POLICY TITLE

Adoption Policy

Policy Summary

This policy provides information on Aberdeenshire Council's approach to fulfilling its responsibilities within the requirements of the Adoption and Children (Scotland) Act 2007 and Looked After Children (Scotland) Regulations 2009. The legislation builds on the Children (Scotland) Act 1995 and places a statutory duty on Local Authorities to provide a comprehensive and specified range of Adoption services.

In any decision regarding the adoption of a child, Local Authorities are required to have regard of the need to safeguard and promote the welfare of the child throughout their life as the paramount consideration. It needs to be emphasised that the placing of children with prospective adopters has as its aim, the provision of a secure and stable home life for the child. Its purpose is therefore crucially to find families for children, and not children for families. Accordingly, the efforts of Social Work in Aberdeenshire will be directed to assessing those applicants who can meet the needs of the children who need adoptive families.

Policy Status	Approved and finalised by the committee on *31/08/2023*
Responsible Officer	Carol Reilly, Adoption Service Team Manager
Policy Sponsor	Katherine Irvine, Social Work Manager (Corporate Parenting)
Authorised By	Education and Children's Services Committee
Policy Review Date	31/08/2028

1. Policy Statement

Aberdeenshire Council is committed to ensuring that adoption provides children with a safe, loving, stable, and nurturing family environment in which they can thrive. Decisions will always place the child's welfare and rights at the centre, uphold equality and fairness and provide lifelong support to adoptive families in line with national legislation and The Promise.

2. Scope of Policy

Throughout Aberdeenshire and all of Scotland, children who are unable to live within their birth family and have no extended family or close family friends who can care for them may require their future care to be secured by Adoption. This policy applies to:

- Children in Aberdeenshire who may be adopted.
- Persons in Aberdeenshire who have been adopted.
- Persons who live in Aberdeenshire and adopt a child.
- Adoptive parents of children who live in Aberdeenshire Council.

- Birth parents and guardians of children who have been or are in the process of being adopted and who live Aberdeenshire Council.
- Siblings, grandparents and former guardians of children who have been or may be adopted.

Aberdeenshire Council will meet its statutory duties within the resources available. This means that Social Work staff may have to prioritise the services they are able to offer according to the above list based on where the greatest need is assessed, whilst always aiming to offer a robust service to all affected by Adoption.

Aberdeenshire's Adoption Service and the wider Children's Services, will continue to work to further develop appropriate arrangements to assess children's needs and prospective adopters parenting capacity in accordance with the Act, provide adoption support and make support arrangements for children, adoptive parents and members of birth families as necessary. Developments will be reviewed on an on-going basis as part of the wider Children's Services Plan and the Adoption Service Development Plan.

3. Policy Principles & Equalities

Aberdeenshire Council Adoption Policy complies with the Public Sector Equality Duty and the Fairer Scotland Duty by embedding equality and fairness into every stage of the process of adoption. We ensure that our Adoption Service actively promotes equality, eliminates discrimination and reduces socio-economic disadvantage when making decisions about children and families. We ensure that children's needs are met without discrimination and that there is support to the child, their birth family and that the recruitment of adopters reflects these values and equalities.

The values on which our Adoption Policy are based include:

- The need to safeguard and promote the welfare of the child throughout his/her life which must be the paramount consideration.

- Every child has a right to a stable and secure home life throughout their childhood and regard must be given to the value of a stable family unit in the child's development. The likely effect on the child of the making of an adoption order must also be given regard to.

- Where a child is placed with an adoptive family that child's religious persuasion, ethnic and social origin, cultural and linguistic background must be taken into account along with the stated wishes of the birth parent(s), guardians and other relatives so far as is reasonable and in the best interests of the child.

- As far as practicable, in view of his/her age and maturity, the child's ascertainable views about the plan for his/her adoption must be given regard to if he/she wishes and is able to express them.

- All human beings have a right to be treated with dignity and respect.

- The rights of individuals are safeguarded and supported by an effective procedure to cover representations, complaints and appeals.

- Where a decision is made to place a child for adoption it must be considered that adoption is likely best to meet the needs of the child and there is no better practicable alternative for the child.

