



Northern Ireland
Assembly

Committee for Health

OFFICIAL REPORT (Hansard)

Adoption and Children Bill: Adoption UK;
Fostering Network NI; Northern Ireland
Human Rights Commission

16 December 2021

NORTHERN IRELAND ASSEMBLY

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Members present for all or part of the proceedings:

Mr Colm Gildernew (Chairperson)
Mrs Pam Cameron (Deputy Chairperson)
Ms Paula Bradshaw
Mr Gerry Carroll
Mr Alan Chambers
Mrs Deborah Erskine
Mr Colin McGrath

Witnesses:

Mr Wesley Graham	Adoption UK
Ms EJ Havlin	Adoption UK
Ms Kathleen Toner	Fostering Network NI
Ms Alyson Kilpatrick	Northern Ireland Human Rights Commission
Ms Emily Mills	Northern Ireland Human Rights Commission

The Chairperson (Mr Gildernew): I welcome Alyson Kilpatrick, chief commissioner of the Human Rights Commission (NIHRC). Can you hear me, Alyson?

Ms Alyson Kilpatrick (Northern Ireland Human Rights Commission): I can hear you very well. Thank you.

The Chairperson (Mr Gildernew): You are very welcome. I welcome Emily Mills, a policy and research officer at the Human Rights Commission. Can you hear me?

Ms Emily Mills (Northern Ireland Human Rights Commission): Yes. I can hear you.

The Chairperson (Mr Gildernew): Thank you. I welcome Kathleen Toner, director of the Fostering Network. Can you hear me?

Ms Kathleen Toner (Fostering Network NI): I can hear you. Thank you.

The Chairperson (Mr Gildernew): I welcome EJ Havlin, a director of Adoption UK. Can you hear me?

Ms EJ Havlin (Adoption UK): I can hear you very clearly. Thank you.

The Chairperson (Mr Gildernew): We also have Wesley Graham, a trustee of Adoption UK. Wesley are you with EJ?

Mr Wesley Graham (Adoption UK): I am, indeed.

The Chairperson (Mr Gildernew): We can see and hear all of you very clearly. I invite the witnesses to brief the Committee in the same order. Will you start the briefing, chief commissioner?

Ms Kilpatrick: Good afternoon, Chair, members and colleagues. It is very nice to see you again. I am here with Emily Mills who has done a lot of the detailed work on the Bill. Thank you for the invitation to address the Committee. It is a detailed Bill, and we have already commented on it in some detail, particularly in 2017. You have that short written submission in front of you. There are other organisations here that have much more practical experience than me. Therefore, I will cede time to them, confine what I say to the bare minimum and speak only in respect of the human rights considerations, which we believe, if taken into account, can improve the operation of the Bill. I am, of course, available and will stay throughout to answer any questions that members might have.

I have one general comment and two specific recommendations. First, the commission is supportive of the proposed reforms, which follow on from the UN Convention on the Rights of the Child (UNCRC) Committee-specific recommendation from 2016 for Northern Ireland to update its adoption legislation to align it with international human rights obligations. The need for that reform has been demonstrated for some years, and we recommend expedition of the legislation.

We are pleased and reassured to see the express commitment to the paramountcy of the best interests of the child principle, the strengthening of the child's participation and right to be heard in the adoption framework and the strengthening of protections available to children who are subject to inter-country adoption.

My specific point relates to clauses 67 and 58 read together, as they relate to same-sex adoption. The clauses will formally amend the statutory eligibility for making adoption orders to reflect the law and promote the best-interest principle by opening the pool of potential adopters and preventing unlawful discrimination against same-sex attracted persons. To make sure that it achieves that aim, we suggest that there should be greater clarity from the Department on what specific measures will be taken to ensure that in practice. The commission recommends that it should be done by revised guidance, which is comprehensive and takes a human rights and child-centred approach. It is important that guidance is easily accessible to the public and reflects the reliance of practitioners. We suggest that there should be an effective plan to publish the guidance and ensure that staff are well trained in its application.

