

**2. Adoption Bill 2021 –  
First Reading approved**

Mrs Sharpe to move:

*That the Adoption Bill 2021 be read a first time.*

**The President:** Therefore we will turn to the Adoption Bill at Item 2 for First Reading and I call on the mover, Hon. Member, Mrs Sharpe.

**Mrs Sharpe:** Thank you, Mr President.

Hon. Members, I am pleased to move the First Reading of the Adoption Bill 2021 on behalf of the Department of Health and Social Care.

Hon. Members may remember that one of the reasons I was asked to stand in the 2018 Election for the Legislative Council was due to research I had been carrying out for a book on the 150-year history of the Douglas Children's Home. That research had led me to become concerned with the stories of people in our Island who had been through our care system – a concern which remains very much with me to this day in my role as political lead for Children and Families. So I am very pleased, not to mention relieved, to be able to bring this Bill, which has been five years in the making, before you today.

As the Bill progressed through the House of Keys Hon. Members will have noted that concerns were raised in relation to some aspects of the Bill. I can reassure Hon. Members that those concerns have been addressed in the House of Keys and the relevant amendments passed.

At this point I would like to thank the former Director of Children and Families, Debbie Brayshaw, who despite having now retired, had promised to remain available to Members should there be any queries about the Bill and who together with the legislative officers gave a refresher presentation to Hon. Members last week.

The Adoption Bill provides a welcome and much-needed update to this essential piece of social care legislation. Our current Act, being 37 years old, is very much out of date. The policy related to the current Act reflects a time when it was far more common for relinquished babies to be adopted, for example. Nowadays the adoption of older children who have already experienced time in care or who have experienced some degree of trauma is more common, and the adoption of relinquished babies few and far between.

The adoption of a child is hugely important and involves the irrevocable transfer of parenthood and parental responsibility from the birth family to the adoptive family. In order to reflect the irrevocable and life-long nature of adoption, the child's welfare throughout the whole of their life must be the paramount consideration. The welfare of the child is of paramount importance in the Children and Young Persons Act 2001 and crucially this Bill places this overarching principle into adoption legislation.

For the record, Mr President, if I may, I will briefly highlight some of the main features of the Bill.

Part 2 deals with the adoption service and places the provision of adoption support on a statutory footing. This is not to say that adoption support does not exist presently but this nevertheless places it on a statutory footing for the first time. Part 3 sets out the considerations an adoption agency or court must take into account when making a decision about a child. As mentioned, this Bill places the child at the very centre of the decision-making process.

Part 4 covers the adoption process and introduces placement orders, meaning children can be placed for adoption at an earlier stage in the process. Mr President, sadly there are currently cases where children must wait years before their adoption process completes. There is no doubt in my mind that this Bill will do much to rectify the situation. Part 5 deals with the consequences of placements and the mechanisms allowing for the return or recovery of a child in certain situations.

Part 6 covers post-adoption contact. Part 7 deals with the disclosure of information. Part 8 introduces the ability to independently review certain decisions in the adoption process and adds other supplemental and miscellaneous provisions connected with adoption. Part 9 deals with the status of adopted children. Part 10 introduces a new Adoption Contact Register and continues provision for the Adopted Children Register. Part 11 covers adoptions with a foreign element.

Part 12 modifies some provisions in the Children and Young Persons Act 2001. And Part 13 sets out the final provisions such as the restriction of advertisements and the making of rules of procedure.

As I mentioned earlier, Mr President, there were some amendments made to the Bill in the House of Keys predominantly to ensure the correct referencing in relation to adoption agency or registered adoption society. The Department has advised that amendments were made to avoid any element of doubt for the reader. There were also a number of other small amendments made, all of which are now reflected in the copy of the Bill which we have before us today.

Mr President, Hon. Members, I trust this overview assists. I would like to thank again Miss Debbie Brayshaw, former Director of Children and Families, the legislative drafter, Mr Paul Bridges, the legislative officers, Mr Ben Bryan and in particular Mrs Sarah Kewley, who has worked exclusively and dedicatedly on this Bill, the officers in the Department. And I would also like to thank most sincerely all members of the public for their valuable contributions to the public consultation, and to VIP, the Voices in Participation group, which represents the voices of care leavers and children in care in the Island.