- Where it is at all possible, and in their best interests, family groups of brothers and sisters will be placed together. If their individual needs are such that they cannot be cared for in one family unit, every effort will be made to place them in families where ongoing contact will be maintained.

4. Supporting Policies and Documents

This policy paper needs to be read in conjunction with the Scottish Government Guidance on the Adoption Children (Scotland) Act 2007 (Guidance on Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007 - gov.scot)

Assessing the Needs of the Child

Where adoption is being considered for a child, a thorough assessment of the child's needs is necessary to inform the decision making process, to fully inform the child's prospective adoptive parents and in preparation for court reports. It is the policy of Aberdeenshire Council to include all relevant information from carers both past and present, including parents and members of the extended family, together with contributions from appropriate professionals involved with the child in order to make as full an assessment as possible. This will include consultation with the child at each stage of the process to allow their views to be fully represented. Aberdeenshire Council recognises the importance of both the child and the prospective family being given sufficient information about each other to allow them to decide whether or not they wish to go ahead with a placement. This will be done with sensitivity bearing in mind facts such as the age of the child, his or her understanding of the process, the child's current carers and the particular needs of the child involved.

Needs of Children currently requiring Adoption

Very few of the children placed for adoption now come from uncomplicated backgrounds. Prospective adopters must accept that children who may be placed with them come from backgrounds which are varied and often complex. All children for whom adoptive homes are sought are regarded as having additional support needs. Adopters may be asked to consider children who:

- Have suffered a degree of emotional trauma. This may be because of the way their parents have behaved towards them or be the result of having had a number of carers which could affect their capacity to form strong emotional bonds

- Have a physical disability which is likely to be lifelong

- Have a medical condition which adversely affects their life

- Are born to parents who have abused drugs or alcohol

- Have parents who suffer from psychiatric illness or have learning disabilities

- Are born to mothers who are HIV + or Hepatitis C + or at risk of being so. Such mothers can be counselled regarding being tested to ascertain their HIV/Hep C status, but the decision must be theirs. It is difficult to determine the results of an HIV and Hep C test in young babies up to the age of 18 months so having the child tested is only advisable when the mother's status is unknown. Adoptive applicants would have to accept that while every effort would be made to establish the HIV/Hep C status of babies whose parents are in the High-Risk categories, no guarantee could be given. Advice would be available from the Agency Medical Adviser to discuss individual circumstances as would be the case with any medical complication.

Whilst environmental factors play a major part in determining how a child develops, genetic inheritance continues to play a role, and adoptive applicants have to be prepared to accept children in the knowledge that no guarantees can be given about future development. If additional information about the health of the birth family becomes available after an adoption order is granted, the Adoption Service will arrange to have this information passed on to the adoptive family or adult adoptee in an appropriate and sensitive way having due regard to confidentiality.

Applicants must fully understand and acknowledge that parenting a child through adoption is different from parenting a child born to them. Any child who is adopted has the right to grow up with knowledge and understanding of his or her birth history. Adoptive parents must be prepared to share that knowledge with the child throughout his childhood in accordance with the child's level of understanding and must appreciate that for many people who have been adopted it may be crucial for their sense of identity at some stage in their life to access their birth files and perhaps trace parent(s) and/or siblings from their birth family.

Adoption is ultimately a legal process, and most children's situations bring legal complexity. This may lead to uncertainty about the final outcome of any legal process in the application for a Permanence Order with Authority to Adopt or an Adoption Order. Those with parental rights and responsibilities have rights to challenge the adoption process and often exercise those rights. Capacity to manage such uncertainties is fundamental to adopting a child.

Services for Birth Parents

Local Authority adoption agencies have a duty to provide support to parents or guardians of children who have been or may be adopted. Aberdeenshire Council will make information available to birth parents which explains their adoption policy and practice and the services which are available to them up to the time of adoption and subsequently. They will also explain the options open to birth parents if they have any specific requests in respect of the child's religious or cultural upbringing.

