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| **Consultation Response Form**  **Consultation closing date: 11 April 2014** **Your comments must reach us by that date** |
| Adoption: Getting It Right, Making It Work |

**If you would prefer to respond online to this consultation please use the following link:** [**https://www.education.gov.uk/consultations**](https://www.education.gov.uk/consultations)

Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes, primarily the Freedom of Information Act 2000 and the Data Protection Act 1998.

If you want all, or any part, of your response to be treated as confidential, please explain why you consider it to be confidential.

If a request for disclosure of the information you have provided is received, your explanation about why you consider it to be confidential will be taken into account, but no assurance can be given that confidentiality can be maintained. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department.

The Department will process your personal data (name and address and any other identifying material) in accordance with the Data Protection Act 1998, and in the majority of circumstances, this will mean that your personal data will not be disclosed to third parties.

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If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the Ministerial and Public Communications Division by e-mail: [consultation.unit@education.gsi.gov.uk](mailto:consultation.unit@education.gsi.gov.uk) or by telephone: 0370 000 2288 or via the Department's ['Contact Us'](file:///C:\help\contactus) page.

Please mark the category which best describes you as a respondent

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**Fostering for Adoption** – paragraphs 4.1-4.9

1 Does the draft Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review statutory guidance set out clearly the need to consider and give priority to family and friend carers? If no, please say what additional guidance you think is needed.

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2 Do you consider that the Director of Children’s Services is the right person to agree to the placement under section 22C(9A) of the Children Act 1989? If no, please say who you think is the right person and why.

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3 Does the draft Children Act 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review statutory guidance set out clearly the circumstances in which a placement under section 22C(9A) of the Children Act 1989 may be appropriate/not appropriate for a child accommodated under section 20 of the Children Act 1989? If no, please say what additional guidance you think is needed.

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**Consideration of ethnicity when matching children and prospective adopters** – paragraphs 4.10-4.14

4 Does the draft statutory adoption guidance set out clearly how factors relating to a child’s racial origin, should be taken into account in matching decisions? If no, please say what additional guidance you think is needed.

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5 Does the draft statutory guidance set out clearly the nature of support that prospective adopters might need when they adopt children of a different ethnicity? If no, please say what additional guidance you think is needed.

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**Placing siblings with an adoptive family** – paragraphs 4.15-4.19

6 Does the draft statutory adoption guidance set out clearly the importance of making a prompt and informed decision about whether siblings should be placed for adoption separately or together? If no, please say what additional guidance you think is needed.

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**Adoption Support Services – duty to inform** – paragraphs 4.20-4.26

7 Does the draft statutory adoption guidance set out clearly the information about adoption support services that a local authority will have to provide to adopters and prospective adopters? If no, please say what additional guidance you think is needed.

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| |  |  | | --- | --- | | DfE | Comments:  We welcome the fact that s.4B of the Adoption and Children Act 2002 requires that details of where to find information about adoption pay and leave must be provided to potential and prospective adopters.  However, there should be additional adoption guidance which expressly identifies that the entitlement to pay and leave within the employment context generally reflects the entitlements held by all mothers and fathers and those with responsibility for looking after children.  Specifically, that legislation providing entitlement to employment leave and pay extends to all those who have responsibility for looking after children including children who have been adopted or have been matched or placed for adoption. | |

8 Does the draft statutory adoption guidance set out clearly when and how the local authority should provide information to adopters and prospective adopters? If no, please say what additional guidance you think is needed.

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9 Are the Adoption Support Services (Amendment) Regulations 2014 clear? If no, please say what you think is unclear.

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**The Adoption and Children Act Register** – paragraphs 4.27-4.37

10 Does the draft statutory adoption guidance set out clearly the requirement and time limit to refer details about children and approved prospective adopters to the Register? If no, please say what additional guidance you think is needed.

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11 Do you think the proposed arrangements for approved prospective adopters to access the Register will offer suitable safeguards for children and approved prospective adopters? If no, please say what additional arrangements you think are needed.

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12 What issues should the evaluation of the pilot examine?

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13 Are the Adoption and Children Act Register Regulations 2014 clear? If no, please say what is unclear.

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14 Are the Adoption and Children Act Register (Search and Inspection) Regulations 2014 clear? If no, please say what is unclear.

