

# **Adoption and Children Act (Northern Ireland) 2022**

## **Transitional Adoption Support Services**

### **A Consultation Document**

**Date of issue:** 27th October 2022

**Action required:** Responses by 19th January 2023

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## **Ministerial Foreword**

The Adoption and Children Act (Northern Ireland) 2022 received Royal Assent on 27 April 2022. The Act overhauls and modernises the legal framework for adoption in Northern Ireland and makes amendments to the Children (Northern Ireland) Order 1995, to improve outcomes for adopted children, looked after children and young people, and young people who have left care.

The new measures in the Act include a new right to an assessment of need for adoption support services by those affected by adoption and a duty on Health and Social Care (HSC) Trusts to make arrangements to provide adoption support services, including financial support.

In accordance with a commitment I made during the passage of the Bill through the Northern Ireland Assembly, the Act includes transitional provision to enable important elements of the new adoption support services framework to be implemented in advance of the full implementation of the Act. As a result, adoptive families will be able to benefit from the new adoption support arrangements as quickly as possible.

Support is of central importance to the success of a child's adoption. Children who are adopted often have experienced trauma in their early years, which can provide great challenges in the development of future relationships. The challenges that were present in childhood do not miraculously disappear when a child is adopted. Evidence demonstrates that many continue to struggle with peer relationships and experience difficulties in education. Adoption support services are therefore of vital significance to the continuance of relationships within the adoptive family and also for those affected by the adoption process.

This consultation seeks your views on the policy proposals that will underpin the provisions to be included in the Adoption Support Services (Transitional Arrangements) Regulations that my Department intends to make in 2023. These Regulations, once made, will provide for a transitional framework for Adoption Support Services under the existing adoption legislation – the Adoption (Northern Ireland)

Order 1987. The policy intention is, as part of these initial transitional arrangements, to ensure that resources and support services are prioritised for adoptive families.

Your views, opinions and suggestions are important to ensure the Regulations deliver maximum benefit to those affected by adoption and more specifically benefit some of our most vulnerable children.

A handwritten signature in black ink, appearing to read 'Robin Swann', with a stylized, cursive script.

**Robin Swann**  
**Minister of Health**

## 1. Introduction

- 1.1 We know that adoptive children and their families are likely to have a range of additional needs not just before adoption but also afterwards. Having good support services is therefore vital to ensure the adoption process provides safeguards to allowing the child's welfare to be at the heart of all decisions.
- 1.2 The Adoption and Children Act (Northern Ireland) 2022, (the Act) will introduce a new framework for adoption, including the provision of statutory adoption support services. Section 4 of the Act places a duty on the Trusts to make arrangements to provide adoption support services, including financial support, according to a framework to be set out in regulations. Section 5 of the Act also introduces a new right to an assessment of need for adoption support services by those affected by adoption and places a duty on Trusts, for specified groups, to provide the services that have been assessed as needed.
- 1.3 However, these provisions are linked to other sections of the Act and cannot be commenced and brought into operation in advance of the other adoption provisions. Approximately 10 sets of statutory rules need to be consulted on and made in order to implement the new adoption framework, including the new requirements for the provision of adoption support services. Given the volume of work required, it is anticipated that this part of the Act will not be fully commenced until phase 4 of implementation (2025/26).
- 1.4 In order to ensure that some element of adoption support is introduced at the earliest possible opportunity, the Minister gave a clear commitment, during the passage of the Bill through the Northern Ireland Assembly, to use transitional provision to start building an effective adoption support system in preparation for the full implementation of the Act. Paragraph 1 of Schedule 4, amends the existing Adoption (Northern Ireland) Order 1987 (the 1987 Order) to enable some important elements of the adoption support services framework to be implemented now as part of the existing adoption service maintained under the 1987 Order. This will be done by way of the Adoption Support Services

(Transitional Arrangements) Regulations, which we are aiming to bring into operation in 2023/24.

1.5 The powers in Schedule 4 are limited, enabling the Department by way of regulations to require Trusts to:

- undertake an assessment of needs for adoption support services, if requested to do so by prescribed persons;
- decide whether to provide any services that have been assessed as needed;
- prepare a plan, in prescribed circumstances, and keep the plan under review.

1.6 The Department is empowered by way of the regulations to specify:

- the way in which assessments are carried out and plans prepared and reviewed;
- any considerations that the Trusts must have regard to;
- the circumstances in which services may be provided (subject to conditions), and the consequences of such conditions not being met;
- the arrangements for the provision of services to persons outside of the Trust's area; and
- the circumstances under which one Trust may recover, from another Trust, expenses for providing services to a person.