There will be a variety of circumstances in which the decision to place a child for adoption will be seen to be in his/her best interests. These will include:

- Where a child is placed at the request of birth parent(s);
- Where a child is placed without the agreement of birth parent(s);
- Where a Local Authority places a child following the granting of a Permanence Order with authority to adopt against the wishes of the birth parent(s);

Where such decisions and actions are taken against the wishes of the parent(s) but are seen as being in the best interests of the child, it may be difficult for birth parent(s) to work with the Agency. In such circumstances, the Agency may provide information on independent counselling or support services to birth family members.

Birth parents whose children have been placed for adoption are entitled to a service in their own right. Aberdeenshire Council's policy is to offer information, advice and support to birth parent(s) both prior to their child being placed for adoption and at any time subsequent to it, when a request is made.

The importance of medical, personal and family information will be stressed to birth parent(s) and with their agreement as much information as possible will be gathered both for the purpose of assessment by the medical adviser and also future reference by the child should he or she wish to obtain information about their birth family.

Birth parents will be given information about Birthlink, the Adoption Contact Register for Scotland, which is supported by Aberdeenshire Council.

Services for Adoptive Parents

Anyone who wishes to be considered for assessment as adoptive parents should know what the criteria are before they make an application.

Setting criteria allows the Council the opportunity to choose the best possible options for the children who require adoptive homes. The criteria which Aberdeenshire Council applies are set out below and although they will be reviewed from time to time, it is important that both members of the public who may be considering making an application and the Council are clear about the requirements involved. The emphasis must be on pursuing those applications which are most likely to meet the needs of children who are awaiting adoption. If an application is not accepted from someone because they do not meet the criteria they will be notified in writing.

The criteria currently applied by Aberdeenshire Council are:

a) Applications cannot be accepted from people who are only interested in the straightforward adoption of a normal, healthy baby.

b) Couples must have lived together for at least three years at the point of application and evidence an enduring, co-dependent relationship.

c) Both partners must normally be at least 23 years of age.

d) The age of the child in relation to the age of applicants and any existing family they have will be one of the factors taken into consideration when children are matched with prospective adopters. As a general guide, in most circumstances, we will not place children with adoptive parents where the age difference between the youngest adoptive parent and the child is more than 45 years.

e) There is an expectation that where appropriate, childless couples will have received medical counselling for their infertility. They must be able to demonstrate as far as possible that they are committed to meeting the needs of an adopted child.

f) No applications will be accepted from people who smoke. Former smokers will be required to have been smoke free for 6 months before they will be invited to adoption preparation training. The same expectations apply to the use of E Cigarettes.

g) Prospective Adopters must be medically fit to meet the needs of active child. Where obesity may be a risk or a barrier to good health and the longevity of the parental relationship, there are expectations that adoption applicants can evidence a commitment to improving their health and fitness before a child will be placed in their care.

h) Where it is in the best interests of the child, applicants will be requested to meet with birth parents or perhaps a birth family member, whenever possible.

i) Applicants must be prepared to accept there is likely to be legal complexities including contested actions and where the name and address of the adopters may be divulged to the birth parent(s).

j) All applicants must attend all adoption preparation training sessions offered wherever possible, prior to their application being accepted by Aberdeenshire Council.

Assessment process

Aberdeenshire Council operates a policy of maintaining contact with adoptive applicants who are awaiting a placement. Where there is a significant change in the circumstances of the applicant(s) which may affect their status or the terms of their approval the matter will be referred back to the Permanence Panel. If no child has been placed within 2 years of approval, the Panel will review whether the prospective adopters continue to be suitable. A Review will be necessary after 1 year where the prospective adopters have dual approval as foster carers for the purpose of facilitating a pre-adoptive placement – which is in most cases.

Where applicants have birth or adopted children already in the family, only in very exceptional circumstances will children be placed above the age of these children or within 3 years below the age of these children.

Where applicants are already in the process of adopting a child, only in exceptional circumstances will applications be accepted by Aberdeenshire Council, prior to the granting of the Adoption Order for that child.

