

## **Equality Screening, Disability Duties and Human Rights Assessment Template**

Part 1 – Policy scoping

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## Part 1 Policy scoping

### 1.1 Information about the policy / decision

#### 1.1.1 What is the name of the policy / decision?

The Adoption and Children Bill

#### 1.1.2 Is this an existing, revised or a new policy / decision?

Revised policy - It is a Bill resulting from the 2006 consultation on the draft Strategy, *Adopting the Future* and Professor Alexis Jay's report on the Review of the Safeguarding Board for NI (SBNI)<sup>1</sup> which was published in August 2016.

#### 1.1.3 What is it trying to achieve? (intended aims/outcomes)

It is intended that the Adoption and Children Bill will introduce much needed reform of adoption in Northern Ireland so that permanence can be secured through adoption much quicker for children in Northern Ireland.

The Bill will:

- enhance the focus on the welfare and best interests of the child,
- tackle delay in the adoption process which currently averages at 2 years 11 months for a child to be adopted,<sup>2</sup>
- introduce a new permanence option – Special Guardianship Orders - for young people for whom adoption is not suitable,
- replace freeing orders with placement orders - a new pre-adoption order that will retain the successful elements of freeing but will also provide a more effective balance of the competing interests in the adoption process, primarily establishing a clearer focus on the paramountcy of the child's welfare and the rights of the child,
- re-enforce the continued provision of adoption support,
- make minor amendments to the Children (Northern Ireland) Order 1995, and implement recommendations falling out of the Jay Review in respect of placing the

<sup>1</sup> A Review of the Safeguarding Board for Northern Ireland, Feb.2016, Professor Alexis Jay, OBE, and Kathy Somers <https://www.health-ni.gov.uk/sites/default/files/publications/health/independent-review-sbni-feb16.pdf>

<sup>2</sup> Children Adopted from Care in NI 2015/16 <https://www.health-ni.gov.uk/sites/default/files/publications/health/cacni-15-16.pdf>

Children and Young People's Strategic Partnership (CYPSP) on a statutory footing, which will incorporate the current safeguarding functions of the Safeguarding Board for Northern Ireland (SBNI),

- establish a new voluntary registration scheme for nannies to replace the current Home Childcarer Approval Scheme.

#### 1.1.4 If there are any Section 75 categories which might be expected to benefit from the intended policy, please explain how.

It is expected that the following Section 75 categories, might be expected to benefit from the new legislation; age, marital status, sexual orientation and disability.

##### **Age**

The Bill provisions will improve the adoption process, making it more efficient and robust, cutting out unnecessary delay and uncertainty for children and ensuring that children are put firmly at the centre of the adoption process. Whilst children can be adopted at any age up to 18, it is a reality that most adopted children are adopted below the age of 10. Provisions in relation to progressing applications from foster carers and the introduction of a new permanence option, "Special Guardianship Orders", are likely to particularly benefit older children and young people.

##### **Marital status**

The current law in relation to adoption in Northern Ireland, the Adoption (Northern Ireland) Order 1987, limits applications to adopt to married couples and single persons (irrespective of sexual orientation and providing they are not married or a civil partner). On the face of this legislation, unmarried or same sex couples, including civil partners, are unable to apply to adopt. However, following the Judicial Review proceedings brought by the Northern Ireland Human Rights Commission (NIHRC), whilst the 1987 Order has not been amended, these provisions are to be read in conjunction with the Court of Appeal ruling (in NIHRC v DHSSPSNI ) thereby providing that unmarried couples and same sex couples/civil partnerships may apply to adopt a child<sup>3</sup>.

##### **Sexual orientation**

Since December 2013 Trusts have received around 25 applications from same sex couples, and 2 children have been adopted by same sex couples (as at July 2016).<sup>4</sup>

<sup>3</sup> [http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2013/%5B2013%5D%20NICA%2037/j\\_j\\_GIR8921Final-PUBLISH.htm](http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2013/%5B2013%5D%20NICA%2037/j_j_GIR8921Final-PUBLISH.htm)

<sup>4</sup> Information sourced from HSC Trusts as at July 2016

The Bill will provide for eligibility to apply to adopt criteria that will enable one person or two people living as partners in an enduring family relationship, to apply to adopt. This reflects the High Court judgement and the Court of Appeal ruling in the Judicial Review. The requirement for a natural parent in a step-parent situation to adopt his/her own child will also be removed, undoing the requirement for joint applications to be made in step-parent situations. This will impact/benefit females in particular on the basis that most step-parent adopters are males.

DoH AD1 statistics show that during 2015/16 some 47% of children adopted from care were from a Catholic community background, 43% from a Protestant community background and 10% from Other/None/Unknown backgrounds. Of the adopters, 45% were from a Catholic community background, 48% were from a Protestant community background and 7% from Other/None/Unknown backgrounds.

### **Age**

An annual Children's Services Plan is currently produced under the auspices of the Children and Young People's Strategic Partnership (CYPSP). The objective of the CYPSP is to improve the lives of vulnerable children and young people in Northern Ireland and it aims to plan and provide services for children and young people more efficiently by making joint decisions about the services needed, and funding these services together. The Department considers that placing the current CYPSP on a statutory basis would enable the co-operation duties conferred on children's authorities and children's services providers through the Children's Services Co-Operation Act (Northern Ireland) 2015 to be effectively delivered through one central co-ordinating body.

