

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

BACKGROUND AND SUMMARY

Part 1: Adoption and contact

8. **Part 1** of the Act contains provisions to give effect to proposals in *An Action Plan for Adoption: Tackling Delay*, published by the Department for Education on 14 March 2012, and *Further Action on Adoption: Finding More Loving Homes*, published on 24 January 2013. These set out proposals to speed up the adoption process and enable more children to be placed in stable, loving homes with less delay and disruption. The Act includes provisions which are intended to:
- Allow persons with a prescribed relationship to a person adopted before 30 December 2005 to have access to intermediary services to facilitate contact between them and the adopted person's birth relatives;
 - Encourage local authorities to place children for whom they are considering adoption with their potential permanent carers more swiftly, by requiring a local authority looking after a child for whom they are considering adoption to place them with foster carers who are also approved prospective adopters, on a fostering basis. The provisions require the local authority first to consider family and friend carers;
 - Reduce delay by removing the explicit legal wording around a child's ethnicity so that black and minority ethnic children are not left waiting in care longer than necessary because local authorities are seeking a perfect or partial ethnic match;
 - Enable the Secretary of State to require local authorities to commission adopter recruitment services from one or more other adoption agencies;
 - Give approved prospective adopters a more active role in identifying possible matches with children for whom the local authority are considering adoption, or children whom the local authority are satisfied ought to be placed for adoption but whom they are not yet authorised to place by virtue of parental consent or a placement order, by amending the current restrictions in relation to "public inspection or search" of the Adoption and Children Act Register so that they can access the register directly, subject to appropriate safeguards;
 - Improve the current provision of adoption support by placing new duties on local authorities to provide personal budgets upon request and to give prospective adopters and adoptive parents information about their entitlements to support;
 - Make changes to the arrangements for contact between children in care and their birth parents, guardians and certain others and adopted children and their birth families, former guardians and certain others with the aim of reducing the disruption that inappropriate contact can cause to adoptive placements.
9. Pre-legislative scrutiny of the provisions on "Fostering for Adoption" and ethnicity was undertaken by the House of Lords Select Committee on Adoption Legislation. The Committee's *Interim Report* containing its recommendations on these provisions

*These notes refer to the Children and Families Act 2014
(c.6) which received Royal Assent on 13 March 2014*

was published on 19 December 2012. The Government response was published on 5 February 2013 as part of *Children and Families Bill 2013: Contextual Information and Responses to Pre-Legislative Scrutiny*.