My second and final comment relates to clause 121 and the provision of services to children in need. Clause 121 strengthens the provision of personal social services appropriate to children in need, including for the family of the child, if that would safeguard and promote the child's best interests. In our written submission, we pointed to practice in England and Wales, where supplementary regulations and guidance have been issued for clarity. That makes sure that powers and duties are understood and that their practical application is clear. In Northern Ireland, there needs to be consistency across all trust areas. We suggest that guidance be Northern Ireland-wide and that trusts be held to account for their compliance with it.

I shall leave it there, Chair, and come back to other issues as they arise. I suspect that you will want to hear a bit more about some of the specific provisions, but I should give the others an opportunity. Thank you.

The Chairperson (Mr Gildernew): Thank you, Alyson. I will go next to Kathleen Toner. Kathleen, do you want to go ahead? Then I will go to Adoption UK.

Ms Toner: Thank you, Chair. Good afternoon, Committee members. Thank you for the opportunity to provide evidence on the Adoption and Children Bill. I am pleased to be here with Adoption UK, with whom we work closely, and with the Human Rights Commissioner, who reflected on the response to the UNCRC call for foster care regulations to be brought forward.

I am the director of the Fostering Network here. We are a charity and membership organisation. We have in membership 100% of all foster carers and all kinship foster carers; that is 3,057 households across the five trusts and four not-for-profit fostering agencies. The trusts and not-for-profit agencies

are also corporate members, so we occupy a unique space in that our members include the entirety of the fostering family in the North. We seek to act as a catalyst for change to improve foster care and, in turn, improve outcomes for looked-after children and young people.

Like Alyson, I am conscious of time today, Chair. I know that you have a lot of questions, and you have our submission, so I will also constrain my comments to key issues that we have highlighted.

We very much welcome the Bill. It has been a long time coming, and we were really pleased to see the range of measures in it that will have an impact on foster care. The Bill will require a raft of new regulations to be put in place. During our consultation with foster carer members recently, they were keen to ensure that we give the message that the measures should be adequately resourced and related regulations progressed quickly.

Although they are not in the Bill, draft foster care regulations have been in place for some time. Members may remember that I have spoken to you before about the absolute necessity of bringing the regulations forward, particularly now, as they have much synergy with the Bill. We are hopeful that they will be brought forward before the end of the mandate. Their introduction will progress foster care immeasurably and will introduce standards for foster care here for the first time.

The Bill introduces a range of new measures, including new orders for special guardianship, and makes welcome changes to residence orders. In our submission, we suggested that long-term foster care also be seen as a permanence option for children and young people. You will all be aware that there is a continuum of care for children and young people; one size simply does not fit all. A range of provisions is therefore welcome to ensure the welfare of every individual child.

We are really pleased to see a duty to promote educational achievement and prevent disruption of education and training. Indeed, we met the Minister of Education this week with five foster carers who raised some of those concerns directly with her.

We are delighted to see the introduction of an independent reviewing mechanism, although our consultees felt that it should go further. We are also pleased to see the introduction of statutory advocacy services for young people and the extension of support for care leavers to include access to a personal adviser, although we are conscious that, at the minute, some young people do not have access to a personal adviser. We want the extension to ensure that that provision is in place and that all young people can access it.

Placing fostering panels on a statutory footing is something that we have long called for, and our consultees were keen to ensure the independence of those panels. Short breaks for children, outside the care system, are also very welcome; we have argued for them for a long time, but we would like to see them extended to other categories of children, with caveats. We are delighted to see care planning on a statutory basis. In the regulations arising from that provision, however, we would like to see provision for foster carers to be able to contribute to care planning. They said in the consultation that their voices were often not heard. As the people who look after children 24/7, they felt that this was often a gap, and they would like to see the issue addressed.

