for whom adoption is not suitable. Unlike in residence order arrangements, special guardians will have full parental responsibility for the child's day-to-day care, and, unlike with adoption, the legal ties between the child and their birth family will remain in place.

While the SGO provisions are similar to those in operation in England and Wales, we have strengthened some of the requirements, including that the child has to have lived with the person for at least one year before the person can apply for an SGO. That will ensure that a proper assessment can be made of whether the arrangement is in the child's best interests and is likely to work for them and their carers. Trusts will be required to prepare a court report about an applicant's suitability to be a special guardian, including any support that will be required. It is anticipated that, for looked-after children, regulations will require trusts to submit reports to a panel in order to ensure that a robust, comprehensive assessment has been carried out prior to submitting the report to court.

Under the Bill and where required, special guardians and the children whom they care for will be provided with support. Similar to the position with adoption, there will be a right to request an assessment of need for SGO support services. Support will include counselling, advice and information, financial support and other services to be set out in regulations. The introduction of the additional order will enable some children and young people to exit the care system with relevant support and assistance continuing to be provided to them and their special guardians.

The Bill makes other miscellaneous amendments to the Children Order. The definition of "harm" will be amended to cover harm caused to a child from seeing or hearing the ill treatment of another person. As a result, courts, police and trusts will be required to consider the effect on a child of witnessing domestic abuse when making critical decisions about their care or upbringing.

The definition of "family proceedings" will also be amended to include proceedings for female genital mutilation (FGM) protection orders, enabling a court, when dealing with an application for an FGM protection order, to make other orders at the same time to protect the child. Those could include an interim care order, a care order or a supervision order. The change will enable the court to act quickly and effectively to protect girls who are at risk of FGM.

The guardian ad litem, who represents the interests of children in specified proceedings, will be renamed as the "children's court guardian". The Northern Ireland Guardian Ad Litem Agency (NIGALA) will, in turn, be known as the "Children's Court Guardian Agency for Northern Ireland". The service provided will not differ. However, the proceedings in which a children's court guardian will be required to be appointed will be extended to include applications for the making or revocation of an adoption placement order, orders for contact during placement for adoption and applications for the making of a special guardianship order with respect to a child who is subject to a care order. The Children Order will also be amended to enable children's court guardians to be directly employed by the agency instead of being drawn from a panel, as the current law requires.

Any person who proposes to foster a child privately is currently required by law to notify the appropriate trust before the arrangement commences. However, to date, no such notifications have been received in Northern Ireland. The Bill will introduce a new duty on trusts to raise public awareness of the requirement to notify the trusts of such arrangements.

The Department is currently required to produce an annual report on the operation of the Children Order. That duty will be repealed under the Bill, as it has been identified that the production of that report replicates or duplicates other reporting mechanisms that are now well established.

That concludes my overview of the Children Order amendments in the Bill. We are happy to take questions.

The Chairperson (Mr Gildernew): Thank you, Julie. That is a good, quick overview of what is clearly a complex and important Bill, given the potential future impacts on what we are discussing.

My first question is on something that I have neither seen nor heard about in your briefing today — kinship care. You spoke about the special guardians, the child's best interests and what is likely to work for them and their carers. Is kinship care seen and represented in the Bill as being valuable? In the sector, it is seen as the next best option if, for whatever reason, the birth parents cannot continue with care. Kinship plays a huge role, but I have seen little reference to it, and I am a bit concerned about that. Can you give me your thoughts on the recognition of kinship care and how that will be supported and valued in the legislation?

Mrs Stephenson: Absolutely. You may be aware that we set out and consulted on proposals for the introduction of a model similar to the one in Scotland on kinship care orders. Although not legal orders, they are specifically aimed at informal kinship carers looking after children at the edge of care or at risk of coming into care. It is very much linked to a requirement for the kinship carer to obtain a residence order and then access the relevant support. After looking into it further, we felt that that would not work in the Northern Ireland context, and we do not propose to go ahead with it. There are provisions that will assist informal kinship carers to continue to support children on the edge of care. The main one is the —.

The Chairperson (Mr Gildernew): Sorry to interrupt, Julie. Why does that not work within the context here? Are you saying that the potential remains in the Bill for kinship carers to become the foster parents and, potentially, adoptive parents? More specifically, why does it not work in the North?

Mrs Stephenson: Scotland does not have special guardianship orders in place. We expect that, by introducing the private law order of special guardianship orders here, informal kinship carers will be able to access those orders and, as a result, receive an assessment of need, as well as receiving services from the trust in those scenarios.