The Bill takes on board the recommendation in the Jay review that there should be re-focussing on child protection, particularly in relation to those organisations that are under a statutory duty to protect. The Department proposes to include provision in the Adoption and Children to establish a Child Protection Partnership, which will operate as a sub-group of the CYPSP. A strategic approach to safeguarding should continue and it is proposed that this will be achieved by way of a safeguarding sub-group of the CYPSP.

### **Disability**

The proposal to introduce, by way of legislation, a new voluntary registration scheme for nannies, will enable working parents to apply for working tax credits or tax exempt childcare vouchers. This will impact positively on children, and on those with a disability, and on the combined group. Parents of children with disabilities which require more specialist childcare are more likely to use childcare solutions in their own home.

### 1.1.5 Who initiated or wrote the policy?

Lead responsibility for the Bill: - Family and Children's Policy Directorate, DOH

Private Law Elements: Liaison with Civil Law Reform Division, DOF

Public Law Elements: Liaison with Department of Justice / Northern Ireland Courts and Tribunal Service; The General Register Office, DOF; Department of Education; Department for the Economy; Department for Communities.

### 1.1.6 Who owns and who implements the policy?

Family and Children's Policy Directorate, DOH, owns and has overall responsibility for the public law elements of the Bill. As the provisions of the Bill are cross-cutting, implementation will be taken forward by a range of organisations such as, HSC Board and Trusts, CYPSP, SBNI, Statutory and Voluntary Adoption Agencies, Regulation and Quality Improvement Authority, Northern Ireland Guardian Ad Litem Agency; the Northern Ireland Courts and Tribunal Service; the General Register Office; Voluntary Sector Organisations, DoJ in respect of offences, enforcement (the PSNI) and prosecution (the PPS).

## 1.2 Implementation factors

Are there any factors which could contribute to/detract from the intended aim/outcome of the policy/decision? If yes, are they

Financial

Legislative

Other

Lack of adequate funding could impact on the provision of assessed adoption support services, should a duty on adoption agencies to provide same be created.

Adoption support services would include adoption allowances, therapeutic support/ counselling aimed at preventing disruption of adoptive placements.

### 1.3 Main stakeholders affected

Who are the internal and external stakeholders (actual or potential) that the policy will impact upon?

Staff

Service users

Other public sector organisations

Voluntary/community/trade unions

Other, please specify

Looked after children and children in need, prospective adoptive parents, birth parents and families.
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### 1.4 Other policies with a bearing on this policy / decision. If any:

Policy	Owner(s) of the policy
Wider policy in relation to Looked After Children	DOH/DE
Intercountry Adoption policy	DOH
Court Rules	DOJ / Court Service
Allocation of adoption related proceedings in court/ creation of new offences, penalties and Legal Aid	DOJ
Private law	DOF
General Register Office	DOF
Statutory Adoption Allowances/Pay/Leave	Department for the Economy
Means Tested Benefits	Department for Communities

## 1.5 Available evidence

What evidence/information (both qualitative and quantitative\*) have you gathered to inform this policy? Specify details for each of the Section 75 categories.

Section 75 category	Details of evidence/information
Religious belief	<p>DOH AD1 results indicate that during 2015/16 45% of adopters were from a Catholic community background, 48% were from a Protestant community background and 7% Other/None/Unknown backgrounds. 47% of children adopted from care were from a Catholic community background, 43% from a Protestant community background and 10% from Other/None/Unknown backgrounds.<sup>5</sup></p> <p>In 2014/15, 51% of adopters were Protestant and 47% were Catholic, with 2% other.<sup>6</sup> For the same period, 49% of adopted children were Protestant, 42% Catholic and 9% other.</p> <p>We have two faith based adoption agencies in NI. Family Care Society until recently<sup>7</sup>, was affiliated the Catholic Church. Its website advertises that applications are welcome from people from any religious or cultural background. The other adoption agency is Adoption Routes, affiliated to the Church of Ireland. Its website states, "Adoption Routes provides a service to people of all beliefs and backgrounds without discrimination".</p>
Political opinion	There is no available data on the political opinions of any of the groups affected by this policy.
Racial group	DOH AD1 statistics show that 96% of adopted children in 2013/14 were from a white background, 4% other, including Irish Travellers, Chinese and Black children. <sup>8</sup>

<sup>5</sup> <https://www.health-ni.gov.uk/sites/default/files/publications/health/cacni-15-16.pdf>

<sup>6</sup> Information sourced from DHSSPS Community Information Branch

<sup>7</sup> <http://www.belfasttelegraph.co.uk/news/northern-ireland/catholic-church-ends-relationship-with-the-family-care-society-in-northern-ireland-over-legislation-allowing-unmarried-and-samesex-couples-to-adopt-30799235.html>

