

Comisiynydd Plant Cymru

Children's Commissioner for Wales

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Sent via email to: CYPCommittee@wales.gov.uk

Dear Chair

Re: Committee Inquiry into Adoption

I very much welcome the Children and Young People's Committee proposal of an inquiry into adoption in Wales. The rationale behind the Committee's desire to undertake such an inquiry is sound. It is also consistent with the small number of adoption-related cases received by my advice and support service as well as the anecdotal evidence I pick up as I travel across Wales meeting children, young people and professionals.

It seems the Committee's suggested terms of reference is also comprehensive and addresses what appear to be the main issues raised with my office. I'd like to use this opportunity to draw attention to specific issues which may be covered within the terms of reference but are not explicitly referenced but I'll start with a quick reminder of my remit and the key principles of the UN Convention on the Rights of the Child, which underpins all my work.

The Remit

The Children's Commissioner for Wales is an independent children's rights institution established in 2001. The Commissioner's principal aim is to safeguard and promote the rights and welfare of children (Section 72A Care Standards Act 2000). In exercising his functions, the Commissioner must have regard to the United Nations Convention on the Rights of the Child (UNCRC) (Regulation 22 Children's Commissioner for Wales Regulations 2001). The Commissioner's remit covers all areas of the devolved powers of the National Assembly for Wales insofar as they affect children's rights and welfare and he may also make representations to the National Assembly for Wales about any matter affecting the rights and welfare of children in Wales (Section 75A (1) Care Standards Act 2000).

The UN Convention on the Rights of the Child (UNCRC)

The UN Convention on the Rights of the Child (UNCRC) is an international human rights treaty that applies to all children and young people aged 18 and under. It is the most widely ratified international human rights instrument and gives children and young people a wide range of civil, political, economic, social and cultural rights which State Parties to the Convention are expected to implement. In 2004, the Welsh Assembly Government

adopted the UNCRC as the basis of all policy making for children.

Outlined below are the key issues which I'd like the Committee to consider as part of its deliberations:

- The need to examine the assessment process for prospective parents. It is essential to have a rigorous and robust approach to the assessment and approval process but prospective parents should also be effectively supported through that process.
- Looking at the way in which adoption is promoted and the way in which prospective parents are encouraged to pursue adoption as a route.
- Examining the good practice that exists and looking at the support provided by particular agencies where the percentage of adoption breakdowns is low.
- Looking at the concerns which have been raised regarding the levels of the monitoring of adoptions, with issues relating to tracking progress for the child and parents and that there are few statistics available.
- Ensuring that when the Committee reference support for adoptive families that the support services for children are fully considered alongside support for parents – Child and Adolescent Mental Health Services being one case in point. An additional area which has been brought my office's attention is the support for families with children who have special needs, both identified and non-identified at the point of placement.

The Committee correspondence does not specifically refer to the participation of children in the proposed inquiry. I feel it would be a missed opportunity if the experiences and voice of those directly affected by the adoption processes were not considered in the Committee's deliberations. I elaborate below on the need for a child right's based approach.

It appears to be me that the Committee's deliberations can be split into two broad headings: structure and experience. The Committee is clear that they are to examine the 'experience' element with the terms of reference noting delivery and support. It is also timely that the committee examine structures, bearing in mind the references to the creation of a single national adoption agency as well as the implications of the UK Family Justice Review and how Welsh Government would like to pursue the recommendations made within the review.

Committee Members will be aware that I was a member of the Family Justice Review panel and would be happy to discuss the relevant elements of our final report with them as part of this inquiry.

Whilst supportive of the remit being considered by the Committee and confident that you have identified the issues which merit scrutiny, I believe it would be worth considering an assessment of the time and resource needed to cover the wide remit currently suggested as well as the timing of the committee inquiry.

It is possible that the Committee's deliberations may be useful in informing discussions surrounding the fall out from the Family Justice Review which, from a Wales perspective, may be reflected in provisions within the impending Social Services (Wales) Bill referenced

in the Welsh Government's legislative programme. Aligning the work of the Committee with the legislative timetable may be an effective way of assisting the Government in driving forward any changes they deem necessary.

I raise the point of time and resource due to the range of issues under consideration and whether or not it may be worth considering establishing a sub committee. This is of course a matter for the Committee; however, it will be a challenge for the Committee as they look at each component element mentioned in relation to the terms of reference, both in user experience and structure, and ensuring that each element receives the attention it deserves.

Bearing in mind the potential impact the inquiry could have on the Government's legislative programme, the Committee will want to be confident that the implications of their recommendations have been fully examined.

The final point I want to make is that the Committee, throughout its discussions should work within the framework of the UNCRC. The Government will be bound from May 2012 to pay due regard to the UNCRC in any policy or legislative decisions relating to adoption via the Rights of Children and Young Persons (Wales) Measure 2011 (http://www.assemblywales.org/children_s_rights_measure_as_amended_at_stage_3_e_-3.pdf). If the Committee wishes to contribute to the improvements we all want to see in adoption services in Wales, I believe it is incumbent upon them to approach the subject from a child's rights perspective. This will help ensure that there is consistency of approach between the Government and the legislature in forming their views.

Yours sincerely



Keith Towler
Children's Commissioner for Wales