It has long been our position to have the Going the Extra Mile (GEM) scheme on a statutory footing, so we are pleased to see that. However, we want to see it extended to all young people, not just those in education, employment or training. We want the Bill to clarify the level of financial support available for that service. It should, at least, be in line with the fostering allowances.

I am happy to take questions at the appropriate time.

The Chairperson (Mr Gildernew): OK, thank you, Kathleen. I appreciate that. Adoption UK, do you want to go ahead?

Ms Havlin: Thank you very much indeed. Good afternoon and thank you for the opportunity for us to give evidence to the Committee. I hope that, hearing the lived experience from organisations such as Adoption UK and the Fostering Network builds understanding of the potential impact that the Bill could have.

Adoption UK very much welcomes the introduction of the Bill. Everything has been said already about the length of time we have all waited for it. It will have no greater impact than on the adoption community of Northern Ireland.

We are charity and a membership organisation, similar to the Fostering Network. We have over 800 adopting families and members of Adoption UK in Northern Ireland. We carry a huge voice, and we have consistently ensured that the voice of adopters has been engaged in these discussions, both in our response and the submission of evidence that we have provided. There are specific areas which Adoption UK members believe warrant consideration, but local adopters highlighted that support services were their core priority. Adoption does not solve the issues of young people and children who have experienced early trauma; supporting them requires lifelong commitment. That is mentioned in the Bill and we greatly recommend that it is considered.

We point out, in particular, that in clause 5 a duty to assess need. However, that is on request. We want to highlight that adopters are assessed by adoption agencies to consider whether they are the right people to adopt in the first place. It is a thorough process, and rightly so. However, it means that a consideration and judgement is made on their capacity to parent children who have experienced early trauma. They have to request the assessment of need for children, but that should be provided to ensure that all vulnerable children are supported.

Secondly, in clause 5, there is a requirement for adoption support services. There is no statutory duty to meet the needs that are identified in those services, so we risk inconsistent support across Northern Ireland, which we have at the moment. We want to avoid any postcode lottery or any missed opportunities to provide for vulnerable children with the support services that they need.

I want to comment on clause 6, "Adoption support services: duty to provide information". That places a duty on trusts to provide information on support services. It is clear that this should include a wrap-around universal support, including support groups, training opportunities and links to any other services that may be of benefit.

Clause 49, "Post-adoption contact", is also of note. There is a specific requirement:

"to allow the child to visit or stay with a person named".

That appears to undermine the parental responsibility of the adoptive parents in making a decision in the best interests of their child. We want this area to be considered. In Northern Ireland, we have the highest levels of contact in any part of the UK, and the adoption community is very clear on the benefits of contact with the extended family of a child. In fact, organisations like Adoption UK host family events so that siblings can maintain contact and continue that relationship in a regular and normal way, in a normalised family environment. It is not possible for all children to stay within the same family when they are adopted. That is sometimes in the best interests of the child, and sometimes because they cannot be placed together. It is really important that consideration is given to contact, but it must be in the context of the child's best interests.

I would also like to say that we support the principle that any decision should consider the child's welfare throughout their life. There are lifelong implications of adoption, and it is really important that the child is provided with a harmonious family unit, which is recommended, but that the consideration should be for the lifetime of the child, and not just according to time-bound, age-limited criteria. Adoption UK welcomes the intention of the Bill, and the adoption community is supportive of change that will have a positive impact on their children.

Mr Graham: I echo everything that EJ has said. I am a trustee of Adoption UK, but I also have the lived experience of adoption. The Bill will make a big difference to post-adoption support for adoptive parents and families. It is really welcome and exciting, and we support it 100%.

EJ made a point about assessment. It is one thing to identify a need but another to address it. If you do not address that need, you are left with a lot of unmet need. As we know, there is already a lot of unmet need in the health service, so I just wanted to underline that.