1.7 It is important to highlight that, in the transitional phase, these support services will be discretionary, meaning that a Trust will be required to decide whether to provide the services that it has assessed as needed. This is in accordance with the powers provided in paragraph 1(2)(b) of Schedule 4 to the Act. This will continue to be the case until the point at which the new adoption support services framework provided for under the Act is commenced; at that point the duty to provide services which have been assessed as needed, as inserted in section 5 of the Act during its passage in the Assembly, will apply.

- 1.8 The draft regulations which we propose to make, the Adoption Support Services (Transitional Arrangements) Regulations, will broadly mirror the Adoption Support Services (Local Authorities) (England) Regulations 2003<sup>1</sup>, which were introduced by England as part of the transitional arrangements under the Adoption and Children Act 2002. The 2003 Regulations amended the Adoption Act 1976 to enable essential elements of the new framework for support services to be provided in advance of the full implementation of the 2002 Act. As was the case in England, the Transitional Regulations will only apply until full Adoption Support Regulations are introduced in 2025/26 as part of the new adoption framework under the Act. At that point, the transitional arrangements will cease to apply and the Transitional Regulations will be revoked.
- 1.9 In order to inform the drafting of the Adoption Support Services (Transitional Arrangements) Regulations, the Department is now seeking your views on the policy that will underpin the provisions. A summary is provided below.

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<sup>1</sup> [The Adoption Support Services \(Local Authorities\) \(England\) Regulation 2003](#)



## 2. Key definitions

- 2.1 The Regulations will set out a number of key definitions that will apply for the purpose of determining the categories of persons for whom the named services should be available, who will be entitled to an assessment of needs and the services in respect of which individuals will be entitled to be assessed. The definitions that we propose to include are set out in full in **Annex A**.
- 2.2 The policy intention is, as part of these initial transitional arrangements, to ensure that resources and support services are prioritised for agency adoptive families. For related persons (i.e. natural parent, relative, or any person the child has a relationship with that is beneficial to the child) support services in this transitional phase will be limited to support for contact arrangements. For non-agency adoptions, support services will also be restricted to counselling, advice and information.

### 3. Adoption support services to be made available

- 3.1 Paragraph 1(1) of Schedule 4 to the Act enables the Department to prescribe in regulations the arrangements that a Trust must make for the provision of adoption support services to prescribed persons, as part of the adoption service it provides under the 1987 Order.
- 3.2 The term “adoption support services” is not defined in the 1987 Order. It is defined in section 2(6) of the Act to mean counselling, advice and information (*section 2(6)(a)*); and such other services as may be prescribed in regulations (*section 2(6)(b)*), to include financial support (*section 2(7)*).
- 3.3 We intend to commence section 2(6) and (7) for the purpose of making the Transitional Adoption Support Services Regulations. This will mean that Trusts will be required to have counselling, advice and information services in place during the transitional period. Any other services that Trusts will be required to make available will be set out in the Regulations. We are proposing to specify the following:
- a) Financial support.
  - b) Services to enable groups of adoptive parents and adoptive children to discuss matters relating to adoption.
  - c) Assistance in relation to contact arrangements between the adoptive child and their natural parents, relatives, or any persons with whom the adopted child has had a relationship which is beneficial to the child.
  - d) Services in relation to the therapeutic support needs of an adoptive child.
  - e) Assistance to ensure the continuance of the relationship between the child and their adoptive parent, including training to meet any special needs of the child.
- 3.4 It should be noted that financial support is already provided on a statutory basis under the current framework for adoption, in accordance Article 59A of the 1987 Order and the Adoption Allowance Regulations (NI) 1996. This enables Trusts to pay adoption allowances to adoptive parents and the payment of such allowances will continue as part of these transitional arrangements.

- 3.5 Under the Transitional Regulations, Trusts will only be required to have these support services available. If Trusts already provide, or wish to provide, other services, they can still provide these but there will be no statutory duty to do so.
- 3.6 The Regulations will also enable Trusts to make arrangements with other persons to provide those services. We do not propose to further define “other persons” for this transitional stage. This will change once the new adoption framework under the Act is implemented - section 4, when commenced, will enable Trusts to secure the provision of services by a registered voluntary adoption agency. Other individuals and voluntary organisations may also provide services on behalf of a Trust. However, this will be set out in Regulations to be made during phase 4 of implementation. Until then, during this transitional period, we propose to give Trusts the flexibility to continue to commission services from other organisations and persons.
- 3.7 In placing such a duty on Trusts to make support services available, this means that each Trust must be able to provide such services to individuals who fall within the corresponding category of persons to whom they can be provided. It does not mean that such services must be provided to every individual or that every individual is entitled to receive such services. This will be based on the assessment of needs that Trusts will undertake before deciding which services should be provided.

