



## **Response to the Scottish Executive Consultation on the Adoption Policy Review Group Phase 2 Proposals by the Scottish Institute for Residential Child Care**

The Scottish Institute for Residential Child Care (SIRCC) welcomes this opportunity to respond to the proposed changes to the law concerning adoption and fostering. We recognise the need to make changes as current legal options are often not functioning effectively and the best interests of children are not always well served. SIRCC will limit its response to a few elements of the consultation relating to general principles, and the proposed Permanency Order.

### **General**

SIRCC welcomes the Group's report and proposals. Residential care, foster care, and adoption are integrated elements of the child care system, and residential staff have close working knowledge of the experience of children in the foster system. Children often move from foster to residential care and vice versa. We share the view expressed by the group that current legal options for longer-term care are not working well. There is a real lack of stability in the system and many children experience either unacceptably long delays in getting 'permanency' or experience numerous placement moves.

We welcome the call for a national scheme for allowances to support families who take on the important and challenging role of fostering. We support the proposal for widening the range of people eligible to provide fostering and adoption by allowing for joint adoption applications from unmarried couples. We agree that the assessment of the stability and permanence of the relationship is the key issue rather than marital status or sexual orientation.

### **Permanency Order**

We believe that the arguments for such an order are well-founded. While it is likely to be applied mainly to children in foster placement we believe that it may well be appropriate for some children in residential care and would welcome the opportunity to explore the use of it in a residential context in more detail. We would wish ensure that young people living in residential care are in no way disadvantaged because they are not living in foster care, and would suggest that there is substantial value in overcoming any unique challenges which may exist in applying this type of order to young people living in residential care.

We agree that there is a need to provide greater stability and security in the lives of older children in longer-term care, and that the current arrangements

do not serve this group of children well. In the current climate numbers of older children in residential care have considerable uncertainty in their lives as they cannot be sure where they will be living as that depends on the annual review of their supervision order. Similarly there are numbers of children aged 16 or over who may remain in care in a 'voluntary' capacity under s.25 of the C(S)A 1995, and who similarly have little security about their placement. We agree that there is a need for new legislation and for the creation of arrangements which establish more effective options for children and allow a range of choices to be available. We think that the order as proposed does offer the flexibility needed to adapt it to individual circumstances, and welcome this. Some young people may have little support from their families, yet their family connections remain important and they have no desire to be fostered or adopted, even if that option was available. They face their latter years of childhood in residential care and become 'care-leavers' at 16 or 17. Many of them find many aspects of residential care positive but repeated returns to the Hearing can be unsettling and the transition out of care can be very fraught. There is an undoubted need for more stability and support for this group. The proposed new order may offer a valuable contribution to improving their care arrangements.

The review group makes clear that children under a Permanency Order would remain 'looked after and accommodated' and therefore their care would still be subject to regular review under LAC review procedures. This is important. We would also recommend that such children and young people are explicitly given access to the 'throughcare' provisions of the recent Leaving Care Regulations. While the Permanency Order offers greater stability it is important that such children continue to receive all the support that is available through the local authority for looked after children.

We would stress that, based on their capacity, children themselves must be fully consulted about their Permanency Order. In addition, they must have the facility to gain leave to challenge the granting of a Permanency Order and seek its revocation if their circumstances change.

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