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**Tel: 0300 555 0115
Web Site: www.hscboard.hscni.net**

The Committee Clerk
Room 242, Parliament Buildings
Ballymiscaw
Stormont
Belfast
BT4 3XX

8 October 2021

Dear Clerk

Re: Call for Evidence: Adoption and Children Bill. Response from the Health and Social Care Board and the Health and Social Care Trusts

The Health and Social Care Board welcomes the opportunity to provide a joint response and comments regarding the provisions of The Adoption and Children Bill on behalf of the Health and Social Care Board (HSCB) and the five Health and Social Care Trusts (HSCTs).

It has long been recognised that current Adoption legislation as stipulated in Adoption (NI) Order, 1987 is out of date and in need of reform to recognise societal changes, promote a culture of openness and transparency and ensure process and practice is consistent and uniform across the region. The HSCB / HSCTs recognise and agree with the aim of ensuring continuity of adoption provision and legislation with the principles and provisions of both the Children Order and Human Rights legislation. The HSCB / HSCTs acknowledge that the pending Adoption and Children Bill will align Adoption law with relevant provision of the Children (NI) Order, 1995.

The content of the Adoption and Children Bill has been subject to an extensive consultation process, led by the Department of Health and in 2017 which focused on operational planning for implementation and the concomitant financial costs. The outcomes of this process have already been thoroughly considered by key



stakeholders. The HSCB / HSCTs were engaged in both the consultation and stakeholder processes and are immersed in the detail of the proposed clauses. Consequently the HSCB / HSCTs are supportive of the clauses included within the provision, enabling the Department of Health to achieve the aim of enhancing the existing legal framework for adoption and children. Notwithstanding Adoption reform, the HSCB / HSCTs note the linkage within the Bill to foster care, Going the Extra Mile (GEM) and permanence planning for Looked After Children.

Having engaged in an extensive consultation process and accessed the “Adoption and Children Bill: Explanatory and Financial Memorandum, the HSCTs, as delegated statutory authorities, note specifically the following key provisions contained within the Bill and Linkage to promoting uniformity across the region:

- The assessment of adoption support needs including arrangement for provision of assessed need
- The provision of financial support within adoption
- Access to adoption information that would be provided by the Adoption Agency
- Placing concurrent planning and dual approval on to a statutory footing
- Ensuring greater safeguards in intercountry adoption resulting in better protection for the children involved
- Introduction of an alternative legal route to permanence, (other than adoption) via changes to the Residence Order provision for Looked after Children and introduction of Special Guardianship
- Enabling the provision of Short Breaks without the need to implement the LAC status
- Enhancing the provision available to care leavers via the extension of Trusts’ duties to young adults up to the age of 25 years
- Arrangements for the approval of Authority Foster Parents and the establishment of an independent review mechanism for fostering approval and registration decisions
- The establishment of an independent review process in respect of decision making within adoption therefore ensuring consistency across both adoption and fostering processes and enabling the introduction of the capacity for appeal to an independent body.
- Capacity for one HSC providers to act on behalf of others, thus enable some services to regionalisation, such as tracing services.

Whilst the Bill focusses mainly on improvements and streamlining of current processes, the HSCB / HSCTs considers that it is necessary to collectively

develop and focus robust regulation, policies and procedures alongside the training development and implementation planning that will be required . The HSCB / HSCTs welcomes the Finance Minister's endorsement of the financial forecast for the implementation costs of the Bill and the Memorandum's proposal for additional staffing costs as this will be imperative to progress the fulfilment of the ethos and clauses within the Bill.

It is the view of the HSCB / HSCTs that upon implementation, the proposed changes will greatly augment the quality of services to children and families. This legislation encapsulates practice developments that have been achieved regionally and will provide a strengthened legislative and governance framework for planning and service delivery.

Yours sincerely



Brendan Whittle
Director Social Care & Children
& Executive Director of Social Work

cc: Eilis McDaniel, DoH