**QUESTION 1**

***Do you agree with the proposed support services to be prescribed as a part of the transitional arrangements?***

***If not, please explain why.***

#### 4. Categories of Persons Eligible for adoption support services

4.1 Not all services will be made available to all persons who have been affected by adoption. The Regulations will specify not only the adoption support services to be made available, but also the categories of persons to whom each service needs to be made available. The categories of person to whom we propose to make the services available to are summarised below. This is also set out in the Table at **Annex B**.

4.2 During this transitional phase, the following services will be restricted to **agency adoptions**, i.e. where an adoption agency has matched or placed a child with an adoptive parent, or the child has been adopted after being placed for adoption by an adoption agency.

##### ***Financial Support***

- Adoptive parent of an adoptive child (matched, placed or adopted).

##### ***Services to enable discussion of matters relating to adoption***

- Adoptive parent of an adoptive child (placed or adopted)
- Adoptive child (placed or adopted)

##### ***Assistance in relation to arrangements for contact***

- Adoptive child (placed or adopted)
- A person who is related to the adoptive child
- A person with whom the adoptive child has a relationship which appears to the HSC trust to be beneficial to the welfare of the child

##### ***Therapeutic Services***

- Adoptive parent of an adoptive child (placed or adopted)
- Adoptive child (placed or adopted)
- Any child of an adoptive parent who has an adoptive child (placed or adopted)

### ***Services to ensure the Continuance of Adoptive Relationship***

- Adoptive parent of an adoptive child (placed or adopted)
- Adoptive child (placed or adopted)
- Any child of an adoptive parent who has an adoptive child (placed or adopted)

4.3 The following services must be made available to both **agency and non-agency adoptions**. During this transitional period, non-agency adoptions will not include a child adopted by a step parent or natural parent.

### ***Counselling, Advice and Information***

- An adoptive parent
- An adoptive child
- Any child of an adoptive parent

#### **QUESTION 2**

***Do you agree with the categories of persons to whom specific support services should be made available?***

***If not, please explain.***

## 5. Assessment

### Right to request an Assessment

- 5.1 Under the transitional arrangements, an adoptive parent, an adoptive child or a child of an adoptive parent will have a right to request an assessment of their adoption support needs at any time.
- 5.2 Related persons (i.e. natural parent, relative, or any person the child has a relationship with, that is beneficial to the child) will also have a right to request an assessment of need for assistance to support contact arrangements between them and the adoptive child. It is proposed that such contact arrangements will have to have been made before the request for an assessment is made.

### Duty to Undertake an Assessment

- 5.3 By way of the Regulations, there will be a corresponding duty placed on Trusts to undertake such an assessment, if requested. However, the duty will only apply in the following circumstances:
- a) The adoptive child is looked after by the Trust i.e. the child has been matched with prospective adopters or has been placed by the Trust for adoption; or
  - b) The child has been adopted and, before the adoption order was made, the Trust placed the child for adoption and the request for assessment is within one year of the adoption order being made or within 3 years of the date the child was placed for adoption; or
  - c) Paragraphs a) and b) do not apply and the person requesting the assessment lives in the Trust's area.
- 5.4 If these conditions are not met, a person can still request an assessment of need for support services and the Trust will have the discretion to decide whether to undertake the assessment.

5.5 By way of the Regulations, we are also proposing to place a duty on Trusts to undertake an assessment of need for adoption support services, regardless of whether it has been requested, in the following circumstances:

- when they are considering adoption for a child and preparing a report for Panel in accordance with regulation 7(2)(e) of the 1989 Regulations, they must undertake an assessment of the **child's needs**;
- when proposing to place a child for adoption with particular adoptive parents and are preparing a report for Panel in accordance with regulation 9(1) of the 1989 Regulations, they must undertake an assessment of **needs of each member of the adoptive family**; and
- when undertaking a review of the child's placement for adoption under regulation 12(2)(k) of the 1989 Regulations, they must undertake an assessment of **needs for each member of the adoptive family**, unless such an assessment has already been undertaken before the child was placed.

5.6 Where a request for an assessment relates to a particular adoption support service, or the Trust considers that the person's needs may be adequately assessed by reference only to a particular service, the Trust may only be required to complete an assessment relating to that particular service.

#### Assessment Procedure

5.7 The Regulations will set out the procedure for assessing needs for adoption support services including factors which a Trust must have regard to when undertaking an assessment, for example, the needs of the person being assessed, the needs of the adoptive child and their adoptive family and the circumstances behind the child's adoption. Where it considers it appropriate, the Trust may interview the person requesting the assessment and, in the case of an adoptive child, that child's adoptive parents. A written report of the assessment may also be prepared.