The other aspect that, we feel, will be of particular benefit to informal carers is the extension of the article 18 cash payments. By reducing the wording of "exceptional circumstances", we broaden the scope for payments to children and families in need. That includes informal kinship carers in particular. We also have plans to produce guidance for trusts on an approach to how informal carers should be supported. That will link in with the draft family and parenting support strategy that the Department is preparing.

The Chairperson (Mr Gildernew): I heard an awful lot of reference to informal care there. I am asking about kinship care being part of the formal care provisions in the Bill. Where it is in the child's best interests, would kinship carers be recognised in the formal provisions of the Bill?

Mrs Stephenson: Absolutely. As part of the current arrangements under the Children Order, when considering where to place a child, a trust is required to consider initially a placement with family. Where possible, priority is given to placing a child with relatives. It is only where that type of placement is not appropriate that they look to place the child with an authority foster carer who is not a relative. That will continue to be the position.

We will go on to discuss placing children with dually approved carers. When a child's plan is possibly adoption, the discussion is about placing them with carers who are dually approved as foster carers and initially to consider placing the child with relatives.

The Chairperson (Mr Gildernew): OK.

Mrs Stephenson: Frances may be able to add to that. I will maybe ask Frances to come in on that to see if she can provide more clarity.

The Chairperson (Mr Gildernew): Will you send that all information on to us? I am conscious that other members need in to ask questions.

I am glad that kinship carers are there. I welcome that. It brings me back to the point that I raised last week, which I asked for further information on. That was about the situation on this island, in which kinship carers can and often do live on the other side of the border. It could be on the same road or the same farm as the child's home. Last week, we were told those cases would be treated as inter-country adoptions, which have extra hurdles. I have asked for information about how we interact with the Twenty-six Counties on those proceedings and about what the additional hurdles are in the Hague convention. Do you have any information on that, since information has not been sent to the Committee? Do you have any further information on how that will be managed in our unique situation?

Mrs Stephenson: We are preparing a paper to give you an overview of that. You should have it very soon. That is in relation to how the adoption —.

The Chairperson (Mr Gildernew): Thank you. I look forward to receiving that.

Mrs Stephenson: It will just say something more about placement of family.

The Chairperson (Mr Gildernew): OK. Thank you, Julie. The final question from me will be brief, I hope. It is about the definition of "harm". You refer to the fact that the legislation states that:

"The definition of harm will be amended to cover harm caused to a child from seeing or hearing the ill-treatment of another person. ... Trusts will be required to consider the effect on a child of witnessing domestic abuse".

You will be aware that the Assembly passed the Domestic Abuse and Civil Proceedings Bill, which expands that definition to include harm caused when children are living in a particular situation. Would it not be helpful if the Bill's definitions were more in harmony with those of the domestic abuse Bill, which was passed recently?

Mrs Stephenson: We certainly considered the wording of the Bill when it was going forward. At that stage, it was not considered appropriate to link it in with those definitions. Our stakeholders have to raise the possibility of broadening our definition of harm further so that it encompasses situations where a child is not present when abuse takes place but lives in the home and is affected by the impact of the abuse. We have given a commitment to consider that further. Any amendment to broaden the definition further will be proposed later in the Bill's passage, possibly at Consideration Stage.

The Chairperson (Mr Gildernew): Why was it felt not to be appropriate at the earlier stage?

Mrs Stephenson: Liz, are you able to answer that?

Ms Marsh: Yes. Chair, we considered the definition during the development of the domestic abuse legislation for Northern Ireland. We were conscious that it was broadened in that legislation. I will add that England and Wales considered tying in their definition of harm with that broader, more up-to-date definition. We concluded, however, that, although we wish to include a child witnessing the ill treatment of somebody else in the definition of harm, the definition is broader than that and is intended to encompass all forms of ill treatment. Whilst we wish to highlight that harm to children caused by domestic abuse is a factor, the broader definition of harm, particularly as it is applied in case law, we were advised, may be compromised if we were specifically to tie it in with the definition in domestic abuse legislation. As Julie says, however, there are ways of doing that, so we could certainly bring forward or prepare an amendment to link to situations where children are adversely affected by domestic abuse that they might not necessarily have witnessed.

The Chairperson (Mr Gildernew): OK. Thank you, Liz and Julie. I will go first to Pam, then Cara, Paula, Gerry and Carál in that order. Those are the indications I have at present.

Mrs Cameron: Thank you, Chair, and thank you to the panel.

