

**nationalcarestandards**  
adoption agencies

dignity

privacy

choice

safety

realising potential

equality and diversity



SCOTTISH EXECUTIVE

**Making it work together**



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# Introduction

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## Introduction

From April 2002 the Scottish Commission for the Regulation of Care ('the Care Commission') will register and inspect a range of services, including adoption services provided by adoption agencies. The term 'adoption agency' means local authorities acting as adoption agencies, and registered adoption services (previously approved adoption societies). Section 2(11)(b) of the Regulation of Care (Scotland) Act 2001 ('the Act') refers to these agencies and they are registered under Part 1 of the Act.

The national care standards for adoption agencies have been developed to ensure that the services they provide are of high quality.

### Adoption services

Children and young people are entitled to grow up as part of a loving family that meets their needs through childhood and beyond. In most circumstances, this will be the child's birth family and may include extended family members. For other children this may be achieved through adoption. Adoption is for life and adoptive parents have full parental responsibilities for their child.

Adoption is changing. For example, more children who are adopted are older and have more complex needs; a number of adoptions are of children from other countries; step-parents may adopt their partner's child; and more adopted children stay in contact or continue to receive information about members of their birth family.

If children cannot live with their birth parents or extended family members, plans to meet their long-term needs must be made without delay. If adoption is the chosen plan, the time taken to complete the adoption process should take account of children's needs and individual characteristics. There should be no unnecessary delays.

Evidence suggests that when children are placed with their brothers and sisters, placements are more likely to succeed. Usually, steps should be taken to find a placement that can meet the needs of all the children in the family group together. Placing agencies must also try to meet children's

ethnic, cultural, faith and language needs. Individual agencies may not have a wide enough range of families available for all children and must work together to share resources.

Careful preparation of children can help make an adoption successful and children's views should be well represented at each stage of the adoption process. Article 12 of the United Nations Convention on the Rights of the Child states that children and young people have a right to express a view about the things that affect them.

Services that are identified as being needed prior to placement should be available. Children and young people may need the opportunity to share experiences with others who are adopted. Services such as children's groups, talklines and newsletters can be valuable. Some families and children need long-term support. Others may need help at a particular stage. Support should be readily available when the family needs it. Adoption agencies have a duty to provide post-adoption support services to children, adopters, anyone else with a problem related to adoption such as birth parents, and services to adopted adults.

## The national care standards

Scottish Ministers set up the National Care Standards Committee (NCSC) to develop national standards. The NCSC carried out this work with the help of a number of working groups. The adoption agencies standards have been prepared by representatives of local authorities, voluntary adoption agencies, adoptive parents, birth parents, adults adopted as children and the Scottish Executive. Many others were also involved in the consultation process.

## Using the national care standards

### **Services for children, young people and adults who were adopted as children (standards 1 to 12)**

These standards are for children and young people who are adopted or are going through the process of being adopted. There are also standards for adults who were adopted as children.

### **Services for birth families (standards 13 to 17)**

These standards are for relatives of children who are being adopted or who have been adopted. The standards are primarily for birth parents but are also for brothers and sisters and other relatives.

### **Services for adoptive parents and prospective adoptive parents (standards 18 to 31)**

These standards are for parents of adopted children and for people who wish to adopt. They also set out how agencies should work to recruit families for children.

### **Management and staffing arrangements - the adoption agency (standard 32)**

The standards in this section reflect the importance of knowing that the people who are responsible for the agency have the necessary experience, skills and training.

## The principles behind the standards

The standards are based on a set of principles. These principles are the result of all the contributions made by the NCSC, its working groups and

everyone else who responded to the consultations on the standards as they were being written. They recognise that services must be accessible and suitable for everyone who needs them, including people from black and ethnic minority communities. They reflect the strong agreement that your experience of receiving services is very important and should be positive, and that you have rights.

## The main principles

The principles are dignity, privacy, choice, safety, realising potential and equality and diversity.

### Dignity

#### Your right to:

- be treated with dignity and respect at all times; and
- enjoy a full range of social relationships.

### Privacy

#### Your right to:

- have your privacy and property respected; and
- be free from unnecessary intrusion.

### Choice

#### Your right to:

- make informed choices, while recognising the rights of other people to do the same; and
- know about the range of choices.

### Safety

#### Your right to:

- feel safe and secure in all aspects of life, including health and wellbeing;
- enjoy safety but not be over-protected; and
- be protected from exploitation and abuse.

## Realising potential

### **Your right to have the opportunity to:**

- achieve all you can;
- make full use of the resources that are available to you; and
- make the most of your life.