- 5.8 Where an assessment identifies that there may be a need for support services to be provided by another Health or Social Care body or the Education Authority, a Trust will be required to notify the body or authority.
- 5.9 Where an assessment of needs is undertaken as part of arrangements to place a child with prospective adopters and those adopters live in the area of another HSC Trust, the placing Trust will be required to consult the other Trust. The placing Trust remains responsible for deciding which services are to be provided, and by whom.

**QUESTION 3**

***Do you consider that the Department has included all the prescribed persons in relation to the right to request an assessment of needs?***

***If not, please explain.***

**QUESTION 4**

***Do you agree with the corresponding circumstances under which a Trust must undertake an assessment of needs?***

***If not, please explain.***



## **6. Notification of proposal and final decision to provide adoption support services**

6.1 The Regulations will set out the procedure that a Trust must follow on completion of an assessment for adoption support services. It is proposed that the procedure will include:

- A requirement for a Trust to give notice of their proposal to provide adoption support services, in writing, to the person who has been assessed.
- The information that should be included in the notice, for example, a statement of the person's need for adoption support services, whether the Trust proposes to provide any adoption support service, and the services the Trust proposes to provide.
- If financial support is to be paid, the proposed amount payable, and any conditions imposed.
- Information on how a person may make representations to the Trust concerning the proposed decision including the timeframe within which such representations must be submitted to the Trust.

6.2 The Trust must not make its final decision until either the person has made representations to the Trust or the period for making such representations has expired.

6.3 Where the assessment of support needs relates only to the provision of information, there will be no requirement on a Trust to give notice where they consider it not appropriate to do so.

6.4 Having considered any representations received, the Trust will be required to decide whether the person has needs for adoption support services and, if so, whether to provide such services. The Trust will be required to give notice of its decision in writing, and the reasons for the decision.

- 6.5 If the Trust decides that financial support is to be paid, the amount to be paid and any conditions should be set out in the notice. Such financial support may be paid as a single payment or, where appropriate, in instalments or periodically. The arrangements for such payments should also be included in the notice, together with the arrangements and procedure for review, variation or termination of financial support.
- 6.6 It should be noted that, as part of these transitional arrangements, Trusts will have the discretion to decide, in all cases, whether to provide the support services which have been assessed as needed. This is in accordance with the transitional powers provided in paragraph 1(2)(b) of Schedule 4 to the Act. Once the new framework for adoption under the Act is implemented, the duty to provide services that have been assessed as needed, as provided for in section 5(5), will apply.

**QUESTION 5**

***Do you consider that the procedures for processing assessments for adoption support services are adequate?***

- ***Proposal outlining support***
- ***Communicating the decision***
- ***Providing notice***

***If not, please explain.***

## 7. Preparation of plan and review of provision of adoption support services

7.1 Where a Trust decides to provide adoption support services, it will be under a duty to prepare a plan, unless the service is to be provided on a single occasion.

We are proposing to specify in the Regulations:

- who should be consulted when preparing the plan, including another HSC body or the Education Authority where it appears that there may be a need for services to be provided by that body or authority; and
- who should receive a copy of the plan.

7.2 A Trust will be required to review the provision of adoption support services where it has been notified of a change in circumstances. The requirements and procedure to be followed when undertaking a review will be the same as those required for undertaking an assessment and making a proposal for support, that is, to share the proposed decision and invite and take into consideration any representations.

7.3 The Trust must then decide whether to vary or terminate the provision of adoption support services and review and revise the adoption support plan (where appropriate). It must also notify the individual of its decision and the reasons why such changes have been made.

### **QUESTION 6**

***Do you consider that the requirements for preparing the adoption support plan and undertaking reviews of provision are adequate?***

***If not, please explain.***

## 8. Notices

8.1 The Regulations will set out the circumstances where a notice of the decision made should be given in writing and to whom these notices should be given. It is proposed that the circumstances will include:

- the proposal to provide adoption support services;
- the decision to provide adoption support services;
- notice of the adoption support plan; and
- the review of the provision of adoption support services and financial support.

8.2 A notice should be given in writing to the individual. Where the individual is a child, the notice should also be provided to the adoptive parents, unless the Trust considers it inappropriate to do so. In circumstances where the child is of sufficient age and understanding, and the Trust considers it appropriate, the notice may only be provided to the child.