I have a couple of questions, and the first has three parts. First, is it correct that Northern Ireland has the highest level anywhere in the UK of parental contact among adoptive families? Secondly, are there

concerns that doctors feel under pressure to facilitate such arrangements even when they believe that to do so is not in a child's best interest because it might impact the outcome of their application? Thirdly, does the Bill take a fresh approach to contact?

Ms Nicholson (Department of Health): Julie, I think you have frozen.

The Chairperson (Mr Gildernew): Can you hear me, Julie? Your sound is quite bad, and I think it is getting worse. It has been breaking up a little as we have gone along. Is Frances able to come in on that question while Julie checks her sound?

Ms Nicholson: Yes, indeed, Chair. Can you hear me OK?

The Chairperson (Mr Gildernew): Yes, we are hearing you.

Ms Nicholson: OK. Pam, it is correct that Northern Ireland probably has the highest level in the UK of direct contact post-adoption. That has been ongoing in Northern Ireland for quite a while. We have had some feedback from some of our voluntary organisations and stakeholders that prospective adoptive parents and adoptive parents may feel under some pressure to facilitate contact. As we outlined last week, contact should always be in the best interests of the child. After adoption, the adoptive family will help to determine the best interests of the child. We are really hopeful that the two new orders that are to be introduced through the Adoption and Children Bill — one is about contact during a placement for adoption, and one is for a contact or a no-contact order following adoption — will help to clarify that situation. Hopefully, all parties in the adoption triangle will feel supported to negotiate those arrangements.

A lot of the arrangements are undertaken on a voluntary basis, and we feel that introducing those orders on a statutory basis will enable clearer negotiation on those matters. If there is a situation where it really is not in the child's interests or the paramourcy of the child is being negated in some way, the court can rule that ongoing contact is not to happen and is not appropriate.

Mrs Cameron: That is great. Thank you for that clarity. My second question is this: how often do reviews of care leavers take place, and how will the proposed statutory duty enhance protection?

Mrs Stephenson: I do not have the current timescales for care leavers' reviews. Someone else may have them to hand. I can say that the care leaver reviews are not being impacted in any way by any provision in the Bill. The reviews will continue to apply, and we are not changing them. Does anyone else have those timescales?

Ms Nicholson: I am sorry for interrupting, Julie. Generally, care leaver reviews are undertaken on a six-monthly basis, but they can be organised as and when required. If a significant event is happening in a care leaver's life and a review would be helpful, it will be organised in order to assist in permitting or discussing the event. To a large degree, they are organised as and when required, but they can also happen on a six-monthly basis.

Mrs Cameron: That is great. Thank you very much.

Ms Hunter: I thank the panel for their briefing, which was very informative. My question concerns educational achievement. Clause 122 is:

"Duty of authorities to promote educational achievement and prevent disruption of education and training".

We noted in last week's briefing that children who are adopted at a later stage in life often tend to have a lot of complex behavioural needs. I know that academic achievement is extremely important in a child's life and contributes to their overall well-being. What will the Bill do to support a child's academic achievement during difficult transitional periods they may experience?

Mrs Stephenson: While the child is in care, the Bill does two things in relation to the duty on the trust, so it has to promote the child's educational achievement, and, wherever possible, it must not disrupt their education when considering accommodation for the child. The corporate parenting principles we will introduce will highlight the need for educational achievement to be promoted for children and young people. Post-adoption, as part of the whole support assessment, if there is anything particular

that needs to be put in place where there are issues with the child's educational achievement, it will be discussed and agreed between the social worker and the adoptive parent.

Ms Hunter: I had one more question, but it was answered in your responses to Pam. Thank you very much, Julie. I appreciate your answer.

Ms Bradshaw: Thank you, panel. I was not here last week for the initial briefing, so if my questions have already been answered, I apologise.

My first question is about same-sex couples who have accessed fertility treatment in the Republic. At the minute, only one name is permitted on the birth certificate if the treatment did not occur in the United Kingdom. Is that remedied through the Bill?

Mrs Stephenson: No. We are not doing anything on fertility treatment, surrogacy or any of that. Once our new legislation comes in, we will work with the Department of Finance to ensure that elements of the adoption provisions in the Bill are modified for parental arrangements where there are surrogacy and fertility aspects. That happens with the Adoption (Northern Ireland) Order 1987. We will work with the Department of Finance to make sure that those modifications continue to apply. It is a policy matter for the Department of Finance. We will work with it to make sure that they are brought forward, but we are not doing anything specific.