<sup>8</sup> Information sourced from DHSSPS Community Information Branch

Age	<p>In the case of a couple, both must have reached age 21 to apply to adopt. The age of 21 is linked to the capacity to parent, given the enormity of the task of parenting an adoptive child. For a small but significant number of children looked after by Social Services, adoption will provide the best opportunity for them to enjoy a family for life. Adoption is intended to provide a high degree of stability and is the most permanent option available to children unable to remain with their birth parents. Once an Adoption Order has been granted, the State relinquishes its corporate parental responsibility for a looked after child to the adoptive parent(s). It is important that prospective adopter(s) have the necessary maturity and life experience to assume that parental responsibility.</p> <p>Where one of the couple is the mother or father of the person to be adopted, an application may be made if that person is 18 or over and the other person is 21 or over (step-parent adoption).</p> <p>There is no upper age limit for applications to apply to adopt. Rather, each case is assessed on the ability and skills of the prospective adopter(s) to parent a particular child and to provide a safe and stable lifelong home.</p> <p>DoH AD1 statistics show that the age of adopters in 2015/16 were as follows: 8% aged 29 – 34, 26% aged 35 – 39, 32% aged 40 – 44, 28% aged 45 – 49 and 6% aged 50 or over.<sup>9</sup></p> <p>53% of those children aged 0 – 4 years were adopted by their foster carer, with 47% adopted by other approved adopters. Some 67% of children aged 5 years and over were adopted by their foster carer, with 33% adopted by other approved adopters.<sup>10</sup></p> <p>The average age of a child adopted from care in 2015/16 was 4 years 5 months. The average age of a child adopted by their foster carers was 4 years 8 months, while the average age of children adopted but not by a foster carer was 4 years 1 month.<sup>11</sup></p> <p>There are 433,161 children living in Northern Ireland. At 31 March 2016, just over 24,500 of these were known to Social Services as a child in need. Furthermore, 2,146 were on the Child Protection Register and 2,890 were children in care of the HSC Trusts (a</p>
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<sup>9</sup> Information sourced from DoH Community Information Branch

<sup>10</sup> Information sourced from DoH Community Information Branch

<sup>11</sup> <https://www.health-ni.gov.uk/sites/default/files/publications/health/cacni-15-16.pdf>



	looked after child).
Marital status	<p>Under the existing Adoption (NI) Order 1987, a single person who is not married or in a civil partnership, and married couples may apply to adopt. The Adoption and Children Bill will allow applications for adoption to be made by two persons who are partners or by one person. This reflects the findings of the High Court and the Court of Appeal in Northern Ireland in connection with a Judicial Review taken by the Northern Ireland Human Rights Commission which concluded in June 2013.</p> <p>DoH AD1 statistics reveal that the marital status of adopters in 2015/16 was 97% married couples, the remaining 3% includes single male adopters and different sex unmarried couples. Following the outcome of court proceedings, 9 applications for adoption have been received from unmarried couples as at 31 December 2014. Delegated Statutory Functions statistics indicate that during 2015/16, 65% of applications for a domestic adoption assessment were received from married couples, 16% from single carers, 13% from cohabiting heterosexual couples and 6% from co-habiting same sex couples.<sup>12</sup></p>
Sexual orientation	<p>As per Marital Status, following the outcome of judicial review proceedings in June 2013, two persons in a civil partnership or a same sex couple in an enduring family relationship are currently entitled to apply to adopt. The Bill will place the revised eligibility criteria in law. Since December 2013 Trusts have received around 25 applications from same sex couples, and 2 children have been adopted by same sex couples (as at July 2016).<sup>13</sup></p> <p>Future data will reflect the extended eligibility criteria.</p>
Gender (Men and women generally)	<p>DHSSPS AD1 statistics<sup>14</sup> show that 53% of the 2890 children looked after on 31st March 2016 were boys and 47% were girls.</p> <p>52% (46) of children adopted during the year ending 31st March 2016 were boys and 48% (43) were girls.</p>

<sup>12</sup> Information sourced from DHSSPS Community Information Branch

<sup>13</sup> Information sourced from HSC Trusts as at July 2016

<sup>14</sup> <https://www.health-ni.gov.uk/sites/default/files/publications/health/child-social-care-15-16.pdf>

	<p>By virtue of the fact that over 97% of adoptions are by married couples, there is no significant evidence of higher or lower uptake by persons of different gender. All single adopters (3% of the total number) were female.</p> <p>Working women are most likely to take advantage of the provision of the new scheme in respect of registered child care provision. Most child minders and nannies are women. There is no available data on the number of female to male nannies.</p>
Disability (with or without)	<p>DoH AD1 statistics show that 16% of children adopted from care in 2015/16 had special needs, including physical disability, learning disabilities and behavioural difficulties. Some 36% of those children with special needs were adopted by foster carers.</p> <p>None of the adoptive parents in 2015/16 had a disability<sup>15</sup></p> <p>In relation to the voluntary child care registration scheme, parents of children with disabilities which require more specialist childcare are more likely to use childcare solutions in their own home. No data is available on this.</p>
Dependants (with or without)	<p>No data is available on the numbers of prospective adopters with existing dependants. However, typically, first time adopters would not have dependants under the age of 18 in the household.</p>

\* **Qualitative data** – refers to the experiences of individuals related in their own terms, and based on their own experiences and attitudes. Qualitative data is often used to complement quantitative data to determine why policies are successful or unsuccessful and the reasons for this.

**Quantitative data** - refers to numbers (that is, quantities), typically derived from either a population in general or samples of that population. This information is often analysed either using descriptive statistics (which summarise patterns), or inferential statistics (which are used to infer from a sample about the wider population).