## Equality and diversity

### **Your right to:**

- live an independent life, rich in purpose, meaning and personal fulfilment;
- be valued for your ethnic background, language, culture and faith;
- be treated equally and be cared for in an environment which is free from bullying, harassment and discrimination; and
- be able to complain effectively without fear of victimisation.

## The Scottish Commission for the Regulation of Care

The Act set up the Care Commission, which will register and inspect all the services to be regulated against the national care standards issued by Scottish Ministers. The Care Commission will have its headquarters in Dundee, with regional offices across the country. It will assess applications from people who want to provide registered services. It will inspect the services to make sure that they are meeting the standards and the regulations.

## The Scottish Social Services Council

The Act created the Scottish Social Services Council ('the Council') which was established on 1 October 2001. It will also have its headquarters in Dundee. The Council will have the duty of promoting high standards of conduct and practice among social services workers, and in their education and training. To deliver its overall aims of protecting service users and carers and securing the confidence of the public in social services, the Council has been given four main tasks. These are: to establish registers of key groups of social services staff; to publish codes of practice for all social services staff and their employers; to regulate the training and education of the workforce; to undertake the functions of the National Training Organisation for the Personal Social Services.

# 1-12

Services for children, young people and adults who were adopted as children

- 1 Choosing adoptive parents
- 2 Your adoption plan
- 3 Getting your views across
- 4 Being sure of what's happening
- 5 Choosing your new family
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- 10 Accessing records
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- 12 Contacting your birth family

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## Choosing adoptive parents

### Standard 1

**Your adoptive family will be chosen only after a full and thorough assessment of their suitability to care for you and to promote your interests throughout your life.**

- 1 You can be confident that the agency carries out a full and thorough assessment of how suitable the adopter will be.
- 2 You know the agency makes all necessary checks about the adopter, including local authority, criminal records, health checks and references.

## Your adoption plan

### Standard 2

**You can be confident that the agency makes sure your adoption plan is put into practice as soon as possible.**

- 1 You can be confident that your report for the adoption panel is completed within 12 weeks of a formal care review recommending adoption.
- 2 You know that the agency will search for a new family quickly. A local authority agency will look outside its own area if necessary.
- 3 You know that the agency will look at all available families who have been prepared and can meet your needs, to find the family that is most suitable.

## Getting your views across

### Standard 3

**Your views about adoption are discussed with you and you are involved as much as possible, and as your age allows, in the process of finding an adoptive family.**

- 1 You can say how you feel about adoption as an option for you and your views are recorded and taken into account.
- 2 You can talk about what kind of family you want and your views are taken into account when the agency looks for a family.
- 3 If you have difficulty communicating, skilled and experienced staff will help you to use specialist equipment if you need it and to express your views. You can have help with interpreting, if you need it.
- 4 If you have brothers and sisters the adoption agency will try to place you together, unless this is not in your interests. If separation is necessary, you are told the reasons and these are clearly recorded.

## Being sure of what's happening

### Standard 4

**You are helped to understand what is happening during the adoption process and you can talk about how you feel.**

- 1 Adoption agency staff answer your questions fully so that you understand what is happening now and what will happen in the future. You should feel that you are being listened to and involved in the adoption process, as much as your age allows.
- 2 If the agency does not act in line with your expressed views, you are told the reasons and these are clearly recorded.
- 3 You receive information about your new family, for example photos, to help you ask questions.
- 4 You can go to the adoption panel if you wish, and if it is in your best interests.

## Choosing your new family

### Standard 5

**You are confident that the agency goes through a proper decision-making process in choosing your new family.**

- 1 The decision about your new family is based on good quality information about your needs. This includes your family background, health, education, social and emotional development, culture and heritage.
- 2 The family that is chosen for you reflects as closely as possible your ethnic and cultural background and your faith. Other important things that are taken into consideration are where the family live, family composition, lifestyle, qualities of your prospective adopter and your views.
- 3 You know that the adoption agency will look thoroughly at your health needs and make sure that your prospective adopters have the information to help them understand what effect these may have on you. If you need any equipment, the agency makes sure your prospective adopters know this and how to access it.
- 4 You can be confident that the adoption agency works effectively with services such as social work, education and health.
- 5 You can be confident that any decisions about adoption and matching children with families are in line with up-to-date research and best practice.
- 6 At an appropriate age, you receive from the adoption agency (as far as possible) your full birth history and genetic history to make sure that you have the information you need for a healthy adult life and possible future parenthood.