### **QUESTION 7**

***Do you consider that the requirements for providing notice are adequate?***

***If not, please explain.***

## 9. Urgent Cases

- 9.1 We wish to ensure that, where a person has an urgent need for adoption support, the requirements to undertake an assessment process and follow up action do not delay the provision of such support. We are proposing to include provision in the Regulations that any requirements in relation to an assessment, preparing a plan, or giving notice, which would delay the provision of a service in a case of urgency should not apply.
- 9.2 The guidance to accompany the Regulations will also recommend that, in such circumstances, the adoption agency should review the provision of support as soon as possible after the support has been provided.

### **QUESTION 8**

***Do you agree that provision should be included in the Regulations to enable the requirements to be set aside in urgent cases?***

***If not, please explain.***

## 10. Financial Support

### Circumstances in which financial support may be paid

10.1 The Regulations will set out the circumstances in which financial support may be paid to an adoptive parent. We are proposing that these will include, for example:

- Where a child has not yet been placed, or has been placed for adoption, or the child has been adopted, and the payment is necessary to allow the adoptive parents to look after them.
- Where the Trust is satisfied that the child has established a strong and important relationship with the adoptive parents before the adoption order is made.
- To enable a child to be placed with the same adoptive parent as the child's sibling, or a child with whom the child has shared a home.
- Where the adoptive child requires special care or special arrangements need to be made to help take care of the child.

10.2 The Regulations will also set out the conditions the adoptive parents must agree to before financial support is payable by a Trust. For example, an adoptive parent will be required to notify their Trust if they change address, the child no longer resides with them or dies, or if there is a change in financial circumstances or needs. They will also be required to complete and supply the HSC Trust with an annual statement of their financial circumstances and the child's financial needs and resources.

### Amount of financial support

10.3 The Regulations will set out the matters that a Trust must take into consideration during an assessment for financial support in order to determine the amount of financial support that should be paid. It is proposed that these will include:

- Recommendations made by the adoption panel.
- Financial resources available to the adoptive parents, for example, child tax credit and other child benefits.

- Reasonable outgoings and commitments.
- Financial needs and resources of the child.
- Legal costs.
- Expenditure required to facilitate the adoptive placement, for example, cost associated with introducing child to adoptive family; expenditure necessary to accommodate the child; cost of meeting any special needs (including equipment) the child may have arising out of disability or illness; costs of damage to home which arise out of behavioural issues; and costs related to travel for contact with related person.

### Review of financial support

10.4 Particular requirements will apply in relation to the review of financial support which is paid in instalments or periodically to an adoptive parent. It is proposed that the Regulations will set out the requirements and the procedure to be followed when undertaking such a review, including:

- The frequency of reviews, i.e. annually or where there has been a change in circumstances.
- The procedure for assessment and factors which a Trust must take into consideration when conducting the review.
- A requirement to review and update the support plan.
- A requirement to give notice to the adoptive parent(s) of any changes to the amount of financial support payable and the reasons why any changes have been made.
- Conditions whereby a Trust may suspend the payment of financial support, for example if the adoptive parents fail to provide the Trust with an annual statement.
- Conditions whereby a Trust may terminate the payment of financial support, for example, where the child no longer lives with the adoptive parent(s) or the child is no longer in full-time education or training and becomes employed.

10.5 The intention is that the matters to be considered will broadly mirror those already set out in the Adoption Allowance Regulations (Northern Ireland) 1996.

**QUESTION 9**

***Do you agree that the Department has covered all the relevant circumstances to consider when assessing the need for financial support?***

***If not, please explain.***

**QUESTION 10**

***Do you consider that the procedures for review are adequate in relation to the provision of financial support?***

***If not, please explain.***



## 11. Recovery of expenses between HSC Trusts

11.1 We are also proposing to include provision in the Regulations to enable one Trust to seek to recover expenses from another Trust, for example, if a placing Trust is considering adoption for the child or has placed the child for adoption and another Trust (the recovering Trust) provides any support services.

11.2 The recovering Trust will be entitled to recover expenses for the provision of adoption support services to the adoptive family, if the placing authority has agreed to provide these services and they have been provided in accordance with the adoption support plan. However, this will not include expenses for the provision of adoption support services relating to advice and information.

### **QUESTION 11**

***Do you agree that Trusts should be able to recover expenses, where they provide support services on behalf of another Trust?***

***If not, please explain why.***

## 12. Services for persons outside the area

12.1 Paragraph 1 of Schedule 4 to the Act enables the Department to include provision in the Regulations covering the circumstances in which the requirements may apply to a Trust in respect of persons who are outside its area.