Mr President, it is with great pleasure that I beg to move that the Adoption Bill 2021 be read for the first time.

**Mrs Lord-Brennan:** Thank you, Mr President.

I am very happy to second the introduction of the Adoption Bill into Legislative Council and would echo the comments of thanks from the mover, in particular, for the advance information as to the background to the Bill that has been supplied to Members of this Council in order to aid consideration.

The Bill is mainly based on UK provisions. There is some change to that in particular to do with post adoption contact whereby the Isle of Man preference would be to go down the route of indirect contact only rather than direct and indirect contact, so that is perhaps something that might come up down the line, but is a difference that might well be worth just flagging up now since in other ways there are similarities between what we are doing here and in the UK.

Thank you, Mr President.

**The President:** Mrs Maska.

**Mrs Maska:** Thank you, Mr President.

I also welcome this Bill – this important Bill. As the hon. mover has outlined, the existing legislation is 36-37 years old and there are many unfortunate gaps, and the result of the gaps can lead to a very prolonged process at the moment. I also thank the hon. mover and officers from the Department, and particularly Miss Brayshaw, for giving us the briefing last week. At that time it became clear absolutely the child is paramount in this piece of legislation.

I welcome the prospective speeding up of the process, as was explained to us that at the moment it can take between 68 and 72 weeks for a process to go through to fulfilment, whereas in the UK the standard period can be about 26 weeks in 60% of cases.

I also welcome the provision that foster carers can also become adoptive parents, and that process again can have a much smoother passage and transition. I know of some very good foster parents who have really struggled to try and mature and become adoptive parents. So again as we go through the passage of the Bill that is an aspect that I really welcome and the support package that comes with children maybe from traumatised backgrounds that maybe has not been

so ably put in place in the past. There has been almost like a mystery attaching to some children as to what they have suffered in their very younger and formative years.

So I do welcome this Bill, Mr President, and I thank the hon. mover this morning.

Thank you.

**The President:** Mrs Sharpe to reply.

**Mrs Sharpe:** Thank you, Mr President, and I would like to thank my seconder, Mrs Lord-Brennan, and also Mrs Maska for her comments.

As Mrs Lord-Brennan said, one of the main differences between this new Bill and the UK Adoption and Children Act 2002 is that in the UK direct contact is allowed between the adopted child and potentially their birth family, birth parents. It was decided by the Department in the Isle of Man that only indirect contact would be allowed which, on the face of it might seem a bit harsh, but because the Island is such a small community the Department decided it was more important that a child, if they have to be adopted should be able to emotionally bond as strongly as possible with that adoptive family and if they were to keep bumping into or seeing their birth family this could interfere with that process. And from what we now understand about the formation of emotional attachment, if it does not occur properly by a very young age then that person will go forward into the rest of their life having problems forming emotional attachments. So that is the thinking behind that.

Mrs Maska points out that the welfare of the child is paramount within this Bill and that is exactly how it should be, and that is the point of view that this Bill is taking, and that is where you see the difference between the previous 1984 Act and this Bill.

Mrs Maska mentioned that it can take 72 weeks for the fulfilment of the process. I mean, sadly, it can actually take years at the moment. There has been a case where one baby started the adoption process at birth and then reached school age, and the process was still not complete; because at the moment the Department has to apply to the courts for a care order, if it is necessary, for the child to become a looked after child (LAC), the birth parents can then disagree with that process, and that is a whole long legal process; only when the care order has gone through can the Department then start looking at the adoption process and then if there are disagreements, even at the moment if the birth parents' circumstances have not changed at all they can still disagree and then there is a very long and drawn out legal process. And at some point you have to say, 'What is best for the child? What is best for the child's welfare?' So this Bill will speed up that process. So I am glad to hear that Members welcome it.

Thank you, Mr President.

**The President:** Thank you. I put to Council the motion that the Adoption Bill be read for the first time. Those in favour, say aye; against, no. The ayes have it. The ayes have it.