## Moving in

### Standard 6

**Your move to your new family will be properly planned and will be completed as soon as possible and at a pace that takes account of your age and needs.**

- 1 You can use information, meetings and discussion so that you begin to know your new family quite well before moving to live with them.
- 2 You meet your new family in a place that is familiar to you and with someone you feel comfortable with.
- 3 Once your new family is found, the agency works to make sure that you move to your new family as quickly as possible. The agency will do everything possible to make sure that there are no unnecessary delays in court.

## Keeping in touch

### Standard 7

**You have contact with people who have been important to you in the past, if this is in your interests.**

- 1 If it is in your interests, and with your adoptive parent's consent, the agency makes arrangements for contact (direct or indirect) between you and your birth family, and other significant people from the time before you were adopted. Your views, and the views of your birth family and your adoptive family, are considered over the years, as they may change over time.
- 2 If you have brothers or sisters living elsewhere, the agency arranges for you to keep in touch with them and, where appropriate, maintain direct contact.

## After you move in

### Standard 8

**The agency involved in planning your adoption will support you after you have moved in with your new family.**

- 1 After you start to live with your new family, the adoption agency continues to support you or makes arrangements for you to be supported.
- 2 You can be confident that, if there are difficulties with your new family, the agency will make sure that help is available without delay and for as long as it is needed.
- 3 You know what support the agency can offer you in the future and how to contact the agency.

## Getting help

### Standard 9

**You can be confident that the agency will identify any extra help that you or your adoptive family might need so that you can realise your potential. If you have difficulties arising from your adoption, the agency will advise you where you can get help.**

- 1 You know that the agency will work to make sure that your adoptive family receives help when they need it, including specific financial help.
- 2 You know that the adoption agency provides and arranges a full range of adoption services for you after you have been adopted.
- 3 You know that the agency, working in consultation with your adoptive parents, gives you information to help you to understand why you are separated from your birth family and why you are adopted.
- 4 The agency provides you with continued access to a range of services, including counselling.
- 5 Where appropriate, the agency provides you with access to services, in addition to the help and support given by adoptive parents, such as information, advice and financial support. These may also include counselling and specialist services that understand and take account of adoption issues.
- 6 If you can no longer live with your adopted family, the agency works to find the most satisfactory solution as quickly as possible, taking account of your views.
- 7 If you no longer live with your adopted family and it is in your interests to stay in contact, the agency arranges this, if you and your adoptive family wish it.

## Accessing records

### Standard 10

**If you are aged 16 or over, you can have access to agency adoption records (with the exception of confidential information provided by or about others).**

- 1 You know that agency records have accurate and full information in line with regulations and guidance.
- 2 If there are no records available, the agency will tell you why.
- 3 You have relevant information available about your birth family, including information about your birth family's ability to meet your needs, and where possible medical information and advice.
- 4 You know that your family history, including photographs and letters, is gathered and stored carefully by the agency (including any health information that is available). You can be confident that this information is kept private.

## Getting information about your birth parents

### Standard 11

**You have help and advice (including counselling) available to support you in finding out about your birth family and other adoption issues.**

- 1 You receive a written acknowledgement of your enquiry and information within five working days. Information provided includes the services offered and the level of agency fees, contact numbers for other agencies and services and a copy of the agency's complaints procedure.
- 2 You are offered an interview by the agency within 14 days of the agency receiving a request for written information about your birth family. You are given information about your other rights to access records, including your original birth certificate, and the court records.
- 3 You can negotiate with the agency about how a search is carried out if you want.
- 4 You are offered a choice of contact by the agency, for example with a specialist social worker or a counsellor with specialist knowledge and skills. If you want, the agency may put you in touch with volunteers who were adopted and who can share their experiences. The agency may also put you in touch with your birth family if you want.
- 5 You know that the agency's social worker and the social worker's manager are available to meet you if you want.

## Contacting your birth family

### Standard 12

**If you want to make contact with your birth family, you will be able to get advice and support as soon as possible.**

- 1 When you make an enquiry, you are treated sensitively, with respect and dignity.
- 2 You receive advice, mediation and support from the adoption agency so that you get the help you need from relevant services.
- 3 You receive access to support groups and organisations from the agency.



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Services for birth families

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- 15 Getting help and advice
- 16 Gathering information
- 17 Contact arrangements

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## Making decisions

### Standard 13

**The agency treats you with respect, listens to you and makes sure that you have access to full information.**

- 1 You receive counselling and other services from the agency, even if you do not agree with the plan or sign an agreement.
- 2 You are helped by the agency to understand the emotional and legal effects of adoption and of the alternatives to adoption.
- 3 You are told by the agency about your right to make representations and complaints and who can help you do this.
- 4 Wherever possible, the agency puts you in touch with a social worker with specialist skills and knowledge who is not the social worker for your child.