Ms Bradshaw: Thank you. My next question is about children who are born as a result of rape and where the father is not on the birth certificate. Is there any provision to prevent a legal right being asserted at a later stage for access to the child? In that situation, if the mother has a new partner or husband who wants to legally adopt the child, they have to go back to the rapist, essentially, to ask for permission for that to take place. Is there any provision in the Bill for that scenario?

Mrs Stephenson: No, there is not. Frances might be able to advise what happens currently. All we have done on step-parent adoptions is remove the anomaly in the 1987 Order that required the actual parent to adopt as well because it had to be done as a couple. I think parental responsibility in those circumstances a private law matter. Frances, do you agree?

Ms Nicholson: To answer the first part of your question, I am really hopeful that the post-adoption contact situation will resolve that by the court being able to make a ruling that there should be no contact in certain situations. Obviously, that will not prevent somebody applying for contact, but the whole matter will be a court decision. The court will be able to make a ruling in certain circumstances that there should be no contact.

In the second situation you referred to, as is the case currently, a new stepfather or partner can adopt the child. As Julie said, that will not now require the mother or parent of the child to readopt the child. That is one of the amendments that will be highly beneficial. The adoption agency or trust has to prepare a report for the court in those non-agency placements and would hear from the mother if the circumstances around the conception were of a rape nature. It would take that into account and report such matters to the court, and the court would then decide whether that person's views have to be ascertained and how much weight would be placed on them.

Ms Bradshaw: Thank you. I will explore those issues a little bit further during Consideration Stage, but I just wanted to flag them up.

My third question is about adopting across different religious, ethnic or cultural situations. It may have been addressed. A child going from one religion or ethnic group to another has been raised recently with me. What specific provision is in the Bill for that?

Mrs Stephenson: Under current legislation, when a parent agrees to the child being freed for adoption, they can stipulate the religious upbringing for the adoptive family. The Bill has removed that. However, as part of the overall welfare checklist that has to apply in adoption decision-making, trusts will be under a duty to give due regard and consideration to religious persuasion, racial origin and other matters. It is still covered in the Bill.

Ms Bradshaw: OK. I was approached about the Children and Young People's Strategic Partnership (CYPSP) and the fact that it has not been placed on a statutory footing in the Bill. I am aware that you

are waiting for other [*Inaudible owing to poor sound quality.*] the Department of Education, but can you update us on the thinking on the strategic partnership?

Mrs Stephenson: Yes. We consulted on that. Overall, the responses supported our establishing the regional Children and Young People's Strategic Partnership on a statutory basis. However, it is a cross-cutting issue, and, as we started to draft instructions to counsel, it became clear that a partnership would require a significant amendment to the Children's Services Co-operation Act (Northern Ireland) 2015.

Ms Bradshaw: I think Julie has frozen, Chair.

The Chairperson (Mr Gildernew): Yes. Julie has frozen. I think she had almost completed her answer. Can we ask for that answer to be completed in writing, Paula?

Ms Bradshaw: Yes. Thank you, Chair. Thank you, panel.

Ms Ní Chuilín: Thank you, panel. My questions are about clause 132, which is headed "Advocacy services", and they tie in with what Paula was saying. Can you follow up in writing about the advocacy services for children and young people who are being adopted and even those who are at the pre-adoption stage, meaning looked-after children and those in kinship and foster care? Secondly, while I appreciate that you have a definition of a privately fostered child in clause 139 going through to clause 140, I would like a greater explanation of what private fostering means. If it includes religious orders, should all adoption agencies, including regional authorities, follow the same criteria, guidelines and instructions?

The Chairperson (Mr Gildernew): I am checking who on the panel can pick up on that, as we have lost Julie. Frances, can you answer that?

Ms Nicholson: Yes. Briefly, private fostering is different from adoption. Private adoption agencies are not permitted any more. There are some voluntary adoption agencies that have to be registered with the Regulation and Quality Improvement Authority (RQIA), and, as far as we are aware, they are not linked to specific religious groupings. There are three voluntary adoption agencies. Strengthening private fostering is difficult as it allows parents to directly place children for fostering with non-relatives. A fostering arrangement is not private if it is with a relative. It is difficult for the public to grasp the difference, and that is why we feel we really need to highlight and create much better information about private fostering and when it should be reported. That is one of the aims that we are trying to achieve in the Bill.

Ms Marsh: I can come in on the advocacy question, Chair, if that helps.

The Chairperson (Mr Gildernew): Yes, thank you, Liz.

