



Linden House, 55 The Green, South Bar Street,
Banbury, Oxfordshire OX16 9AB
Tel 01295 752240
Fax 01295 752241
Helpline 0844 848 7900
jonathan@adoptionuk.org.uk
www.adoptionuk.org

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Nick Gibb MP
Minister of State for Schools
Department for Education
Sanctuary Buildings
Great Smith Street
Westminster
London
SW1P 3BT

Dear Minister

Schools Admission Code

As the two leading charities representing domestic and overseas adoptive parents, Adoption UK and the Intercountry Adoption Centre would like to thank you for introducing the changes to the School Admissions Code and Framework that will require schools to give priority when oversubscribed to, not only looked after children but also those who have been adopted. As charities that have highlighted this issue for many years now, we welcome this initiative and congratulate you on making these changes – they will undoubtedly benefit thousands of adoptive families both now and in the future.

This gives recognition to the fact that children whose backgrounds have led to their separation from their birth family, whether they are adopted or not, are children who have been traumatised and for whom the school environment plays a critical part, not just in developing their capacity to learn, but in their overall nurturing and their development of a positive self identity and self esteem. One of the tasks that falls particularly to adopters is that of advocating for their child and managing their child's outside world and this proposed change will give them some additional tools to ensure they achieve what they consider to be the most suitable and sympathetic school environment for their child.

However, we wanted to bring to your attention some points of details, which we are sure were unintentionally overlooked, and which we hope can be addressed before the draft code is laid before Parliament in December (see further below).

In particular, it is regrettable that the changes are restricted to encompass only those children who were looked after immediately prior to the child being adopted. This excludes the small number of children each year who have been adopted from the "care" system overseas under Convention adoptions, under external orders or following their arrival in the UK under Convention Adoption orders or adoption orders in the English courts.

We have listed a number of areas below where we believe further consideration should be given to the Code's drafting so that hopefully amendments can be made before the revised Code is laid before Parliament in December.



Scotland 172 Leith Walk, Edinburgh EH6 5EA scotland@adoptionuk.org.uk Tel 0131 555 5350 **Helpline 0131 555 5111**

Wales Penhaved Studios, Penhaved Street, Cardiff CF11 7LU wales@adoptionuk.org.uk Tel 029 2023 0319 **Helpline 029 2023 2221**

Northern Ireland 545 Antrim Road, Belfast BT15 3BU northernireland@adoptionuk.org.uk Tel 028 9077 5211 **Helpline 028 9077 5211**

Application of the code to current adoptions

The code as drafted makes reference to adopted children who were previously looked after and cites section 46 of the Adoption and Children Act 2002. The 2002 legislation is the current adoption legislation under which adoptive parents adopt, but only came into force on 20 December 2005. Therefore, if the code is applied solely in relation to the 2002 Act, then anyone who adopted a child from the care system before that date will technically not be eligible to exercise the new priority conferred by the code. Hopefully, the admissions authorities would not apply the Code so restrictively. However, to avoid uncertainty and unfairness, and to ensure the best outcomes for all children adopted from the care system, we would recommend that the code refers to adoption under the previous legislation, namely the Adoption Act 1976 and the Adoption (Intercountry Aspects) Act 1999.

Without such reference, families who have adopted children, say between 2000 and 2005 (many of whom will be preparing themselves for secondary school admission in 2013 and subsequent years) will be denied the right to exercise the admissions priority being implemented by the new code.

Adoption within the four nations of the UK

While the code obviously applies only to the admissions system in England, we believe it would be helpful to clarify the situation in relation to adoptive placements from the other nations of the UK. For instance, there will be situations where families in England have adopted children from Wales, Scotland and Northern Ireland. Presumably, the code would apply to such adoptions, however, we believe clarification of this point would be helpful. Similarly, there may be situations where families have adopted children while resident in Wales, Scotland or Northern Ireland, but then relocated to England. Again, the current wording of the code would not cover such adoptions, although we believe that the code should apply to those adoptions. Further clarity would be helpful.

Overseas/intercountry adoptions

The code does not appear to cover overseas/intercountry adoptions, although such adoptions are arranged under the provisions of the 2002 Act, albeit under sections 83 to 91 of the Act (which link to section 46).

Children adopted from overseas are amongst some of the world's most vulnerable children and have crossed the world and exchanged one entire way of life for another in order to enjoy the permanency that adoption affords. Initially, at least, on arrival in the UK these children may be delayed in one or more areas of their development as a result of institutional care. Not uncommonly they will have been found abandoned, with the physical and emotional legacy that this brings. They will have to make enormous adjustments, one tangible element of which is the acquisition of a new language as, quite probably, English will not have been the language they spoke or heard around them.

The UN Convention on the Rights of the Child is clear that there should be no two-tier system of adoption as between domestic and intercountry adoptions. This is integral to the articles of the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption 1993 of which the UK is also a contracting State and which, under Article 9 (c) requires the central authority of the receiving State to "promote the development of adoption counselling and post adoption services in their State".

The Adoption and Children Act 2002 gives a child adopted from overseas, their adoptive parents and adopted siblings the same right to an assessment from their local authority of support needs after adoption as is afforded their peers in domestic adoption. The local authorities must also act reasonably in deciding whether or not to provide a support service when this is adjudged to be needed. IAC and Adoption UK are acutely aware of the critical role the school setting plays in the

programme of post placement/post adoption support. It would be consistent therefore for all schools to be required to give first priority to children adopted from overseas as well as those adopted after having been looked after domestically.

It will be a small step, with minimal if any cost implications, to extend the benefits of the proposed change in the Schools Admission code to embrace the relatively small number of children adopted from overseas, but the positive impact for the children and families concerned will be immeasurable.

IAC has been contacted by a number of parents of children adopted from overseas who, in order to best meet the needs of their children, have hoped to see the proposed changes apply equally to them as to children adopted domestically.

Their arguments speak for themselves and their comments are appended. Their names were supplied to IAC but the narrative has been anonymised.

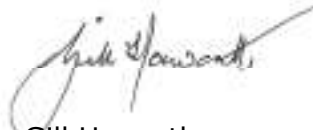
We hope that you will be able to address the above points in the revised code and would be happy to help with any redrafting.

If you need any further information, please contact us.

Yours sincerely



Jonathan Pearce
Chief Executive
Adoption UK



Gill Haworth
Chief Executive
Intercountry Adoption Centre

Cc Tim Loughton, Parliamentary Under-Secretary of State for Children and Families