## Being heard

### Standard 14

**When adoption is identified as the plan for your child, your views about your child's future will be taken into account.**

- 1 You are helped to record your views or to have someone speak on your behalf.
- 2 Where your views differ from the plan for your child, these views are recorded accurately and in full.
- 3 You are given information about which adoption panels and review meetings you are able to attend and their purpose.
- 4 If possible, the agency takes account of your views in the choice of a new family.
- 5 Your views on the placing of your child's brothers and sisters or the nature of contact between them are taken into account.
- 6 Your views regarding the religious and cultural upbringing of your child are taken into account.
- 7 You may continue to have direct or indirect contact with your adopted child if this is in the child's interests.

## Getting help and advice

### Standard 15

**You receive help and advice when you need it.**

- 1 The agency offers you help and counselling before you sign any formal agreement. You are made aware of how you can get help at a later date.
- 2 The agency makes sure that you have access to information, counselling, advice and mediation services.
- 3 The agency advises you about support services and information exchanges (including messages, updates, photographs and school reports) that are available to you once an adoption order is made. It also gives you information about how to get advocacy and legal advice.
- 4 You know that any brothers and sisters of your adopted child have access to the full range of counselling, advocacy and practical supports.

## Gathering information

### Standard 16

**You have access to all relevant information and records that form part of the adoption process and can choose to be involved in gathering information for your child.**

- 1 The adoption agency gives you full information as soon as possible, in a language and format that is easy for you to use. You are told what is happening at each stage of the process.
- 2 You see the reports that the adoption panel considers (with the exception of confidential information provided by or about others).
- 3 You will normally have the chance to meet your child's adoptive family unless it has been clearly established that it is not in the child's best interests to do so.
- 4 You know that the information gathered by the agency before the adoption is full and comprehensive. The agency gathers such information, for example photographs, medical and family histories, in a sensitive way.
- 5 You can play a part in making sure that the information gathered before and after adoption is full, accurate and balanced and kept up to date.
- 6 You know that the agency may ask other members of your family for information before adoption and in order to keep it up to date after your child is adopted.

## Contact arrangements between you and your child

### Standard 17

**You can be confident that all contact arrangements will be based on the best interests of your child.**

- 1 You have a written agreement made at the time of the placement. This shows what information is available, how it is exchanged and the form of future contact.
- 2 The adoption agency makes sure that your wishes are taken into account when contact arrangements are made.
- 3 If it is consistent with the best interests of your child, and agreed by the adoptive parents, you are offered written information about your child's progress regularly, as agreed between you and the adopters.

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## Getting information

### Standard 18

**The adoption agency will tell you about the full range of adoption services and the processes involved in adopting a child.**

- 1 The agency makes sure you are aware of the range of needs of children who are waiting for families, locally and across the UK.
- 2 You can be confident that the adoption agency publishes details of adoption services in a variety of ways, including libraries and online.
- 3 You know that the information published is accessible, in plain English, and in a language and format you can understand.
- 4 You have the opportunity to gather information in a way which does not commit you to further involvement with the agency.
- 5 You are given information about the agencies recruitment strategies, including the way in which it makes sure it recruits from a wide range of adoptive parents.
- 6 The information you receive includes details of the costs involved in adopting and any financial help that may be available.

## Getting a response

### Standard 19

**You receive a quick and thorough response when you enquire about adoption.**

- 1 You receive a response with an information pack about adoption within seven days. The information includes:
  - the agency's conditions for accepting applicants;
  - the preparation and assessment process;
  - information about children who need to be adopted in Scotland;
  - support services after a child has been adopted;
  - charging and payment policies and financial help that may be available to adopters;
  - representation and complaints procedures;
  - the appeals process; and
  - policy on criminal record checks on adoptive parents.
- 2 You receive written information about step-parent and other family adoption within seven days.
- 3 If you are a potential adopter of a child from overseas, you learn from the agency where you can obtain information on the criteria of other countries.
- 4 You know that the agency has details of services on the Internet and responds to e-mail enquiries.
- 5 You can be confident that the agency tries to make information available in the language that you choose and other formats such as audio tape, Braille and large print.

- 6 You are offered a first interview with a social worker who knows about adoption within four weeks. You are told about the assessment that is carried out if you decide to go ahead, and the responsibilities you have in addition to those normally expected of birth parents, such as dealing with the child's history and possible links with the child's birth family. You know about the help available to meet these responsibilities.
- 7 You are confident that agency social workers have knowledge of domestic, inter-country and step-parent adoption.
- 8 A social worker is identified who speaks your first language, or an interpreter is provided.