12.2 As part of its transitional adoption support services arrangements under the Adoption and Children Act 2002, England initially limited the circumstances to:

- Where a person entitled to be assessed has lived at any time in the last 6 months in the local authority area or intends to move into the local authority area; or
- The local authority has placed the child for adoption with a family in another local authority area; or
- The child has been adopted and, before the adoption order was made, was placed for adoption with adoptive parents living in another local authority area; or
- The person living outside the local authority area is not the adoptive child and the local authority has assessed that person's needs for services in relation to the adoption / prospective adoption of the adoptive child.

12.3 There was no associated timeframe attached to this provision. It applied only during the transitional period of 2 years, following which the Regulations were revoked and replaced with the new adoption support services framework under the 2002 Act and the Adoption Support Services Regulations 2005.

12.4 However the new 2005 Regulations provided that, in England and Wales, where a child is placed with an adoptive parent living outside the local authority's area, or the family subsequently moves out of the local authority's area, the placing local authority is responsible for the assessment and provision of adoption support needs identified for a period of three years following the making of the adoption order. Where the three-year period following the making of the adoption order has expired, the local authority where the adoptive family lives will have the responsibility for assessing and providing adoption support services.

12.5 The three-year period mentioned above does not apply to financial support provided to adoptive families. The placing authority continues to retain responsibility for the payment of financial support agreed before the adoption order is made, for as long as the family qualifies for payments. It may also be appropriate for the placing local authority to make financial support available where the child is living outside England and Wales or outside the British Islands.

12.6 In such cases where a child is placed or moves outside England and Wales, even within the UK, the placing local authority may use its powers under regulations to continue to provide support services or contract and pay for the provision of services for more than 3 years after the making of the adoption order. This may be required because corresponding duties or level of adoption support may not be the same in the new jurisdiction. Each case will be considered according to its own circumstances.

12.7 We are minded, as part of the transitional arrangements, to include provision similar to the provision outlined above that was included in the 2005 Regulations for England and Wales. This would mean that the Transitional Regulations would apply to a Trust in respect of persons who live within the Trust's area and would also apply to the following persons living outside of the Trust's area:

- An agency adoptive child whom the Trust has placed for adoption or who has been adopted after being placed for adoption by the Trust.
- An adoptive parent of such a child.
- A child of such an adoptive parent (whether or not adopted).

12.8 The Trust who has placed the child for adoption would retain responsibility for the assessment for and provision of adoption support services identified as needed for 3 years after the making of the adoption order. After the 3 years, the receiving Trust (i.e. the Trust within whose area the adoptive family now resides) would then become responsible for the assessment for and provision of adoption support services identified as needed. The placing Trust would continue to be responsible for the payment of financial support.

12.9 We would also empower each Trust to provide adoption support services to persons outside of their areas where they consider it appropriate to do so. This provision will enable a Trust to provide the support services beyond 3 years, where it considers it appropriate, and to consider providing support to other categories of person living outside of its area.

12.10 The Department considers that including such provision and the associated timeframe, in the Transitional Regulations will provide clarity for Trusts in relation to their responsibilities:

- for children that they are placing, or have placed, for adoption in the area of another Trust or another jurisdiction of the UK; or
- where an authority adoptive child and their adoptive family subsequently move to another Trust area; or
- where an authority adoptive child and their adoptive family subsequently move to another country outside of Northern Ireland (whether within the UK, to the Republic of Ireland, or elsewhere).

**QUESTION 12**

***Do you agree that we should include provision in the Regulations, as outlined in paragraphs 12.7 to 12.9, to require Trusts to provide services to persons outside of their area in specific circumstances?***

## **13. Assessment of Impact**

### **Equality Implications**

13.1 In accordance with guidance produced by the Equality Commission for Northern Ireland and in keeping with section 75 of the Northern Ireland Act 1998, the policy proposals were screened for equality impact and the Department of Health has concluded that a full Equality Impact Assessment is not required.

### **Human Rights**

13.2 Consideration has been given to the human rights implications of these policy proposals. They are considered compatible with section 24 of the Northern Ireland Act 1998.

### **Data Protection Impact Assessment**

13.3 A data protection screening has been carried out and the Department of Health has concluded that a full Data Protection Impact Assessment is not required.

### **Regulatory Impact Assessment**

13.4 A regulatory impact screening has not been deemed necessary. The content of the policy proposals has not changed since the regulatory screening on the original policy was carried out as part of the Adoption and Children Act 2022.

### **Rural Impact Assessment**

13.5 A rural impact assessment has been carried out. This noted that the Regulations would impact equally on adoptive families and related persons regardless of where they live in Northern Ireland.

## **14. Arrangements for Consultation**

### **Enquiries**

If your enquiry is related to the policy content of the consultation you can contact the team by email at: [adoption@health-ni.gov.uk](mailto:adoption@health-ni.gov.uk) or by telephone on (028) 9052 0221.