<sup>15</sup> Information sourced from DHSSPS Community Information Branch

## 1.6 Needs, experiences and priorities

Taking into account the information recorded in 1.1 to 1.5, what are the different needs, experiences and priorities of each of the following categories, in relation to the particular policy/decision? Specify details for each of the Section 75 categories

<b>Section 75 category</b>	<b>Details of needs/experiences/priorities</b>
Religious belief	<p>It is possible that the natural parents of a child (and in some cases the children themselves) will want the child brought up in the religion into which they were born or acquired prior to adoption.</p> <p>People of certain religious beliefs may not agree with joint adoption by civil partners or unmarried couples, including same-sex couples.</p> <p>A recent NI Life and Times Survey (NILTS) conducted during the period 1 October 2012 to 10<sup>th</sup> January 2013 interviewed 1204 adults. These adults identified themselves as belonging to faith groups as follows: 15% no religion, 43% Catholic, 39% Presbyterian, Church of Ireland, Methodist, etc. 98% were heterosexual and 1% gay/lesbian and 1% declined to answer the question.</p> <p>The NILTS (2012-13) Survey asked 2 questions which we can connect to this area:</p> <p>“Do you approve or disapprove of allowing two gay men to adopt children?” 11% strongly approved, 25% approved, 23% neither approved nor disapprove, 20% disapprove, 16% strongly disapprove, 5% can’t choose.</p> <p>“Do you approve or disapprove of allowing lesbian couples to adopt children?” 11% strongly approved, 28% approved, 25% neither approve nor disapprove, 18% disapprove, 11% strongly disapprove and 6% can’t choose.</p> <p>In response to the “Adopting the Future” consultation in 2006, 95% of respondents were opposed to the proposal to extend joint</p>

adoption to civil partners and unmarried couples (whether of different sex or same sex). These amounted to 975 responses received from individuals, 29 received from organisations and 8 responses received in the form of petitions containing 545 signatories.

313 of the 975 individual respondents who were opposed to extending the eligibility criteria to same sex and unmarried couples cited reasons such as it was “unbiblical”, “unchristian” or “immoral”.

30 individuals and 9 organisations expressed support for the proposal. An electronic survey was also submitted containing 291 signatories who expressed support for the proposal, whilst 2 did not agree and 3 chose “don’t know”.

Under current adoption legislation, adoption and freeing orders require each parent or guardian of the child to give agreement (or the court must be satisfied that agreement should be dispensed with). The parent or guardian may agree:

- a) Either generally or, in the case of an adoption order, only in respect of adoption by a specified person; and
- b) Either unconditionally or subject only to a condition with respect to the religious persuasion in which the child is to be brought up.

However, the nature of adoption in Northern Ireland has changed significantly so that now most children who need adoption are from care backgrounds and have been removed from their birth families to protect them from significant harm. In 2012/13, all freeing applications were contested<sup>16</sup>, i.e. parents did not agree.

Although religion is a condition in circumstances where parents are agreeing to adoption, in other cases adoption agencies will take the religion of the child’s birth family into account when considering a prospective adoptive family and, where possible, secure a suitable match on that basis.

The Adoption and Children Bill will not provide for consent subject to a condition on religious upbringing. However, in placing a child for adoption, the Bill will require the adoption agency to give due consideration to the child’s religious persuasion, racial origin and

<sup>16</sup> NIGALA Annual Report 2012/13

	<p>cultural and linguistic background. Whilst every effort will be made to place a child with adopters from a similar religious persuasion, if the welfare of the child would be best served by a family of a different religious background, the paramount consideration must be the child's welfare – the premise on which the Bill is based.</p>
Political opinion	<p>People of certain political opinions may not agree with joint adoption by civil partners or unmarried couples, including same-sex couples. Conversely, people of certain political opinions may wish to promote equality of opportunity for all members of society and may encourage policy development in this area.</p>
Racial group	<p>Data suggests that, in domestic adoption, both adopters and adoptees are almost exclusively of a white ethnic background. This is also the case in respect of looked after children. The 2011 Census indicates that 98.21% of Northern Ireland's population are of a white ethnic group.</p> <p>With increasing cultural diversity in NI, racial group issues are starting to become more relevant to domestic adoption. Racial group issues are already relevant to Inter-country Adoption (ICA), which involves bringing to NI for adoption children from designated and convention countries. Children adopted from abroad may have particular experiences and needs in terms of post placement/adoption support, contact and access to information which may be difficult to overcome locally. Given their experience in dealing with ICAs, HSC Trusts have considerable experience of dealing with issues linked to race in adoption.</p>
Age	<p>The focus is primarily on children and young people. Within this group, it is largely younger children who tend to be adopted. Adopted persons are very likely to have different needs and experiences at different ages, including, for example, in relation to contact and access to information.</p> <p>AD1 statistics show that the majority of adopters, 76% in 2015/16, are aged between 35 and 49 years old.<sup>17</sup></p>