## Dealing with your application

### Standard 20

**You are dealt with openly and sensitively if your application cannot be taken forward.**

- 1 You receive a written explanation from the agency if, following your enquiry and first interview, your application cannot be accepted.
- 2 You receive information about procedures for reconsidering applications.
- 3 If the agency considers that your application could be accepted by another agency, it will provide you with information about that agency.

## Being prepared

### Standard 21

**You are confident that the adoption agency will use the most effective preparation and assessment methods available.**

- 1 You are confident that, where possible, preparation arrangements include hearing directly from social workers, adoptive parents, birth parents, foster carers and people who are adopted.
- 2 The agency helps you to understand:
  - children's health, education and developmental needs;
  - the effects on children over time of separation and loss, abuse and neglect;
  - the implications of contact with birth families; and
  - legal issues.
- 3 You are confident that the adoption agency meets regulations and guidance in recruiting and preparing families.
- 4 You are confident that the agency social worker has specialist knowledge of adoption and the effect that adoption has on everyone involved.
- 5 You have your own social worker who contacts you regularly and is readily available.
- 6 You have access to your social worker's manager and can discuss the assessment with him or her.

## Being assessed

### Standard 22

**You take part fully in the preparation and assessment process, and are told about any specific issues that must be dealt with before the application can continue.**

- 1 You receive regular feedback on how the assessment is progressing.
- 2 If any difficulties arise during the assessment, there is an early opportunity to discuss the issues with the adoption panel.
- 3 You contribute to the assessment and sign it. Any disagreements are recorded.
- 4 If you have children the agency consults them to find out what they think about your intention to adopt.
- 5 You are treated with sensitivity, respect and dignity throughout the preparation, assessment, approval and matching process.
- 6 You can provide written feedback on the process.
- 7 You know that the final report will clearly show whether the content relates to a domestic (Scottish or UK) or overseas adoption.

## Completing the adoption process

### Standard 23

**You are confident that the agency will do everything it can to make sure the adoption process goes ahead as soon as possible.**

- 1 You are confident that, from the date of the initial interview until the recommendation to the adoption panel, the agency will aim to complete the assessment process within six months.
- 2 You know that the court report from the adoption agency social worker in relation to a step-parent or family member adoption is submitted to the court within 12 weeks of statutory notification.

## The adoption panel – how it works

### Standard 24

**You can be confident that the agency's adoption panel and decision-maker work in a way that is legal, open and fair.**

- 1 You know that the agency's adoption panel and decision-maker work in line with relevant statutes, regulations and guidance.
- 2 You know that the adoption panel is made up of people with a range of knowledge and experience of adoption, including representatives who use or have used adoption services.
- 3 You know that adoption panel members undergo local authority and police checks, and sign a confidentiality agreement.
- 4 You know that the agency's procedures and practice show a clear distinction between the adoption panel's duty to recommend and the agency's responsibility to decide.
- 5 If you choose to attend the agency adoption panel, you will be supported to prepare for it.
- 6 You are told by the agency what the panel will entail and that going to the panel is not part of the assessment process but that you are entitled to do so if you wish. You know about the adoption panel's procedures beforehand, including procedures for reconsidering recommendations.
- 7 You are supported to contribute fully to the adoption panel discussion. You may be accompanied by a friend.
- 8 You know that the agency's social worker goes to the panel and what their role is.

## The adoption panel – its recommendations

### Standard 25

**You are told about the recommendation as soon as possible and how you can ask for a reconsideration if you disagree with it.**

- 1 You are told about the panel's recommendations to the agency decision-maker within 24 hours of the panel meeting.
- 2 You receive written notice of the decision about your application within 21 days. The letter makes it clear whether you have been approved for a domestic or overseas adoption and the range of children you are approved for.
- 3 If you are not approved as an adoptive parent, the reasons are given to you in writing.
- 4 The adoption agency provides you with clear information about the process of making an appeal against a decision.
- 5 You can be confident that the appeal process is independent of the decision-maker that made the original decision.
- 6 You know that the adoption panel will review your registration within two years if you have not adopted a child.

## The matching process

### Standard 26

**You are confident that the process of matching children and families is published and that it is consistently applied by the agency.**

- 1 You know that the agency has clear criteria for matching each child with a family.
- 2 The adoption agency makes sure that you have full information about the child, in writing. You will also have the opportunity to meet a range of people involved in the care of the child including professionals, foster carers and, in some circumstances, members of the birth family. You are shown photographs, and perhaps a video of the child if possible, and as long as the child's rights to confidentiality are protected.

