
IMPLEMENTING A POLICY TO CHARGE FOR INTERCOUNTRY ADOPTIONS

1 PURPOSE

- 1.1 This paper sets out the case to create a policy for charging a fee for the processing of inter-country adoptions.

2 SUMMARY

- 2.1 A brief summary is outlined on the legal duties that local authorities have as adoption agencies in respect of the adoption of children from overseas. A case is made for a change in the present policy so that charges are levied from prospective inter-country adopters.
- 2.2 Any adoption application made to Stirling Council has a cost to the Council in terms of resources required to process the application. Inter-country adoptions require that particular considerations be made in relation to the legal aspects as well as the obvious cultural considerations. This work requires knowledge and experience to complete and, therefore, makes particular demands on Social Work Services, including the formal process of recommendation by the Adoption Panel and final approval by the local authority.
- 2.3 Stirling, as an authority, has a high number of inter-country adoptions at 2 to 4 a year. This must be seen in the context of, on average, only 18 inter-country adoptions for the whole of Scotland each year. Most local authorities have a charging policy and the fees are used to fund this exacting work. Stirling, at present, does not charge for this service and, as a consequence, is not able to prioritise applications from inter-country adopters. Domestic applications, of necessity, take priority as we strive to place in alternative families the most neglected and needy of Stirling's children. This situation pertains in most local authorities.
- 2.4 The introduction of a charge for the processing of inter-country adoptions will allow Stirling Council to offer a better service to inter-country adopters. It will also bring the authority into line with most other local authorities in Scotland. The proposed level of charge is in line with that recommended and costed by Scottish Adoption. This is set at £4,000.

3 RECOMMENDATION(S)

- 3.1 It is recommended that the Economy Committee agrees to the implementation of a policy to charge a fee to process inter-country adoptions.

4 CONSIDERATIONS

- 4.1 Adoption agencies have the right to charge for any part of the adoption service they provide but, in practice, charges are only currently made for inter-authority placements or inter-country adoptions. A considerable number of local authorities, as adoption agencies, contract out this work to independent social workers.
- 4.2 The legal context for inter-country adoption is of recent origin. It was governed by good practice procedures for a number of years but, in 1999, The Adoption (Inter-country Aspects) Act 1999 (The 1999 Act) was passed in order to provide a statutory basis. The legislation brought inter-country adoption into mainstream adoption practice as it established a clear role for local authorities. Two sets of guidance: The Adoption of Children from Overseas (Scotland) Regulation 2001 and The Inter-country Adoption (Hague Convention) (Scotland) Regulations 2003.

The guidance for the 1999 Act states:

“Local Authorities have a duty to make arrangements for the assessment of those who wish to adopt from overseas. Where a local authority does not wish to deliver an inter-country adoption service directly, it may contract out that work to an approved adoption society or employ an independent social worker to undertake the assessment so long as it supervises the work and makes the final approval decision”.

- 4.3 Other than staff time, costs associated with any adoption include:

- Preparation programme
- Medical examination and reports
- Post placement reports
- Post placement support by the Social Work Service
- Advice throughout the entire inter-country adoption process
- Administration costs.

- 4.4 Local authority adoption services are now subject to regulation in terms of the Regulation of Care Scotland Act 2002. Stirling Council's Adoption Service has registered with the Care Commission. The national standards for adoption agencies therefore apply. Standard 31 'Adopting a Child from Overseas' sets out minimum standards in regard to inter-country adoptions. Without the additional resources, it will be difficult to meet standard 31. Inspections of the Adoption and Fostering Service will begin next year.

5 POLICY IMPLICATIONS

- 5.1 A new policy on the charging of fees for inter-country adoption would be implemented.

6 CONSULTATIONS

- 6.1 Information was gathered from other local authorities as well as Scottish adoption.

7 RESOURCE IMPLICATIONS

- 7.1 None


8 BACKGROUND PAPERS

- 8.1 The Adoption (Inter-country Aspects) Act 1999
- 8.2 The Adoption of Children from Overseas (Scotland) Regulations 2001
- 8.3 The Inter-country Adoption (Hague Convention) (Scotland) Regulations 2003
- 8.4 Regulation of Care Scotland Act 2002
- 8.5 A Better Deal (Developing an Equitable Inter-country Adoption Service) 2005, Scottish Executive, Scottish Adoption, BAAF.

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