### **Additional copies**

Additional copies are available electronically and can be downloaded from <https://www.health-ni.gov.uk/consultations>

A version of this consultation document has been designed for children and young people and will be available on the website.

You can reply to this consultation using the template provided via email to [adoption@health-ni.gov.uk](mailto:adoption@health-ni.gov.uk) or alternatively by post to:

**Adoption and Children Act Implementation Team**  
**Family and Children's Policy Directorate**  
**Department of Health**  
**Room A3.3**  
**Castle Buildings**  
**BELFAST**  
**BT4 3SQ**

The consultation will close on **19th January 2023**. Responses received after this date will only be considered in exceptional circumstances and with prior agreement from the Department.

Following this consultation, the Department will produce an analysis of the responses and the report will be published on the Department's website. The Regulations will be drafted in due course.

## **Privacy, Confidentiality and Access to Consultation Responses**

For this consultation, we may publish all responses except for those where the respondent indicates that they are an individual acting in a private capacity (e.g. a member of the public). All responses from organisations and individuals responding in a professional capacity will be published. We will remove email addresses and telephone numbers from these responses; but apart from this, we will publish them in full. For more information about what we do with personal data please see our consultation privacy notice (below).

Your response, and all other responses to this consultation, may also be disclosed on request in accordance with the Freedom of Information Act 2000 (FOIA) and the Environmental Information Regulations 2004 (EIR). However all disclosures will be in line with the requirements of the Data Protection Act 2018 (DPA) and the UK General Data Protection Regulation (UK GDPR) (EU) 2016/679.

If you want the information that you provide to be treated as confidential it would be helpful if you could explain to us why you regard the information you have provided as confidential, so that this may be considered if the Department should receive a request for the information under the FOIA or EIR.

## **Privacy Notice – Consultations (DoH)**

Data Controller Name: Department of Health (DoH)  
Address: Castle Buildings, Stormont, BELFAST, BT4 3SG  
Email: [adoption@health-ni.gov.uk](mailto:adoption@health-ni.gov.uk)  
Telephone: 028 90532337

Data Protection Officer Name: Charlene McQuillan  
Telephone: 028 90522353  
Email: [DPO@health-ni.gov.uk](mailto:DPO@health-ni.gov.uk)

Being transparent and providing accessible information to individuals about how we may use personal data is a key element of the [Data Protection Act \(DPA\)](#) and the [UK General Data Protection Regulation](#) (UK GDPR). The Department of Health (DoH) is committed to building trust and confidence in our ability to process your personal information and protect your privacy.

### **Purpose for processing**

We will process personal data provided in response to consultations for the purpose of informing the development of our policy, guidance, or other regulatory work in the subject area of the request for views. We will publish a summary of the consultation responses and, in some cases, the responses themselves but these will not contain any personal data. We will not publish the names or contact details of respondents but will include the names of organisations responding.

If you have indicated that you would be interested in contributing to further Department work on the subject matter covered by the consultation, then we might process your contact details to get in touch with you.

### **Lawful basis for processing**

The lawful basis we are relying on to process your personal data is Article 6(1)(e) of the UK GDPR, which allows us to process personal data when this is necessary for the performance of our public tasks in our capacity as a Government Department.



We will only process any special category personal data you provide, which reveals racial or ethnic origin, political opinions, religious belief, health or sexual life/orientation when it is necessary for reasons of substantial public interest under Article 9(2)(g) of the UK GDPR, in the exercise of the function of the department, and to monitor equality.

### **How will your information be used and shared**

We process the information internally for the above stated purpose. We don't intend to share your personal data with any third party. Any specific requests from a third party for us to share your personal data with them will be dealt with in accordance the provisions of the data protection laws.

### **How long will we keep your information**

We will retain consultation response information until our work on the subject matter of the consultation is complete, and in line with the Department's approved Retention and Disposal Schedule [Good Management, Good Records](#) (GMGR).

### **What are your rights?**

- You have the right to obtain confirmation that your data is being [processed, and access to your personal data](#)
- You are entitled to have personal data [rectified if it is inaccurate or incomplete](#)
- You have a right to have personal data [erased and to prevent processing](#), in specific circumstances
- You have the right [to 'block' or suppress processing](#) of personal data, in specific circumstances
- You have the right to [data portability](#), in specific circumstances
- **You have the right to** [object to the processing](#), in specific circumstances
- **You have rights in relation to** [automated decision making and profiling](#).