## Preparation to adopt your child

### Standard 27

**You are fully prepared for your role as an adoptive parent.**

- 1 You know about a child's ethnic, cultural, faith, language, emotional, health and developmental needs and potential future needs.
- 2 Care is taken to protect you from becoming too involved with a child you may not be matched with.
- 3 If you decide that you are not the right family for a child, the agency respects your views.
- 4 You can make an effective contribution, spoken or in writing, to the matching panel.
- 5 You know that, if a match is not made, the agency will offer you an explanation without breaching confidentiality about other applicants or parties.

## Financial information

### Standard 28

**You are told about relevant financial matters.**

- 1 You can be confident that the matching panel recommends what legal expenses and allowances should be paid and whether adoption allowances will be paid or considered for the future.
- 2 You know that when allowances are agreed, they are paid from the time when a child moves in. If a commitment is made for payment of allowances in the future, this is recorded by the agency.
- 3 You can be confident that payments will be reviewed annually in accordance with regulations.

## At the point of placement

### Standard 29

**You are consulted and fully supported during introductions.**

- 1 Your views are taken into account about the format and speed of introductions and whether the child is ready to move.
- 2 You are supported in making sure that your child's health, education and other needs are met at the point of placement and will be met in the future.
- 3 You know that the agency will ensure that all statutory notifications are made, and that written information about your child is given to the GP with whom she or he will be registered.
- 4 The agency keeps you up to date with the legal process, what legal costs are to be expected and how these will be paid.

## Support after adoption

### Standard 30

**You have access to a full range of support services after your child has been adopted.**

- 1 The adoption agency makes sure that you have written information explaining about adoption as children grow up and about your adopted child's rights when he or she is an adult.
- 2 The adoption agency provides you and your child with access to independent counselling.
- 3 You are offered opportunities to widen your knowledge of adoption. This may be through meeting other adoptive families or going to relevant groups or meetings.
- 4 You know that the adoption agency makes sure that there is access to a range of support services to any member of your family, after your child has been adopted.
- 5 You can be confident that the agency has clear criteria for allocating adoption allowances. Where an ongoing package of financial support (including adoption allowance) is agreed, a written agreement is drawn up between you and the agency, which will be reviewed every year.
- 6 Wherever possible, you receive from the agency copies of photographs and letters and any other significant items about your child, such as a life storybook. The agency also helps you to keep them safe.
- 7 When you ask for support, a social worker will visit you within two weeks.
- 8 You know that, if at any time, the agency receives information about a health condition in a member of the birth family that could affect your child the adoption agency's medical adviser will tell you. Similarly, if your adopted child develops a hereditary health condition, you know to tell the agency, so that they can inform the birth family.
- 9 You know that the agency will assist at any future time in any review of the adoption.

## Adopting a child from another country

### Standard 31

**You receive a quick and full response to any requests for placements of children from another country.**

- 1 You know that the adoption agency will respond quickly to enquiries, telling you what is involved and about any charges that may be made.
- 2 You are offered a meeting with a social worker to discuss your interest, the needs of a child being placed from overseas and any conditions that apply. These conditions may be the agency's conditions as well as those imposed by the country where the child comes from.
- 3 You can attend a preparation programme.
- 4 Your assessment is undertaken by an experienced social worker. The agency explains what will happen at the adoption panel and that going to the panel is not part of the assessment process. You know about the adoption panel's procedures beforehand, including procedures for reconsidering recommendations.
- 5 Your application is dealt with as soon as possible. From the date of the initial interview until the decision of the adoption panel, the process normally takes no more than six months.
- 6 You have access to your social worker while you are waiting to be matched.
- 7 You have access to agency staff, including the medical adviser, at the time of matching.
- 8 You know that, if your child is to be adopted in Scotland, the agency will undertake or arrange supervision and support services and reports for the court.

# 32

Management and staffing arrangements – the adoption agency

32 Providing a good quality service

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## Providing a good quality service

### Standard 32

**You experience good quality support from the agency. This is provided by management and staff whose professional training and expertise allows them to meet your needs.**

- 1 You know that the agency managers, staff and volunteers are recruited and selected through a process that takes account of safe recruitment practices. This includes:
  - criminal records checks;
  - checks with previous employers;
  - taking up references; and
  - cross-reference to the registers of the Scottish Social Services Council or other professional organisations.
- 2 You know that agency staff are suitably qualified and trained for their roles. There is a staff development strategy and an effective yearly training plan for all staff.
- 3 You can be assured that all the staff use methods that reflect up-to-date knowledge and best-practice guidance, and that the management are continuously striving to improve practice.
- 4 You can be assured that staff are supervised and appraised. They have access to advice and support when they do their jobs. The roles and responsibilities of the management and staff of the agency are clear to you.
- 5 You can be confident that the agency asks for and gets feedback from adopted adults on the quality of service it provides.
- 6 You can be confident that the agency gives you the information you need to make a suggestion or complaint to the agency or directly to the Care Commission.