The other thing that I would like to point out relates to clause 122, "Duty of authorities to promote educational achievement and prevent disruption of education and training". As it stands, that refers to looked-after children. We would like that to extend to children who were formerly looked-after or were care-experienced. As EJ said, the needs of the child do not stop with them being adopted. When they are adopted, they are no longer officially looked-after. We would like clause 122 extended to children who were formerly looked-after or were formerly care-experienced, so that they can benefit from the duty of care to promote educational achievement.

The Chairperson (Mr Gildernew): Thank you very much, all of you, for your very useful submissions, which we appreciate having, and for your presentation today.

Alyson, you mentioned the idea of strengthening protections for inter-country adoptions. One issue that has been raised here is the fact that, particularly in border areas, there are potential kinship adoptions. At present, those are being treated as inter-country adoptions. What type of protections need to be considered in that regard? How would that, potentially, impact on the interests of the child where a kinship option would be available but the child happens to be in the Twenty-six Counties jurisdiction, even though they might be on the same farm or road as their aunt or grandmother or whoever?

Ms Kilpatrick: I will invite Emily to add something to this, if I leave it out. As I understand it, the Department is looking at not having kinship orders, but rather relying on the special guardianship orders, and simply providing support through the article 18 cash payments on a less formal basis. That has some benefits and some disadvantages when you are talking about the sorts of scenarios that you mentioned, Chair.

The Scottish model is formalised in statutory form. That enables all those sorts of situations to be considered in advance of provision being made for them. Whether it would even be an inter-country adoption would need to be considered, or whether the special circumstances in Ireland permit something else.

I would have a concern if kinship orders are not made statutory but are accepted as a formal arrangement and never become statutory or formalised. I would draw your attention to something that the UN has said on the matter. It says that it encourages:

"such carers to notify the competent authorities ... so that they and the child may receive any necessary financial and other support that would promote the child's welfare and protection. Where possible and appropriate, States should encourage and enable informal caregivers, with the consent of the child and parents concerned, to formalize the care arrangement after a suitable lapse of time".

Where the care of a child is split, essentially, over two jurisdictions, it will cause some difficulty. It will be very difficult to put in place protections and safeguards. Certainly, an informal arrangement will not necessarily help that, as appealing as it may first seem. Emily, you looked at inter-country adoptions specifically.

Ms Mills: Before we are able to respond conclusively on the topic of kinship care, we want to consider whether the Department is satisfied that there are no gaps or discrepancies in the support provided through the proposed arrangements compared with the more formalised arrangements in Scotland.

The Chairperson (Mr Gildernew): Thank you, Emily. Kathleen is looking in as well.

Ms Toner: Sorry. I think that Alyson wants to come back on that.

Ms Kilpatrick: Sorry, Kathleen. I did not mean to interrupt.

Ms Toner: No. You are OK.

Ms Kilpatrick: I was not sure that we answered your question, Chair.

The Chairperson (Mr Gildernew): What I am concerned about is that there will be either a lack of protection and support or a bureaucratic hurdle that works against the interests of the child. I am aware that this is generally dealt with via a Hague convention, but, given the specific and unique context here, we have a real, dynamic, live situation right across the island, particularly along the border corridor where people live, work, marry and have family on both sides of the border. Has sufficient consideration been given to how that can be managed and how to ensure that the child's interests are put at the centre?

Ms Kilpatrick: Not in the Bill, certainly, but it could be dealt with by way of regulations or specific guidance. Somebody needs to give proper consideration to those specific circumstances because they do not apply anywhere else in the world that I can think of. Something specific has to be

considered. You gave the example of a family straddling two jurisdictions, essentially. A child may go to school in one jurisdiction and be cared for in another and come under the jurisdiction of either Northern Ireland or Ireland. That has to be given attention.

Kathleen may have given some thought to exactly how that could be done. I am very happy to come back to you in writing. We are also looking at article 2 of the protocol in relation to frontier workers. We think that that may have an impact. We will certainly consider it in the light of what you just said. We can come back to you in writing if that would be helpful.

The Chairperson (Mr Gildernew): It would indeed. Thank you, Alyson.