## **How to complain if you are not happy with how we process your personal information**

If you wish to request access, object or raise a complaint about how we have handled your data, you can contact our Data Protection Officer using the details above.

If you are not satisfied with our response or believe we are not processing your personal data in accordance with the law, you can complain to the Information Commissioner at:

Information Commissioner's Office

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

[casework@ico.org.uk](mailto:casework@ico.org.uk)

## Key definitions

An “**adoptive child**” means:

- a child who is an agency adoptive child; or
  - a non-agency adoptive child;
- and has not attained the age of 18 years

An “**agency adoptive child**” means a child:

- a child whom an adoption agency has matched with a prospective adopter;
- a child whom an adoption agency has placed for adoption; or
- a child who has been adopted after having been placed for adoption by an adoption agency.

*Note – the regulations will only apply to a child from the point that they have been matched with a suitable prospective adopter. They will not apply where the child has a best interest decision but has not yet been matched.*

A “**non-agency adoptive child**” means:

- a child in respect of whom a person has given notice of intention to adopt, or has been adopted; and
- the person who has given notice of intention to adopt or has adopted the child is not the natural parent or step-parent of the child; and
- is not an agency adoptive child

*Note – the regulations will not apply to step parent adoptions or adoption by the natural parent.*

An “**adoptive parent**” means a person:

- with whom an adoption agency has matched a child;
- with whom an adoption agency has placed a child for adoption;
- who has given notice of intention to apply for an adoption order; or
- who has adopted a child;

It does not include where the child is no longer a child.

It does not include a step-parent or natural parent.

A “**related person**” means:

- A natural parent or a relative of adoptive child (a grandparent, brother, sister, uncle or aunt, whether of full or half blood, or by marriage or civil partnership);  
or
- Any person with whom the Trust considers the child to have beneficial relationship. The Trust should have regard to the likelihood of the relationship continuing and the value to the child of its doing so, the security of the relationship and the ability of the person to meet the child’s needs and the wishes and feeling of the child’s relatives / person with a relationship regarding the child.

A “**child of an adoptive parent**” means:

- a child, other than the adoptive child, of the adoptive parent.

**Categories of persons to whom adoption support services must be made available**

<b>SERVICE</b>	<b>DESCRIPTION OF PERSON</b>
<b>Financial Support</b>	<ul style="list-style-type: none"> <li>• Adoptive parent of an agency adopted child.</li> </ul>
<b>Support Groups</b>	<ul style="list-style-type: none"> <li>• Adoptive parent who has adopted an agency adoptive child.</li> <li>• Adoptive parent with whom an agency adoptive child has been placed for adoption.</li> <li>• Agency adoptive child who has been placed for adoption.</li> <li>• Agency adoptive child who has been adopted.</li> </ul>
<b>Contact</b>	<ul style="list-style-type: none"> <li>• Agency adoptive child who has been placed for adoption.</li> <li>• Agency adoptive child who has been adopted.</li> <li>• A related person, i.e. natural parent or relative or someone with whom the HSC Trust considers the child to have a beneficial relationship.</li> </ul>
<b>Therapeutic Services</b>	<ul style="list-style-type: none"> <li>• Adoptive parent who has adopted an agency adoptive child.</li> <li>• Adoptive parent with whom an agency adoptive child has been placed for adoption.</li> <li>• Agency adoptive child who has been placed for adoption.</li> <li>• Agency adoptive child who has been adopted.</li> <li>• Any child of an adoptive parent who has adopted an agency adoptive child, or with whom an agency adoptive child has been placed for adoption.</li> </ul>
<b>Services to ensure continuance of relationships</b>	<ul style="list-style-type: none"> <li>• Adoptive parent who has adopted an agency adoptive child.</li> <li>• Adoptive parent with whom an agency adoptive child has been placed for adoption.</li> <li>• Agency adoptive child who has been placed for adoption.</li> <li>• Agency adoptive child who has been adopted.</li> <li>• Any child of an adoptive parent who has adopted an agency adoptive child, or with whom an agency adoptive child has been placed for adoption.</li> </ul>
<p><i>Note:</i>  <i>The above categories of adoption support services are only available to an agency adoptive child i.e. a child who has been placed for adoption by an adoption agency or a child who has been adopted after being placed for adoption by an adoption agency.</i></p>	

<b>Counselling, advice and information</b>	<ul style="list-style-type: none"><li>• Adoptive parent.</li><li>• Adoptive child.</li><li>• Any child of an adoptive parent.</li></ul>
<p><i>Note:</i> <i>Counselling, advice and information must be made available to both agency and non-agency adoptions. During the transitional period, a non-agency adoptive child does not include a child adopted by a natural parent or step parent.</i></p>	