- 7 You can be assured that the agency has effective recording and information systems. All significant contacts and incidents are recorded.
- 8 You can be assured that a system of quality improvements based on reviewed practice is in place. Plans to improve the quality of service involve those who use the services provided by the agency. Information (for example, annual reports) is produced describing the performance of the agency.
- 9 You can be assured that the finances of the agency are properly managed. The accounts are audited and reported on every year. When agency staff are involved in any financial transaction it is carefully recorded. This is in a way that can be checked by the Care Commission.
- 10 You know that external managers monitor the service you receive from the agency.
- 11 The external manager or board makes sure the manager is suitable for the role.



# Annex A

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## Annex A

### Glossary

#### Adoption agency

A local authority, voluntary or independent service responsible for the recruitment, assessment, approval and training of adopters. Local authorities acting as adoption agencies and registered adoption services (previously approved adoption societies) as mentioned in section 2(11)(b) of the Regulation of Care (Scotland) Act 2001 and registered under Part 1 of that Act.

#### Adoption panel

A panel to consider plans for children, to consider whether or not to approve prospective adopters and to match children with prospective adopters.

#### Advocate

A person assisting children in putting forward their views or making their case on their behalf.

#### Agency decision-maker

The person in an agency who makes the final agency decisions about plans for children, approval of adopters and matching after the adoption panel has made its recommendations.

#### Assessment

Work to determine the needs of a child and/or their family. Also, work to determine whether a person should be approved as an adopter.

#### Child

A child can be 'looked after' or adopted until the age of 18.

## Contact

Arrangements to allow someone, for example a birth parent, to keep in touch with a child. It can be direct – meeting face to face – or indirect – by post or telephone or through another person. If a court makes a formal order for contact, this is called a contact order.

## External manager

The person or group of people, sometimes a board or committee, responsible for the work of the agency but not involved in day-to-day management.

## Freeing

An optional court application by a local authority before an adoption. If granted, it removes all parental responsibilities and rights from birth parents and gives them to the authority.

## Matching

The process of linking an individual child or children with a particular adoptive family who can best meet their needs.

## Placement

A child may be placed away from home by a local authority or adoption agency. For example, a child must have a placement with a relative, a foster carer, prospective adopters, or in a residential home or school. In adoption, placement is the stage when an adoption agency places a child with the prospective adopters.

## Post-adoption services

Services available to the adopted child, the adoptive family and birth families after a child has been placed.

### **Prospective adoptive parents**

Individuals who have expressed an interest in adoption or who are in the process of application, assessment or approval.

### **Relinquishing parents**

Birth parents who give their child up for adoption.

# Annex B

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## Annex B

### How the standards will work

#### How standards and regulations work together

The Act gives Scottish Ministers the power to publish standards which the Care Commission must take into account when making its decisions. It also gives Ministers the power to make regulations imposing requirements in relation to care services.

The standards will be taken into account by the Care Commission in making any decision about applications for registration (including varying or removing a condition that may have been imposed on the registration of the service).

All providers must provide a statement of function and purpose when they are applying to register their service. On the basis of that, the Care Commission will determine which standards will apply to the service that the provider is offering.

The standards will be used to monitor the quality of care services and their compliance with the Act and the regulations. If, at inspection, or at other times, for example, as a result of the Care Commission looking into a complaint, there are concerns about the service, the Care Commission will take the standards into account in any decision on whether to take enforcement action and what action to take.

If the standards were not being fully met the Care Commission would note this on the inspection report and require the agency to address this. The Care Commission could impose an additional condition on the agency's registration if the agency persistently, substantially, or seriously failed to meet the standards or breached a regulation.

If a voluntary or independent agency does not then meet the condition, the Care Commission could issue an improvement notice detailing the required improvement to be made and the timescale for this. Alternatively, the Care Commission could move straight to an improvement notice. The Care

Commission would move to cancel the registration of any voluntary or independent agency if the improvement notice does not achieve the desired result. In extreme cases, for example where there is serious risk to a person's life, health or wellbeing, the Care Commission could take immediate steps to cancel the registration of a voluntary or independent agency without issuing an improvement notice.