Ms Toner: I want to make a couple of points. When I talk about kinship foster care, I am referring to those kinship foster carers who care for a looked-after child. Effectively, if social services have identified a child who needs to be looked after, the corporate parent will be the trust. We have kinship foster carers who reside across the border. In fact, as part of our membership offer a number of years ago, through the regional adoption and fostering task force, which no longer exists in the same format, we addressed our insurance company. In fact, we have kinship foster carers who live as far away as west Cork, and we have children who are in the care of trusts in the North. We have an arrangement whereby we cover them legally for legal advice. It initially looked as though it was going to be very complex, because we thought that, if an issue were to arise, we would have to advise solicitors in the South and the North and all sorts of different things, but we have had that arrangement in place for a number of years, and it has worked particularly well.

That is not in relation to adoption. I am confined in my comments to those kinship carers who care for looked-after children. It becomes slightly more complex, Chair, when you start to talk about informal arrangements whereby a child is looked after, perhaps, by a grandparent who wishes to formalise that arrangement as an adoption. Where a child is looked after, we certainly have arrangements currently in place to facilitate that.

The Chairperson (Mr Gildernew): That is my concern. Say, in the face of a crisis, a child went first into really informal care, with nothing arranged, and that, then, potentially became a fostering arrangement, my concern is that there would be an unnecessary bureaucratic hurdle that would prevent that child from continuing into a more confirmed adoption process, like the one for every other child, just because of an accident of birth or because of where people live on a piece of land on the island. Where the child moves from fostering to adoption is the situation that I am concerned about, and I am keen that we have a system in place that allows the best arrangement to be facilitated.

Ms Toner: That model could perhaps be looked at. I am happy to liaise with the Committee or, indeed, with Alyson, if that would be helpful.

The Chairperson (Mr Gildernew): OK. Thank you. I have another brief question before I move to other members. Wesley and others have mentioned educational achievement and the importance of maintaining that. I take on board your point, Wesley, that that needs to include training, third-level education and different elements for as long as possible and as long as necessary. How do you see that duty to promote educational achievement operating in practice?

Ms Havlin: A lot of examples already exist across the UK. Queen's University, for example, has care-leaver support, and that can be where they are automatically given accommodation within the halls of residence or are given a named person in the university who can support them, right down to a lower level. We in Adoption UK have a lot of experience in partnership with the Fostering Network. We go into schools and deliver Let's Learn Together training so that teachers can understand how the impact of early trauma affects a child's capacity to be ready to learn. For example, a child who has experienced neglect can struggle when it comes to lunchtime — food time — in the classroom. Therefore, it is really important that a school does not discipline that child in a manner that says, "You must go to the back of the line because you are pushing and shoving". Let us deal with that in another way. It is really important that schoolteachers and classrooms are informed about issues such as the fact that a contact visit is coming up and, therefore, the child may need extra support. At that time, the child may be deregulated, upset, not sleeping and there may be disruption.

It is about having a communication system in place, but things like transitions are really important. We know that, for children who have experienced a lot of moves early in their life and transitions within the school setting, that is highly disruptive. They do not settle, for example, when they move into secondary education. It is difficult for everybody, and we have all been there. However, a child may

need to know in advance what school they are going to, not through a transfer scheme but maybe under the criteria that schools have about their selection processes, so that that doubt is taken out of the child's mind and they can start to make connections with that school at an early stage.

We have lots of tried-and-tested ways to support children in school. However, children's ability to be ready to learn will impact on their capacity to thrive and their ability to reach their full potential, so we want to make sure that there are many things in place to support them to remain in school as long as possible but also to find the right path for education and training support and into employment. Developmental delay will impact on their capacity to do that at an age-appropriate level.

We all need to work together, and there are multi-agency task forces working on this at the moment, but a lot of them are not actively including care-experienced children, which is something that we have mentioned before. There are lots of ideas, and the right people are here and are involved in those stakeholder groups already to make sure that we can address the needs of children.