Aberdeenshire Council will consider applications from:

a) married couples who wish to adopt jointly

b) a couple who are living together in an “enduring family relationship” as if they were married or civil partners who wish to adopt jointly

c) a couple in a civil partnership who wish to adopt jointly

d) individuals who are married or in a civil partnership or in an "enduring family relationship" but who are applying on their own because their spouse cannot be found, or they are permanently separated and living apart or, because of ill health, the spouse, civil partner or partner is incapable of making an application for an adoption order;

e) a single person

Except where it will benefit a child or children, applications will only be accepted from those resident within the geographical area covered by Aberdeenshire Council.

Being approved as adopters does not guarantee that an adoption placement will be made. Adults do not have a right to adopt any child, only a right to an assessment of suitability.

If applicants meet the criteria, and a mutual decision is taken to proceed to assessment then a home study will be prepared based on information gathered by means of the following process:

a) adoption preparation training
b) home visits
c) individual and joint discussions with applicants
d) a health and safety assessment of their home
e) a check of social work records
f) medical assessment
g) criminal record checks
h) personal references

There are 26 legal criteria to meet within a home study assessment. Applicants will be invited to complete sections of the final report on themselves e.g. on their own separate upbringings, current lifestyle, their relationship etc. They will also be asked to prepare a joint "Family Life Book" for use with a child who is being prepared to meet them and their family.

Once completed, the home study is presented to the Aberdeenshire Council's Permanence Panel for consideration and a recommendation on the outcome of the application. Aberdeenshire Council will invite all prospective adopters to attend a meeting of the Permanence Panel to discuss their application.

Following the approval of an applicant as a prospective adoptive parent, Social Work staff will continue to visit them from time to time in order to discuss what they can offer a child and consider any links with a child. It is the responsibility of applicant(s) to notify the Council of any change in personal circumstances which occurs between acceptance and a child being placed with them.

The Permanence Panel

It is a legal requirement for Local Authorities who arrange the adoption of children to have a Panel that scrutinises adoption plans, adoption applications and matches of families with children.

Aberdeenshire Council's Permanence Panel is constituted to include a Medical Adviser and Legal Adviser. The Panel meets on a regular basis, and the members represent a wide spectrum of interest in and experience of adoption. Adoptive parents sit on the panel alongside a range of social work professionals. The Permanence Panel makes recommendations to the Agency Decision Maker in respect of children and adoptive applicants. The Panel also makes recommendations in respect of adoption allowances. The decision whether or not to accept the recommendation lies with the Agency's Decision Maker who is a Senior Social Work Manager in Children's Services.

The panel's duties in respect of children are:

- To consider whether adoption is in the best interests of a particular child and, if so, whether or not an application for a Permanence Order with Authority to adoption should be made

- To provide a written report of the consideration given by them to alternatives to adoption and in circumstances where adoption with parental contact is recommended, to provide a written report of the reasons why continued contact is in the best interests of the child

The panel's duties in respect of adoptive parents are:

- To consider whether a prospective adopter is suitable to be an adoptive parent

- To consider whether a prospective adopter would be a suitable adoptive parent for a particular child

The Role of the Legal Advisor

It is the duty of any adoption agency to appoint such solicitors or advocates as it considers necessary to provide it with legal advice. It is the policy of Aberdeenshire Council to appoint a suitably qualified member of their Legal and Governance Service to the Panel who will enable members to explore the legal issues in each case and to clarify the alternatives to adoption. The Legal Adviser will normally attend meetings of the Panel or give written advice when the panel is considering whether adoption is in the best interests of a child and whether or not an application for a Permanence Order with authority to adopt should be pursued.

The Role of the Medical Advisor

The Medical Adviser to Aberdeenshire Council's Permanence Panel interprets medical information for the Panel, advises on its relevance for a child's placement for adoption or on prospective adopters' suitability to adopt a child. The Medical Adviser also undertakes other duties such as advising the Panel of the eligibility of a child on health grounds for an adoption allowance. It is the policy of Aberdeenshire Council that (where necessary) the Medical Adviser will provide an opportunity for prospective adoptive applicants to discuss the medical implications of a proposed placement.