If the Care Commission determines that the services provided by a local authority adoption agency are consistently failing to meet the standards, the Commission will bring this to the attention of the Scottish Executive.

Regulations must be followed. In some cases not meeting a regulation is an offence and the provider may be prosecuted. Breaking or not meeting any regulation is a serious matter.

Decisions by the Care Commission on what to do when standards or regulations are not met will take account of all the relevant circumstances and be proportionate.



# Annex C

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## Annex C

### Useful reference material

#### Legal

##### **The Adoption (Scotland) Act 1978**

This is the main adoption law in Scotland.

##### **The Children (Scotland) Act 1995**

The Act puts children first. Each child has the right to:

- be treated as an individual;
- form and express views on matters affecting him or her and to have these taken account of; and
- be protected from all forms of abuse, neglect or exploitation.

Parents and local authorities have rights and responsibilities in achieving the balance of care.

The Act is accompanied by four volumes of regulations and guidance, Scotland's Children (1997).

##### **The Data Protection Act 1998**

The Act covers how information about living, identifiable people is used. All organisations that hold or process personal data must comply.

##### **The Disability Discrimination Act 1995**

This wide-ranging Act, which came into force in 1996, makes it illegal to discriminate against disabled people in employment, access to goods, services, transport and education.

### The Human Rights Act 1998

The Act incorporates the European Convention on Human Rights into Scots and English law in relation to the acts of public bodies. Its purpose is to protect human rights and to maintain and promote the ideals and values of a democratic society. The Articles of Convention include:

- freedom of thought, conscience and religion;
- freedom of expression;
- freedom of assembly and association;
- the right to have respect for private and family life; and
- the right to marry.

### The Police Act 1997

Part V of the Police Act 1997 is expected to be implemented in April 2002. This provides for the Scottish Criminal Record Office to issue criminal record information certificates to individuals and organisations.

### The Public Interest Disclosure Act 1998

The Act protects workers who 'blow the whistle' about wrongdoing. It mainly takes the form of amendments to the Employment Rights Act 1996, and makes provision about the kinds of disclosures which may be protected; the circumstances in which such disclosures are protected; and the persons who may be protected.

### The Race Relations Act 1976

The Act makes racial discrimination illegal in employment, service delivery, training and other areas.

### The Race Relations (Amendment) Act 2000

The Act makes racial discrimination illegal in public activities that were not previously covered. It puts a general duty on public organisations to promote race equality.

### **The Regulation of Care (Scotland) Act 2001**

The Act establishes a new system of care regulation covering the registration and inspection of care services against a set of national care standards. The Act also creates two new national, independent bodies, the Scottish Commission for the Regulation of Care, to regulate care services, and the Scottish Social Services Council, to regulate the social service workforce and to promote and regulate its education and training.

### **The Rehabilitation of Offenders Act 1974**

The Act enables some criminal convictions to become 'spent' or ignored, after a rehabilitation period. The rehabilitation period is a set length of time from the date of conviction.

### **The Sex Discrimination Act 1975**

The Sex Discrimination Act 1975 makes it unlawful to discriminate on grounds of sex or marital status in recruitment, promotion and training. The Act also covers education, the provision of housing, goods and services and advertising.

## **Policy**

### **Aiming for Excellence: Modernising Social Work Services in Scotland 1999**

The White Paper sets out the proposals to strengthen the protection of children and vulnerable adults and to make sure high quality services are provided. The Scottish Commission for the Regulation of Care is an independent regulator set up for this purpose.

### **The Way Forward for Care**

The Scottish Executive Policy Position Paper of July 2000 develops the proposals set out in Aiming for Excellence. It includes proposals for regulating independent healthcare.

## Our National Health 2000

The health plan aims to improve Scotland's health and close the health gap between rich and poor, restoring the NHS as a national service and improving care and standards.

## The UN Convention on the Rights of the Child

The Convention is not a law but a code that the Government signed up to in 1991. It recognises that young people under 18 in Scotland do have rights. These rights must be given fairly, and children and young people must be kept safe and well, and able to take part in society.

## Other useful references

The Children (Scotland) Act 1995 Regulations and Guidance Volume 3. Adoption and Parental Responsibilities Orders (1997).

Department of Health (1999) Adoption Now, Messages from Research, Chichester, Wiley.

Fahlberg V. (1999), A Child's Journey Through Placement, London, BAAF

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Valuing Diversity – having regard to the racial, religious, cultural and linguistic needs of Scotland's children, The Scottish Office (1998).