Mr Graham: Chair, it is very much about communication between agencies. Clause 122 is designed to promote the educational achievement of kids. It specifies looked-after kids, but, as has been said, when we adopt children, they are no longer in that official looked-after category, but they are formerly looked-after or formerly care-experienced. It is about bearing that in mind. Their educational needs and priorities need to be promoted as well. They are not home and dry now, as it were.

I will relate my own example. When our son was going to university, he had to fill in a form, and there was a place on the form asking, "Were you formerly care-experienced?". I ticked that box, so the university knows, from his background, that he was care-experienced at some time. It may make allowances. I know that, during COVID, he got an extra grant and stuff like that, so it is about making education institutions aware of that and aware of any needs that the child may have, as EJ said.

The Chairperson (Mr Gildernew): Thank you. That is interesting. It just shows how a very small, practical measure can leverage in practical supports. What you do not know, you cannot address. That is useful.

I have a brief question for you, Kathleen. You spoke about fostering panels and the categories of children who are involved. You said that you would like other categories of children to be involved or considered. Will you give us a few examples of the other categories that you were referring to?

Ms Toner: This relates, in particular, to clause 121, which would introduce a power for a trust to provide accommodation for a disabled child for the purposes of a short break. Currently, a child who is cared for for more than 24 hours becomes a looked-after child. That can be quite distressing for the parents of disabled children, in particular.

The reason that we have suggested that it be extended to other categories of children is that there are groups of children on the edge of care, who are children in need and perhaps access services. For example, we have a service called Step Up Step Down that uses foster carers to work with birth parents. Those foster carers provide short breaks for families, really to facilitate family harmony. At the moment, we cannot do those for more than 24 hours because, after that, the child becomes a looked-after child. That defeats the purpose of providing support to that family because the child, inevitably, becomes looked after, which is their greatest fear, and the primary purpose of those services is to keep the child out of care.

We deliver that service in partnership with the South Eastern Trust. We have statutory services right around the edge, but we want to keep the child at home with their family and to support the child at home. Through that service, we have had huge success in keeping those children at home. In certain circumstances, it would be really helpful if those children could stay for two nights. We cannot do that under the current legislation, but we could if, under the provision in clause 121, it was extended to other categories of children. That would be an enormous boon for those categories of children, but, again, that would probably come in regulations.

That is one example, Chair.

The Chairperson (Mr Gildernew): Thank you very much, Kathleen.

Mrs Erskine: It has been really interesting and useful to listen to some of the information from the panel.

Kathleen, you spoke about the definition of "permanence". Will you expand on the concerns that have been raised about that definition? Would the inclusion of, say, long-term fostering better reflect trends in child placements? How does the definition proposed in the Bill compare with elsewhere?

Ms Toner: Scotland has permanence orders. We do not have those here, nor does England. We have different ways of approaching permanence. For children who are in long-term foster care, where part of the care planning has been that the child remains with their foster carer on a long-term, permanent basis, there is a reduction in, say, statutory visits from social workers. That, in effect, normalises the child's living arrangements. It feels more like a family, and the child is not having lots of social services around them.

We welcome special guardianship orders. We feel that they have a place. We have had residence orders in place here for a long time. One part of the discussion that has not been looked at is that long-term foster care can be considered as a permanence option. There is a legal permanence and a sense of emotional permanence. There are usually good reasons why a child cannot become adopted or is not eligible for a special guardianship order (SGO) or, indeed, a residence order. It is often due to support provisions or, perhaps, access to birth parents.

It goes back to my initial, primary point that one size does not fit all. Adoption is not right for every child. SGOs will not be right for every child, and not necessarily right for every child who currently lives in kinship arrangements. Residence orders are not necessarily right for every child. We have approximately 3,500 children in our care system. Of those, 80% are in foster care, but the Bill does not make any fostering arrangements. We would like long-term foster care to be seen as a mechanism for permanence. In Scotland, that is a permanence order. In England, it is not an order; there is just a recognition in care planning that that is a much more secure way for a child to live in their family, and with less intervention so that they are allowed to have a more normal experience.