<sup>17</sup> Information sourced from DHSSPS Community Information Branch

<b>Marital status</b>	<p>With the proposed revision of the eligibility to apply to adopt criteria, applications to adopt may be made, irrespective of marital status.</p>
<b>Sexual orientation</b>	<p>With the proposed revision of the eligibility to apply to adopt criteria, applications to adopt may be made, irrespective of sexual orientation.</p>
<b>Gender</b> (Men and women generally)	<p>Under the Bill, both men and women may adopt. The majority of those single people who adopt are female.</p> <p>Both girls and boys can be adopted and statistics show that they are adopted in broadly equal numbers.</p> <p>In terms of birth families, no data is collected by gender. However, there is a potential area of differential impact in terms of the requirement in relation to consent. Under the Bill, placement and adoption orders require the agreement of the parent or guardian (unless the court is satisfied that consent should be dispensed with). For a “mother”, agreement to adoption is not valid if it is given before the child is 6 weeks old. It might be argued that this has a differential impact on women in that, for women who consent to their children being adopted, having to wait this period to sign their agreement may seem unfair. However, this ensures parity throughout the UK and the Department believes that this timeframe is important to ensure that the mother has had time to recover from the effects of childbirth before making such a significant decision. We therefore believe that this is justifiable in the interests of both the mother and the child.</p>
<b>Disability</b> (with or without)	<p>The needs of looked after children are becoming more complex, particularly in relation to learning disabilities and behavioural difficulties. 15% of children adopted from care in 2013/14 were children with a disability.<sup>18</sup> Such children and their carers are likely to have different needs, particularly support needs, than their peers. The Bill strengthens support arrangements for prospective adopters and will put in place support arrangements for special guardians.</p>

<sup>18</sup> Information sourced from DHSSPS Community Information Branch

	<p>No data is available on the number of adopters with a disability. In terms of prospective adopters, having a disability would not automatically exclude anyone from becoming an adopter. Agencies will consider individual circumstances and, as with any other prospective adoptive applicant, approval is subject to the applicant being able to meet the needs of a child.</p> <p>Children with disabilities are more likely to be cared for at home than children without disabilities.</p>
<p><b>Dependants</b> (with or without)</p>	<p>Prospective adopters or those special guardians with existing dependants may need greater levels of post placement/adoption support, particularly therapeutic and financial support. The Bill strengthens support arrangements for prospective adopters and will put in place support arrangements for special guardians. Adoption is available to those with and without dependants assuming it can be demonstrated that adoption by either is in the best interests of the child.</p>

## Part 2 Screening questions

<p><b>2.1 What is the likely impact on equality of opportunity for those affected by this policy, for each of the Section 75 equality categories? (minor/major/none)</b></p>		
<p>Section 75 category</p>	<p>Details of policy impact</p>	<p>Level of impact? minor/major/none</p>
<p>Religious belief</p>	<p>While the Bill requires an adoption agency to give due consideration to the child's religious persuasion, racial origin and cultural and linguistic background and while every effort will be made to place a child with adopters from the same or similar religious persuasion, or racial/linguistic background, this will be determined by the best interests of the child. Any individual, regardless of religious belief, may apply to</p>	<p>None</p>

adopt (subject to conditions of age and residence being satisfied). However, decisions about whether an individual is suitable to adopt will be determined by what is in the best interests of the child.

Any child, (regardless of religious belief) may be adopted.

The decision will ultimately rest on whether the best interests of the child are served by the family arrangement. If the welfare of the child would be best served by a family of a different religious background, the paramount consideration must be the child's welfare.

It is possible that a young person could object to being adopted on the grounds of religious belief and the Bill requires a court or adoption agency to have regard to the child's ascertainable wishes and feelings in accordance with the proposed welfare checklist. In addition, the Bill provides children and young people with an alternative route to permanence, that is, through Special Guardianship Orders which will provide legal security for children who cannot be cared for at home but for whom adoption is not suitable. A special guardianship order will last until the child is aged 18.

**It is not considered that the provisions in the Bill will have a differential impact on adults of different religious beliefs in terms of the adoption process.** However, it is the decision of the court whether prospective adopters are suitable to adopt a child, taking into consideration the welfare of the child. If the best placement for a child is with an unmarried couple, for example, the law should not act as a barrier



	to securing that child's future.	
Political opinion	<b>It is not considered that that the provisions in the Bill will have a differential impact on adults of different political opinions in terms of the adoption process.</b>	None
Racial group	<p>While the Bill requires an adoption agency to give due consideration to the child's religious persuasion, racial origin and cultural and linguistic background and while every effort will be made to place a child with adopters from the same or similar religious persuasion, or racial/linguistic background, this will be determined by the best interests of the child. Any individual, regardless of religious belief or racial group, may apply to adopt (subject to conditions of age and residence being satisfied). However, decisions about whether an individual is suitable to adopt will be determined by what is in the best interests of the child.</p> <p>Any child, (regardless of religious belief or racial group) may be adopted.</p> <p>Most adopted children feel some confusion of identity and being transracially adopted is an extra dimension which adopted children have to face. In addition to having to cope with the possibility of prejudice and racism in society, where children are from an obviously different ethnic background from their adoptive parents, they are likely to have to continually explain their adoptive status.</p> <p>In terms of culture and heritage, for a child</p>	Minor Impact - positive

of a different ethnicity adopted from overseas, the child could lose touch with some aspects of their culture such as language, religion, diet, customs etc. It may also be more difficult for a person adopted from abroad to access information about his or her birth family. This can result in difficulties for adopted people in knowing who they are and may result in a feeling of alienation from their community of origin.