Ms Marsh: The Bill places on a statutory footing advocacy services for looked-after children, former looked-after children and those in receipt of special guardianship or adoption services. That will be a way of supporting them if they wish to make representations or a complaint about any service that they have received. That is part of the ethos of the Bill of supporting children's right to be heard in compliance with the UN Convention on the Rights of the Child (UNCRC). Running through the Bill is a thread of support, listening to the rights of the child and ensuring that, where appropriate, that informs the decisions that are made, and the advocacy services are a central plank of that.

Ms Ní Chuilín: Chair, could I just ask for a follow-up to that in writing? Where does placing advocacy on a statutory footing fit with private fostering or for children who are being fostered or adopted in another jurisdiction?

Ms Marsh: In fostering, a looked-after child will have the right to make complaints or representations, as will the child who had been fostered and has left care. Where, for example, a decision is being made about the adoption of a child in any circumstance, the checklist that is being introduced by the Bill will require the courts to take into account children's views when making decisions that affect them. Perhaps one of my colleagues would like to add to that.

Ms Nicholson: We are really hopeful that, for children being placed for adoption, wherever that might be, the Bill will add a real strength to that provision of advocacy. The advocacy will include those children who are to be placed for adoption in whatever place and children who have been adopted. We hope the Bill will be a real strength to the provision of advocacy services for children who are looked after, who are on the edge of care and who are to be adopted.

The Chairperson (Mr Gildernew): Thank you, and we look forward to receiving that further detail in writing.

Mr Carroll: I know time is tight, but I have four quick questions. With regard to due consideration to the child's religious persuasion and racial origin etc, what changes would the Bill implement? Clause 10 mentions RQIA involvement. What changes would be implemented to what the RQIA does now? I also have two follow-up questions.

Mrs Stephenson: I apologise for what happened with my system earlier; it completely crashed. As I said, in any matters relating to adoption, the trust will be required to give due consideration to the religious persuasion of a child, particularly when considering matching children with prospective adopters.

Clause 10 covers the management and registration of adoption agencies with the RQIA. We have three adoption agencies now registered. The arrangements really will not change. We are simply replicating the powers in the Bill. RQIA will continue to undertake the same functions as it currently does on adoption agencies.

Mr Carroll: No change, then. That is useful.

Clause 14 talks about inspections and "reasonable time" and the right to request "reasonable assistance". It sounds — excuse the language — reasonable, but is there a concern that, in the case of negligent behaviour, there could be a delay in the speed that the Department or RQIA could get access to inspect buildings, venues or anything like that? That jumped out at me.

Finally, clause 39 deals with a child living with adopters before application. Clause 39(4) talks about a child living with the adopters for a period of one year in the case of non-agency applications by authority foster parents, and clause 39(5) says that period should be for three out of the past five years in any other non-agency cases. Who would the three out of the past five years apply to specifically?

Mrs Stephenson: Do you mean on what grounds would there be a delay to access by RQIA?

Mr Carroll: With regard to reasonable time, what is reasonable to one person may not be reasonable to another. It is possibly open to interpretation, as I have read it. Is there a concern about the word not being more robust and that there could be delay because somebody could refuse access to the Department or RQIA on that basis?

Mrs Stephenson: We do not anticipate any problem or significant delay with that. I would actually need to consider that one further. I cannot answer that.

Mr Carroll: We could get something on clause 14 in writing.

Mrs Stephenson: Frances, have you got anything to add to that? It might be something we need to follow up afterwards.

Ms Nicholson: I think it is probably best to follow it up in writing afterwards, Julie.

Mrs Stephenson: OK. Your last question asked about the three out of the past five years for non-agency cases. Frances, can you give an example of the types of cases involved?

Ms Nicholson: Those cases could be applications by private foster parents. They could be informal kinship placements, as we considered earlier. They could also be step-parent applications. The move for one year is really for foster parents who are registered with an agency. That is decreasing from three years to one year. It does not have to happen in one year. However, if foster parents are really sure they would like to apply to adopt a child and the circumstances apply, it allows them to make that

application within a shorter period. Obviously, that has the merit of great security for the child concerned, because they will know that they will live with those foster parents under a permanent adoption arrangement for life.

The Chairperson (Mr Gildernew): Thank you, Julie, Frances and the rest of the team for your presentation, answers and for undertaking to provide additional information on the areas we did not get full information on. I look forward to a timely response on the issue of the North and how that would work North/South. Thank you for that. I appreciate your attendance. We will obviously talk to you again during the passage of this large and important Bill.

Mrs Stephenson: Thank you.