I hope that that makes sense.

Mrs Erskine: Yes. Thank you very much.

Ms Bradshaw: Thank you, panel, for the update. My first question was going to be about attainment in schools, but we do not need to cover that again.

I have a wide-ranging question related to clause 135 and the duty on the trust to allow reasonable contact between children and carers and birth parents and others. Does that go far enough? How do you feel about that clause in practice, in terms of the impact on the child not just immediately but in the future? How important is it for the child to have contact with their birth parents? How important is it for children in care to have and maintain contacts with their siblings and wider family? That is a wider question about best practice around the world.

Ms Toner: I am happy to take that initially. I am sure that EJ will have something to say about it too. I will refer to foster care, Paula. Scotland has just passed legislation — I am not sure whether you are aware of it — that requires sibling contact to continue. That legislation has been in place for only a couple of months. We very much welcome that. Contact is one of the top three issues that are raised with the Fostering Network advice service. It can be quite complex and fraught. It is particularly fraught in kinship families, where, perhaps, a grandparent is looking after a child and the parent of the child lives on the same street. Facilitating that can be very complex.

On contact arrangements, it goes back to what is in the best interests of the child. In the responses to our consultation, foster carers said that they absolutely recognise the importance of contact, and that they facilitate and manage contact all the time with not just siblings but significant others. There is an issue with children being able to continue to have a relationship with former foster carers who looked after them for, perhaps, 10 or 15 years; those relationships can be really significant. It is about the quality of the contact but also the management arrangements. Research shows — you will be aware of this, Paula — that, where contact arrangements are put in place, that can be very beneficial to the children, but it has to be in the best interests of the child.

Ms Bradshaw: I should have specified siblings. I wonder what happens in the event of there being further siblings, who have not been born yet; the child's parents may have other children. I will look that up in the Scottish legislation. As you said, it is about the quality of the contact. I wonder whether contact centres are fit for purpose in the case of separated parents.

Another issue is children's court guardians and personal advisers. Is there enough capacity —

Ms Havlin: Sorry, Paula. I just want to add to what Kathleen said about contact before you leave that.

The majority of the children who are up for adoption in Northern Ireland come in sibling groups. It is difficult to find the right families or adopters who will consider those children. We have children who are difficult to place because of their circumstances. The aim is to keep those children together as a family unit, where possible.

Of course, as you said, there are families who have new siblings after adoption orders have been granted for some of their other children. It is not always in the best interests of the older children to move other children into that family unit. As Kathleen said, everything is about what is in the best interests of the child. There is a lot of research. Mandi MacDonald in the Queen's School of Social Work has a PhD in contact. We look at contact models in Sydney.

It is difficult when the contact is not quality contact. That is the same as what you and Kathleen mentioned. It is not about just contact. Contact is usually in the best interests of the child: it is their life story, part of who they are and an identity. It is really important that contact is facilitated, where possible. However, there are certain times when contact is not right for a child. It could be that they are moving from primary school to secondary school. There could be millions of other things going on in their life that mean that contact has to be postponed for six months, until it is a better time for that child. All the adults around the room have to be adults and recognise that that is in the best interests of the child.

In Northern Ireland, contact tends to be with an extended family, with siblings being the priority. Organisations like ourselves in the community and voluntary sector recognise that through our peer support groups. We host family days so that children can come together. We host residential weekends so that children who are adopted to different families can spend time together within an extended family unit. We recognise that it is really important for them to know their birth brothers and sisters, and for that not to be a stilted connection that happens on a Zoom call.

Ms Bradshaw: I have another quick question about the personal advisers and the new children's court guardians. Is there enough capacity in the system to deliver those enhanced services and provisions?