Notifications and Information to be provided to Parents and Adopters

It is the policy of Aberdeenshire Council to notify adoptive applicants in writing:

- If it is decided not to accept them for a full home study assessment and the reason(s) for this decision

- That their case has been referred to the Permanence Panel. They will be given a copy of their home study report excluding any information provided by a third party in confidence. It will be made clear in any recommendation whether the home study is for domestic adoption or an overseas adoption

- Of any decision about their suitability to be adoptive parents

- Of any proposed match between them and a child where they are considered to be suitable for that child

- Of any information about such a child once they have been matched, including his/her background, parentage, health and mental and emotional development as is available at the time of placement

- Of the need to tell a child about his or her adoption and origins, the right of adopted people to obtain information about their adoption from the Register of Births and the fact that counselling services are available

It is the policy of Aberdeenshire Council to prepare background information on the circumstances of a child's adoption which will be given to the adoptive parent(s). The adoptive parent(s) will be asked to share this with the child at an appropriate age in order to help them understand their origins and the reasons they were placed for adoption. It is the policy of Aberdeenshire Council to prepare a letter for the child, providing background information and the reasons why the child was placed for adoption.

It is the policy of Aberdeenshire Council that, where the Agency decides adoption is in the best interests of a child, the birth parent(s) of the child will be kept fully informed of the agency's plans and consulted on their views in accordance with adoption regulations. It will be the policy of the Council to involve parent(s) appropriately in the choice of adoptive family.

Adoption Allowances

Aberdeenshire Council operates an Adoption Allowance Scheme in accordance with legal requirements. The central principle is that an adoption allowance can be paid where a child's needs determine this to be necessary and to help secure an adoptive home for a child who could not otherwise readily be adopted. The scheme allows for the payment of a regular allowance to adopters under certain circumstances e.g.:

- To make possible the adoption of a child by foster carers with whom he/she has a strong bond

- Where at the time of placement for adoption the child needs special care by reason of illness disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect

- Where special arrangements to facilitate the adoption are necessary by reason of the age or ethnic origin of the child, or the desirability of the child being placed with brothers or sisters, or a child with whom the child shared a home

Adoption Case Records

Confidential adoption case records will be held by Aberdeenshire Council in the conditions laid down by the appropriate regulations and will be preserved for a period of one hundred years.

The policy of Aberdeenshire Council will be to allow access to such records only in the circumstances specified in the relevant regulations.

Contact in Adoption

One of the significant changes in adoption practice in recent times is that for some children and families continuing contact between the child and their birth family has been agreed when this is seen to be in the child's best interests. Aberdeenshire Council's policy in this respect will be to consider each situation on an individual basis and discuss the implications with all the relevant parties and make an assessment on the need for contact for the child throughout their childhood. Where appropriate the Council will enable information to be passed through their Letterbox Scheme. The level, nature and regularity of contact will be determined following discussion with all of the relevant parties and will be guided by the principle of the child's welfare being paramount. Any contact plans must be flexible over time to meet the child's changing and developing needs.

Step-Parent and Family Adoption

Where a step parent, civil partner or partner of the birth parent wishes to adopt the child of his/her spouse, civil partner or partner, Social Work will provide appropriate reports to the Court but the application will not be presented to the Permanence Panel. It will be the policy of Aberdeenshire Council to provide written information both about the service which they provide and their statutory duties. An opportunity will also be given to discuss alternative ways to adoption by which applicants might achieve their aim.

Where notification is received from other members of the family, e.g. grandparents, of an intention to apply for an Adoption Order it will be the policy of Aberdeenshire Council to discuss the implications for all relevant parties of such action as part of an information giving process. The possibility of other options will be explained to the applicants and guidance provided. Aberdeenshire Council will prepare and present reports to the Court as required in legislation.

Adoption Support and Services

Adoption agencies have a duty to assess and, where a decision has been made, to provide adoption support services for children, adopters, adopted adults and anyone else who has a need for adoption support services such as birth family members.

It is the policy of Aberdeenshire Council to include discussion of adoption support in the preparation process for adoptive applicants. In this way it is hoped to promote the view that such support is a right and not an acknowledgement of failure. Written information will be provided.