The Department is sensitive to the particular needs of children of different racial backgrounds adopted from abroad and recognises that this will become more relevant to domestic adoptions as cultural diversity increases. Arrangements are therefore already in place for children adopted from abroad to be seen by appropriate health and social services personnel shortly after arrival in Northern Ireland. A post placement/adoption support plan should also be in place for each child within 28 days of arrival.

The Bill will place a duty on adoption authorities to make arrangements for the provision of adoption support services, to be specified in regulations. In addition, The Bill will introduce a right to an assessment of need for those services. The Department is also seeking views, as part of consultation, on whether the Bill should also include a duty to provide support services where these have been assessed as needed. These provisions/proposals will benefit persons affected by both domestic and intercountry adoption, including persons of different racial backgrounds.

**We would therefore conclude that the Bill will not have a differential impact on**

	<p><b>any racial group and that, in fact, if persons of different racial backgrounds do have greater needs in terms of support, the provisions will enable the better identification of those needs.</b></p>	
Age	<p>Whilst children can be adopted at any age up until 18, it is a reality that most adopted children are adopted below the age of 10. The proposed provisions in the Bill will improve the adoption process for all children and, in particular, will better meet the needs of older children. For example, proposals in relation to progressing applications from foster carers are most likely to benefit older children and young people.</p> <p>In addition, in recognition of the need to provide greater permanency particularly for older children, the Bill will introduce a new permanence option, “Special Guardianship”, to afford children who are unable to return home but for whom adoption is unsuitable, the opportunity to experience a greater degree of permanence.</p> <p><b>It is therefore considered that whilst measures designed to improve adoption generally are, in effect, initially most likely to benefit younger children, a range of complementary measures will also be introduced to increase equality of opportunity for older children.</b></p>	Minor impact - positive
Marital status	<p>The revised eligibility to apply to adopt criteria included in the Bill will provide equality of opportunity to all, regardless of marital status reflecting the outcome of court proceedings on the matter.</p>	Minor - positive

	<p>However, this will only have the effect of equality of <i>opportunity</i>. There is no <i>right</i> for any person to adopt. Ultimately, it is a matter for the court to decide who is suitable to adopt.</p> <p><b>We would therefore conclude that the Bill will not have a differential impact on individuals on the basis of their marital status.</b></p>	
<p><b>Sexual orientation</b></p>	<p>As above. The revised eligibility to apply to adopt criteria included in the Bill will provide equality of opportunity to all, regardless of sexual orientation, reflecting the outcome of court proceedings on the matter.</p> <p>However, this will only have the effect of equality of <i>opportunity</i>. There is no <i>right</i> for any person to adopt. Ultimately, it is a matter for the court to decide who is suitable to adopt.</p> <p><b>We would therefore conclude that the Bill will not have a differential impact on adopters irrespective of sexual orientation.</b></p>	<p>Minor - positive</p>
<p><b>Gender</b> (Men and women generally)</p>	<p>It is not anticipated that the Bill will have a differential impact on adoptees or adopters of either gender.</p> <p>As already outlined, there is a potential area of differential impact in terms of requirements in relation to consent. It is considered that these are justifiable in the interests of both the mother and the child.</p> <p>The proposed voluntary childcare registration scheme will allow working</p>	<p>Minor – positive</p>

	<p>parents, most likely females to access child tax credits and other benefits. Nannies providing a childcare service are predominantly female and will benefit from access to registration schemes.</p>	
<p><b>Disability</b> (with or without)</p>	<p>In terms of prospective adopters, having a disability would not automatically exclude anyone from becoming an adopter. Agencies will consider individual circumstances and, as with any other prospective adoptive applicant, approval is subject to the applicant being suitable to meet the needs of a child.</p> <p>The needs of looked after children are becoming more complex, particularly in relation to learning disabilities and behavioural difficulties.</p> <p>Both disabled adopted children, their carers and disabled adoptive parents are likely to have different needs, particularly support needs. The Bill will place a duty on adoption authorities to make arrangements for the provision of adoption support services, to be specified in regulations. In addition, the Bill will introduce a right to an assessment of need for those services. The Department is also seeking views, as part of the consultation, on whether the Bill should also include a duty to provide support services where these have been assessed as needed. These provisions/proposals will benefit those involved in the adoption process who have a disability.</p> <p>The proposed establishment of a voluntary registry for nannies would have a positive impact on children with disabilities and their</p>	<p>Minor - positive</p>

	<p>parents, as children with disabilities are more likely to be cared for at home than children without disabilities.</p> <p><b>We would therefore conclude that the Bill will not have a differential impact on those with a disability and that, in fact, if such persons do have greater needs in terms of support, the provisions will enable the better identification of those needs.</b></p>	
<p><b>Dependants</b> (with or without)</p>	<p>Prospective adopters or those special guardians with existing dependants may need greater levels of post placement/adoption support, particularly therapeutic and financial support.</p> <p>The Bill will place a duty on adoption authorities to make arrangements for the provision of adoption support services, to be specified in regulations. In addition, the Bill will introduce a right to an assessment of need for those services. The Department is also seeking views, as part of consultation, on whether the Bill should also include a duty to provide support services where these have been assessed as needed. These provisions/proposals will benefit those involved in the adoption process who have dependants.</p> <p>The proposed establishment of a voluntary registry for nannies would have a positive impact on children with disabilities and their parents, as children with disabilities are more likely to be cared for at home than children without disabilities.</p> <p><b>We would therefore conclude that the Bill will not have a differential impact on</b></p>	<p>Minor - positive</p>