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**Contact – Looked After Children** – paragraphs 4.38-4.40

15 Does the draft statutory adoption guidance set out clearly when the duty to endeavour to promote contact under Schedule 2, paragraph 15 no longer applies? If no, please say what additional guidance you think is needed.

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**Contact – post adoption** – paragraphs 4.41-4.44

16 Does the draft statutory adoption guidance set out clearly who can apply for an order under section 51A of the Adoption and Children Act 2002 and when? If no, please say what additional guidance you think is needed.

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17 Are the Adoption Agencies (Miscellaneous Amendments) Regulations 2014 clear? If no, please say what you think is unclear.

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**Statutory adoption guidance - paragraphs 4.45-4.49**

18 Does the revised version of the statutory adoption guidance meet the needs of adoption agencies and adoption support agencies? If no, please say what guidance you think is needed.

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19 Are the timescales the right ones to help achieve a quicker adoption process? If no, please say what changes you think are necessary.

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**Adoption National Minimum Standards - outcome of standard 13** – paragraphs 4.50-4.52

20 Do you think that the scorecard indicators are a more appropriate measure of timely placement for the child than the current National Indicator 61, as they take into account both the time from entry to care to placement with the adoptive family and, separately, the time between a local authority receiving court authority to place a child and the local authority deciding on a match with an adoptive family? If no, please explain what you think is the appropriate measure.

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21 Do you think that the contextual data in the scorecard should be taken into consideration? If no, please explain why you think the contextual data should not be taken into consideration.

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**General - any other comments**

22 There may be other areas for revision that you think should be considered; we would be interested in hearing your views on what these might be and how these might reduce delay and bureaucracy whilst continuing to help ensure the welfare and safety of looked after children.Please use the box below to make your comments.

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| |  |  | | --- | --- | | DfE | Comments:  Access to Employment Rights  Adopters and prospective or potential adopters need a full understanding of employment rights and their access to employment rights. A lack of understanding can create a barrier to adoption.  Current guidance may highlight where information can be obtained (i.e. a direction to [www.gov.uk](http://www.gov.uk)) but this is insufficient to provide an adequate appreciation of the fact that current legislation - including the forthcoming Shared Parental Leave Regulations 2014 - provides adopters and prospective or potential adopters with generally similar rights to parents and others with responsibility for looking after children. This needs to be more visible. It will further enable those who are interested in adoption.  Employers’ response to adopters and prospective or potential adopters  The access to and understanding of employment rights carries with it an obligation on employers to afford those rights when required to do so under current legislation. There must be a more cohesive approach with the Department of BIS to ensure that employers are fully informed about such rights and are able to respond. Of particular concern is the fact that whereas in maternity situations, an employer has adequate notice of an employee wishing to exercise maternity rights, it does not follow that employers will be entitled to similar notice in respect of adopters and prospective or potential adopters. This would represent an unfair burden on employers. | |

23 Please let us have your views on responding to this consultation (e.g. the number and type of questions; whether it was easy to find, understand, complete etc.).

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Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

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Here at the Department for Education we carry out our research on many different topics and consultations. As your views are valuable to us, please confirm below if you would be willing to be contacted again from time to time either for research or to send through consultation documents?

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All DfE public consultations are required to meet the Cabinet Office [Principles on Consultation](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/255180/Consultation-Principles-Oct-2013.pdf)

The key Consultation Principles are:

* departments will follow a range of timescales rather than defaulting to a 12-week period, particularly where extensive engagement has occurred before
* departments will need to give more thought to how they engage with and use real discussion with affected parties and experts as well as the expertise of civil service learning to make well informed decisions
* departments should explain what responses they have received and how these have been used in formulating policy
* consultation should be ‘digital by default’, but other forms should be used where these are needed to reach the groups affected by a policy
* the principles of the Compact between government and the voluntary and community sector will continue to be respected.

However, if you have any comments on how DfE consultations are conducted, please contact Aileen Shaw, DfE Consultation Coordinator, tel: 0370 000 2288 / email: [aileen.shaw@education.gsi.gov.uk](mailto:aileen.shaw@education.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed responses should be sent to the address shown below by 11 April 2014

Send by post to:

Adoption Division, Department for Education, Sanctuary Buildings, First Floor, Great Smith Street, London, SW1P 3BT.

Send by e-mail to: [Gettingitrightmakingitwork.CONSULTATION@education.gsi.gov.uk](mailto:Gettingitrightmakingitwork.CONSULTATION@education.gsi.gov.uk)