Ms Toner: All the services are under pressure, Paula. They are under even more pressure given that the number of children who are looked after has increased by 6% since the beginning of the pandemic. We would welcome an extension to the post-18 age group of the provision of personal advisers. However, we would want to make sure that the resource is available to enable that to happen. Personal advisers are a really important part of the services team around the child. However, in common with some other areas, we would want to make sure that additional resources are available to make that provision.

Ms Bradshaw: Thank you, all.

Mrs Cameron: Thank you for your time, panel. I have a couple of questions for Alyson, if that is OK. Alyson, your submission refers to the 2016 UNCRC report. Are there elements of that report that are not addressed by the Bill?

Ms Kilpatrick: No, there is nothing that is not addressed, but the Bill could be clearer. A lot of attention will have to be paid to the regulations and guidance that follow, but, in my view, there is nothing outstanding. I do not know whether Emily disagrees; do you, Emily?

Ms Mills: No, you have covered it.

Mrs Cameron: That is great; thank you. My next question, Alyson, is about your ask for the inclusion of specific measures:

"to ensure non-discrimination against same-sex couples and individuals".

I am very curious about that. Is the Bill not equality screened? What warrants the specific provisions focusing on LGBT communities? Did the courts not uphold the equal treatment principle? Would they not be expected to do so again, should a specific issue arise?

Ms Kilpatrick: First of all, it is not enough to wait for a report to determine that there has been discrimination. It is always much better, particularly when introducing new legislation, to provide for that in advance and to avoid discrimination arising in the first place.

The reason that special measures are needed is precisely because there was discrimination. There was discrimination in the law, but also in practice. This is another of the points that is translated into practice; we know that the practice was not equal. This would be a change to the law to enhance equality of treatment and open up the pool of potential adopters, in the best interests of children. We are talking about making sure that this actually works in practice, rather than leaving people to have to see it go through a court.

Mrs Cameron: Thank you for that clarity. Lastly, will you tell us how the concept of progressive realisation squares with the competing pressures facing the health budget?

Ms Kilpatrick: Resources will be an issue in everything that we do. Thankfully, it is not for me to make any decision on those priorities. However, lack of resources is not an answer, if there is a violation of rights. "We do not have resources" is not an excuse. You have to do what you possibly can to get the resources. It comes back to what Kathleen and EJ both said. The best-interests-of-the-child principle is paramount, and it is absolutely clear in the Bill that it is paramount. However, that is quite easily said; it is much more difficult to bring that into effect in practice. One way of ensuring that is to make sure that the individual child is heard. It is also about ensuring that things are put in place to make sure that the voices of children who have difficulty communicating are heard and that they are empowered to express their views on a range of things. We must remember that children have rights themselves and that they do not just derive rights through parents or adults.

That also goes back to the point about court advisors. I will give you an example of resources being stretched. As a practitioner in the courts, I can tell you that there is not the capacity in the courts to do that properly. It could be legislated for that children should be really listened to and assisted through court processes. However, we simply do not have the people with the proper training to do that. I put my hands straight up in the air and say that that extends to people like me and my colleagues, who operate through the courts, and the judges.

It will be a struggle to find sufficient resources, but, in treaty speak, progressive realisation essentially means that you have a period in which to try. Most states will be fine, as long as they are moving in the right direction, trying to improve things within their resources and not sitting back and giving a lack of resources as an excuse for the violation of rights. You will not be caught wanting, as long as you are trying reasonably. However, as I said, I am delighted not to be a politician and not to have the burden of deciding those things.

Mrs Cameron: That is great. Thank you Alyson.

The Chairperson (Mr Gildernew): Thank you for a very interesting session with really good perspectives on this important Bill. It has been really useful for us. Alyson, Emily, Kathleen, EJ and Wesley, I thank you all and wish each and every one of you a very safe and happy Christmas. Thank you for your attendance. I wish you all the best.

Ms Kilpatrick: Happy Christmas.

Ms Havlin: Happy Christmas.

Ms Toner: Thank you.