	<p><b>those with dependants and that, in fact, if such persons do have greater needs in terms of support, the provisions will enable the better identification of those needs.</b></p>	
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**2.2 Are there opportunities to better promote equality of opportunity for people within the Section 75 equalities categories?**

Section 75 category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief		<p>Already taken into account. The Bill will require the adoption agency, in placing a child for adoption, to give due consideration to the child's religious persuasion, racial origin and cultural and linguistic background.</p>
Political opinion		<p>As above, persons of certain political opinions may object to the eligibility to apply to adopt criteria contained in the Bill. Likewise certain political opinions will welcome the extension of the eligibility to apply to adopt provisions in terms of equal opportunity for all groups. The criteria reflect the outcome of court proceedings and <b>it is not considered that that the provisions in the Bill will have a differential impact on adults of different political opinions in terms</b></p>

		<b>of the adoption process.</b>
Racial group		Already taken into account. The Bill will require the adoption agency, in placing a child for adoption, to give due consideration to the child's religious persuasion, racial origin and cultural and linguistic background.
Age		Already taken into account. The Bill primarily seeks to promote the equality of opportunity for children and young people. Where it is in the best interests of children, it also aims to afford equality of opportunity for adoptive applicants to increase opportunities for children to live in stable families.
Marital status		Already taken into account, allowing for adoption applications from unmarried couples, in an enduring family relationship.
Sexual orientation		Already taken into account, allowing for adoption applications by same sex couples, those in a civil partnership and heterosexual couples.
Gender (Men and women generally)		Already taken into account.



Disability (with or without)		Already taken into account. Improved support services and a right to receive an assessment of need for support services will be introduced.
Dependants (with or without)		Already taken into account. Improved support services and a right to receive an assessment of need for support services will be introduced.

<b>2.3 To what extent is the policy likely to impact on good relations between people of different religious belief, political opinion or racial group? (minor/major/none)</b>		
Good relations category	Details of policy impact	Level of impact minor/major/none
Religious belief	People of certain religious beliefs may not agree with joint adoption by civil partners or unmarried couples, including same-sex couples. Their objection is based on their individual religious beliefs.	Minor
Political opinion	n/a	none
Racial group	n/a	none

2.4 Are there opportunities to better promote good relations between people of different religious belief, political opinion or racial group?		
Good relations category	If <b>Yes</b> , provide details	If <b>No</b> , provide reasons
Religious belief	n/a	
Political opinion	n/a	
Racial group	n/a	

## 2.5 Additional considerations

### Multiple identity

Provide details of data on the impact of the policy on people with multiple identities (e.g. minority ethnic people with a disability, women with a disability, young protestant men, young lesbian, gay or bisexual persons). Specify relevant Section 75 categories concerned.

Data not available – you have to be over 21 to apply to adopt. Applications can be made by those from any religious background.

People from a minority ethnic background or those with a disability are entitled to apply to adopt – the same rigorous assessment process applies to all applications to adopt.

The provision of adoption support services and the introduction of a right to receive an assessment of need for such services will be available to all, regardless of section 75 categories.

2.6 Was the original policy / decision changed in any way to address any adverse impacts identified either through the screening process or from consultation feedback? If so please provide details.

Original policy proposals contained in the 2006 Adopting the Future consultation included a proposal to introduce upper age restrictions for prospective adopters. This is not now being taken forward.

### Part 3 Screening decision

3.1 How would you summarise the impact of the policy / decision?

No impact  
Minor impact  
Major impact

<input type="checkbox"/>
X
<input type="checkbox"/>

Consider mitigation (3.4 – 3.5)

3.2 Do you consider that this policy / decision needs to be subjected to a full Equality Impact Assessment (EQIA)?

Yes - screened in  
No - screened out

<input type="checkbox"/>
X

The Adoption and Children Bill aims to improve the adoption process for all concerned, by doing the following:

- make the child's welfare paramount in the adoption process;
- include measures to encourage more people to apply to adopt looked after children by helping to ensure that the support they need is available;
- provide for additional support for all affected by the adoption process;
- amend the eligibility to apply to adopt criteria for people who wish to apply to become adoptive parents, reflecting the outcome of court proceedings on this matter;
- introduce placement orders to replace freeing orders;
- reform the arrangements for the management of information held in adoption agency records;
- make provision to avoid unnecessary delays in the adoption process;
- introduce a new special guardianship order to provide security and permanence for children who cannot return to their birth families, but for whom adoption is not the most suitable option;
- introduce a statutory entitlement to advocacy for looked after children who wish to make representations;
- improve the legal controls on intercountry adoption;
- maintain the existing requirement for the court to appoint a Guardian Ad Litem in respect of the child who will protect and safeguard their interests.

