ABSTRACT

The Adoption and Children (Scotland) Act received royal assent in January 2007. The Scottish Government has just provided an update on how implementation of the Act is progressing. The Scottish Government is currently working towards a commencement date no later than 31 March 2009.

To meet this tight timescale the Scottish Government has decided to develop the training and guidance necessary to implement the Act while still consulting on and finalising the draft regulations. The Scottish Government intend to publish 5 main sets of regulations on a rolling basis over the next few months with each set out for consultation for 8 weeks.

1 RECOMMENDATIONS

It is recommended that Social Work and Health Committee:-

i. notes the content of this report;
ii. approves the proposal that the Director of Social Work and Health presents a full report on the new regulations and the consultation responses as soon as these are available

2 INTRODUCTION

The Adoption and Children (Scotland) Act received royal assent in January 2007. Implementation of the Act is planned for 31 March 2009. By implementing the Act at the end of the financial year it is intended that the new duties will fit in with planning cycles in local authorities.

To meet the tight timescale the Scottish Government will require to develop training and guidance while still consulting on and finalising the draft regulations. The Scottish Government has indicated that while this timescale is challenging it is feasible. It has been noted that if significant issues emerge during the consultation the Scottish Government will revisit the timing for implementing the Act.

It is also noted that in the lead-up to implementation of the new Act there may be some uncertainty about using existing legislation in adoptions already in progress. The Scottish Government will consult on transitional arrangements which it is hoped will allow cases already being progressed to continue after commencement of the new Act. In the meantime existing legislation still applies and local authorities should continue to plan for children as usual i.e. a plan for permanence should be made as soon as a child is ‘looked after’ away from home.
CONSULTATION PROPOSALS

The Scottish Government intend to publish 5 sets of regulations, for consultation over a period of 8 weeks each, on a rolling basis over the next few months. Consultation will take place on the following regulations:-

- Adoption information (keeping of records, disclosure of information to adopted persons);
- Adoption support (preparation of adoption support plans, responsibility for providing support etc);
- Adoption agencies procedures;
- Inter-country adoption;
- Children’s Hearings rules.

The Scottish Government have indicated that they will probably consult separately on the sharing of medical information. In light of the timescales for consultation on each paper it is proposed that a composite report is presented to elected members in due course and that the Director of Social Work and Health is given approval to submitted responses to each consultation paper as the timescales are likely to be outwith Committee cycles.

The Scottish Government also state their intention to include relevant findings from the consultation on the draft ‘Looked After Children Regulations’ which finished in March 2008. These findings will be taken account of in the development of the Adoption Regulations, associated guidance and training.

The British Association for Adoption and Fostering (Scotland) and the Fostering Network is providing the required training on the legislation with delivery anticipated in the first quarter of 2009.

FINANCIAL IMPLICATIONS

There are no financial implications arising from this report. Any future financial implications will be brought to Committee as they are identified.

HUMAN RIGHTS IMPLICATIONS

There are no Human Rights implications arising as a result of the recommendations contained in this report.

EQUALITIES IMPLICATIONS

The issues dealt with in this Report have been the subject of consideration from an equalities perspective (as required by legislation). An equalities impact assessment is not required.

CONSULTATION

The Chief Executive, the Director of Corporate Services, the Head of Finance and the Head of Law and Administration have been consulted in the preparation of this report.

CONCLUSION

Angus Council welcomes the opportunity to comment on the draft regulations and looks forward to the implementation of the legislation. It is hoped that there will be no additional duties arising from this consultation which will impact on the local authority unless they have been addressed within the Concordat.
R Peat  
Director of Social Work and Health

**NOTE:** No background papers, as defined by Section 50D of the Local Government (Scotland) Act 1973 (other than any containing confidential or exempt information) were relied on to any material extent in preparing the above report.