

Barnardo's Briefing Note for MSPs:

8th September 2006



SCOTLAND

GIVING CHILDREN BACK THEIR FUTURE

Stage 1 - Adoption and Children (Scotland) Bill

Barnardo's Scotland welcomes the introduction of the Adoption and Children (Scotland) Bill and supports the principles of the Bill "to improve, modernise and extend adoption in Scotland and to provide greater stability for children who cannot live with their original families" (Policy Memorandum para 2).

Barnardo's Scotland further believes that it is right to retain adoption as a good way of helping some children who can no longer live with their birth families. We welcome the proposal to extend adoption to unmarried couples, the new Permanence Orders and the extension of those eligible for adoption support services.

The Bill also encompasses fostering issues, and we welcome the proposed power for the Scottish Executive to set rates for allowances, which addresses a long-standing concern.

However given that legislative opportunities are few and far between we are concerned at the relatively little attention given to fostering, which supports much greater numbers of children, involves greater costs, deals with more complicated support needs and is as much in need of legislative attention as adoption. The majority of children who are looked after away from home are fostered, with the latest figures showing 3,493 children living with foster carers in Scotland. Yet, the foster care system is under increasing strain as more children, with increasing support needs, are being cared for. We are therefore concerned that leaving fostering issues to a forthcoming Fostering Strategy does not carry the same weight as legislative proposals, and will not be subject to the level of public scrutiny afforded to adoption through this Bill. Despite the Committee's request to see it before the Stage 1 debate, the Fostering Strategy has not yet been published and so it is difficult for informed consideration of Executive intentions in this area.

This approach runs the risk of leaving fostering as a "poor relation". For example moves to enable unmarried couples to jointly adopt will be enshrined in the new legislation while the related change to allow same-sex couples to foster will have to wait for follow-on regulations. This change will thus be less prominent and less secure, and there will be a period of time when some couples will be eligible to adopt but not to foster. An example of a fostering issue that merits immediate attention is the number of children placed with any foster family, which is limited to 3 in England and Wales but is often 4 in Scotland and can be as high as 6 or even 8.

The opening lines of the Bill state:

"An Act of the Scottish Parliament to restate and amend the law relating to adoption; to make other provision in relation to the care and possession of children; to enable provision to be made in relation to allowances for the fostering of children; and for connected purposes."

This suggests that the Bill could support broad consideration of fostering under the "care and possession" of children and we look forward to greater discussion of fostering issues during the Stage 2 process.

A PDF version of this briefing note, along with all of our consultation responses and briefings, can be found at http://www.barnardos.org.uk/scotland/scotland_page.htm

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