It is considered that the revised policy will actually have a positive effect in some areas i.e. prospective adopters who have a disability, those with dependants, children with disabilities awaiting adoption or older children for whom adoption is not an option.

## Mitigation

If you have concluded at 3.1 and 3.2 that the likely impact is '**minor**' and an equality impact assessment is not to be conducted, you must consider mitigation (or scope for further mitigation if some is already included as per 2.6) to lessen the severity of any equality impact, or the introduction of an alternative policy to better promote equality of opportunity or good relations.

3.4 Can the policy/decision be amended or changed or an alternative policy introduced to better promote equality of opportunity and/or good relations?

Yes

No

3.5 If you responded "**Yes**", please give the **reasons** to support your decision, together with the proposed changes/amendments or alternative policy.

## Part 4 Monitoring

Monitoring is an important part of policy development and implementation. Through monitoring it is possible to assess the impacts of the policy / decision both beneficial and adverse.

### 4.1 Please detail how you will monitor the effect of the policy / decision?

Liaison with the HSC Trusts / HSC Board / Voluntary Adoption Agencies – data collection.  
Liaison with prospective adopters, adopters and children through Adoption Agencies, Children's organisations such as VOYPIC (Voice of Young Children In Care)

### 4.2 What data will you collect in the future in order to monitor the effect of the policy / decision?

The following data will be collected, both baseline and post-implementation:

- Comparative information on the profile of adopted and looked after children.
- Information on the profile of birth families.
- Information on the profile of prospective adoptive applicants/enquirers, including step-parents, people resident in other parts of the UK and abroad.
- Information on whether adopters and special guardians have any children who have not been adopted.
- Information on reasons why enquiries do not progress to approval.
- Information on placement disruption rates by profile of children.
- Comparative information on outcomes for adopted children.
- Information on applications for, and making of, special guardianship orders.
- Information on applications for assessment of support needs for those people affected by the making of both adoption and special guardianship orders.

- Information on the outcome of any review process introduced in relation to applications to adopt/special guardianship orders and support.

**Please note:** - For the purposes of the annual progress report to the Equality Commission you may later be asked about the monitoring you have done in relation to this policy and whether that has identified any Equality issues.

## Part 5 Disability Duties

5.1 Does the policy/decision in any way promote positive attitudes towards disabled people and/or encourage their participation in public life?

Not applicable

5.2 Is there an opportunity to better promote positive attitudes towards disabled people or encourage their participation in public life by making changes to the policy/decision or introducing additional measures?

Not applicable



## Part 6 Human Rights

6.1 Please complete the table below to indicate whether the policy / decision affects anyone's Human Rights?

ARTICLE	POSITIVE IMPACT	NEGATIVE IMPACT = human right interfered with or restricted	NEUTRAL IMPACT
Article 2 – Right to life			x
Article 3 – Right to freedom from torture, inhuman or degrading treatment or punishment			x
Article 4 – Right to freedom from slavery, servitude & forced or compulsory labour			x
Article 5 – Right to liberty & security of person			x
Article 6 – Right to a fair & public trial within a reasonable time			x
Article 7 – Right to freedom from retrospective criminal law & no punishment without law.			x
Article 8 – Right to respect for private & family life, home and correspondence.	x		
Article 9 – Right to freedom of thought, conscience & religion	x		
Article 10 – Right to freedom of expression	x		
Article 11 – Right to freedom of assembly & association			x
Article 12 – Right to marry & found a family			x
Article 14 – Prohibition of discrimination in the enjoyment of the convention rights	x		

1 <sup>st</sup> protocol Article 1 – Right to a peaceful enjoyment of possessions & protection of property			X
1 <sup>st</sup> protocol Article 2 – Right of access to education			X

6.2 If you have identified a likely negative impact who is affected and how?

*At this stage we would recommend that you consult with your line manager to determine whether to seek legal advice and to refer to Human Rights Guidance to consider:*

- *whether there is a law which allows you to interfere with or restrict rights*
- *whether this interference or restriction is necessary and proportionate*
- *what action would be required to reduce the level of interference or restriction in order to comply with the Human Rights Act (1998).*

6.3 Outline any actions which could be taken to promote or raise awareness of human rights or to ensure compliance with the legislation in relation to the policy/decision.

We plan to consult on the draft Bill and will engage with children and young people as part of that exercise. Following Royal Assent, subordinate legislation will be drafted and guidance reviewed/produced. We have established a stakeholder group made up of statutory and voluntary bodies. We will use this group to cascade messages to a wider audience. If required, we will also deliver awareness sessions, on the new provisions.

## Part 7 - Approval and authorisation

	<b>Name</b>	<b>Grade</b>	<b>Date</b>
Screened completed by	Jim McComish/Carol Picton-Lynas	SO/DP	27/10/16
Approved by <sup>1</sup>	Julie Stephenson	7	13/01/17
Forwarded to E&HR Unit <sup>2</sup>			

### Notes:

<sup>1</sup> The Screening Template should be approved by a senior manager responsible for the policy this would normally be at least Grade 7.

<sup>2</sup> When the Equality and Human Rights Unit receive a copy of the final screening it will be placed on the Department's website and will be accessible to the public from that point on. In addition, consultees who elect to receive it, will be issued with a quarterly listing all screenings completed during each three month period.