Aberdeenshire Council will attempt to provide a variety of services to support families including:

- Advice, counselling and support from experienced social work staff

- In certain situations, financial help either at the point of placement to allow the placement to be made or ongoing in the form of an adoption allowance

- Other assessed support within the capacity of the Agency to provide or recommend

Adults living in Aberdeenshire who have been adopted may require a service because:

- They were adopted in England and are referred for counselling under the Adoption and Children Act 2002

- They have applied to the Registrar General of Scotland for access to birth records and have been advised that counselling is available

- They wish to have access to information from adoption agency records for a variety of reasons e.g. medical knowledge about birth parents

- They may wish to trace their birth family and require help to discuss the implications for their birth family, adoptive family and themselves

It is the responsibility of adopted people to undertake the search for information themselves. This allows them to control the pace of investigation and use the support offered by the Council for discussion and advice. If they are not already familiar with it they will be given information about Birthlink Adoption Contact Register and other services, such as tracing, that Birthlink offers.

Inter-Country Adoption

From time to time approaches will be made to Aberdeenshire Council from individuals or couples who wish to adopt a child from abroad. Whilst many of the principles involved are the same, there are a number of additional professional and administrative issues which have to be taken into consideration. Aberdeenshire will offer Services as it has capacity to but only has legal obligations to directly provide domestic adoption services.

Services to the Courts

Adoption Agencies are required to write reports to the Court in all applications for Permanence Orders with Authority to Adopt and Adoption applications. Aberdeenshire Council will ensure that all staff involved in preparing such reports are familiar with relevant legislation, regulations and court rules, so that they meet legal requirements.

Moving from the Area

If an applicant or applicants move outwith the geographical area of Aberdeenshire Council following their acceptance as prospective adopters, Aberdeenshire Council may not retain them on the list of prospective adopters but will refer them to the appropriate Local Authority or Adoption Agency in the new area if that is their wish. Adoptive applicants in these circumstances are also free to refer themselves to an Adoption Agency in their new area.

Where prospective adoptive parents awaiting placement have been approved by another adoption agency but have now moved to Aberdeenshire and wish to be considered as adoptive parents by Aberdeenshire Council, it will be left to the discretion of the Service Manager for Corporate Parenting to agree how much of the training and assessment process has to be undertaken within Aberdeenshire's processes. It is important that families wishing to be considered to care for Aberdeenshire's most vulnerable children are well known to the Agency and cooperation is essential achieving that.

Representations

Where adoptive applicants are dissatisfied with the decision of the Adoption Agency in respect of their application, they have recourse to Aberdeenshire Council's Appeals procedure and will be provided with an Information Leaflet.

Aberdeenshire operates the '***Have Your Say'*** scheme which is accessed via the main website Have your say - Aberdeenshire Council for anyone who wished to comment on services provided by Aberdeenshire Council and its representatives. Feedback is always welcome and is used to shape future services.

If applicants are dis-satisfied because of the way their case has been dealt with on an administrative basis, they have recourse to the Local Authority Ombudsman. Written information on how to involve the complaints procedure set up by Aberdeenshire Council will be supplied to them.

5. Council Strategic Priorities

Pillar	Priority	How does the policy reflect the Council's strategic Priorities?
A sustainable economy	We will support a strong and diverse economy by attracting people of working age to our region, complementing our highly skilled local workforce.	
Connected communities	We will work with communities and partners to enhance the sense of connection among our places. This includes supporting communities to come up with innovative solutions to	*This policy aligns with this priority by creating stable family environments for children who cannot safely live in their own family. Adoption provides children*

	ensure our places are resilient and vibrant.	*with a permanent family, ensuring they grown up in a stable environment within their local community. fostering inclusion and building strong partnerships with local organisations.*
Living well locally	We will encourage and support our residents to lead healthy and active lives and contribute meaningfully to their communities. We will make proactive choices that will allow us to cater to the needs of our increasingly ageing population.	

6. Policy Revision

Version Number	Revision Date	Committee Approval Date	Summary of Changes
1	May 2018		
2	August 2023	31 August 2023	No fundamental changes

7. Policy Distribution

Name	Designation	Organisation

[ENDS]