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adoption • fostering • kinship



Practice Note

Matching children from Wales with adopters approved in Scotland

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CoramBAAF
41 Brunswick Square
London
WC1N 1AZ
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Introduction

Please note: Information in this Practice Note does not apply to children moving from Scotland to adopters who have been approved in Wales as this does not present the same challenges in regulations.

This Practice Note offers guidance on key aspects of children moving cross-border from Wales to Scotland to be placed with adopters approved in Scotland, specifically addressing common queries received by AFKA Scotland, AFKA Cymru and CoramBAAF's Advice Line.

The process of placing children across national borders comes with some complexity, given that regulations, guidance and practice differ between the two countries.

Written by Alexandra Conroy Harris (Legal Consultant) and Jane Poore (Adoption Consultant) with AFKA Scotland.

Welsh revisions by Sarah Coldrick, Legal Consultant, AFKA Cymru.



Cymdeithas ar gyfer Maethu,
Gofal Perthynas a Mabwysiadu

Association for Fostering,
Kinship and Adoption

Assessment and approval

This Practice Note provides clarification around practices and procedures for placing children from local authorities in Wales with Scottish-approved adopters (under the Adoption and Children (Scotland) Act 2007).

Under Welsh regulations, Reg 33(4) of the Adoption Agencies (Wales) Regulations (AA(W)(R) 2005 only allows a child to be matched with an adopter who is either approved at the same panel or who has already been approved 'in accordance with [Regulation 30B] that the prospective adopter is suitable to adopt a child'.

Adopters who have been approved by an agency in Scotland will not have been approved under the AA(W)R 2005. Therefore, they will need to be considered at the same panel as the match, and approved as adopters in Wales, before they can be matched with a child. This is not usually a difficulty as the Scottish assessment covers the same ground as the Prospective Adopter's Report (PAR) in Wales and will have been written by a UK-qualified social worker. There is nothing legally preventing the adopter from being approved by both agencies.

Wales recognises social worker registrations by the Scottish Social Services Council, meaning that a Scottish registered social worker can present to a panel in Wales. The full Scottish version of the Prospective Adopter's Report (PAR-S) (or equivalent) and minutes of the Scottish approval panel and agency decision-maker (ADM) decision should be sent to the relevant panel administrator in Wales.

Local authorities/regional adoption collaboratives will ask their panel adviser to double-check the paperwork to ensure it is compliant with local practice. For example, if policies around references are different to those of the local authority, some additional references may be requested ahead of the matching panel to ensure compliance. The agency medical adviser should be asked to confirm that no further examinations are required and to endorse the medical adviser's summary. The assessment can be accepted by the Welsh panel with no additions or changes.

The approval and the match can be considered as separate items at the same panel. Before considering the match, the panel is asked to consider, in a sense "endorse", the PAR(S) (which the panel has received as required by AA(W)R Reg 32(5)). The panel should note in the minutes that it recommends the adopters are suitable to be approved in accordance with Reg 30B. The agency decision-maker will consider the panel's approval recommendation first, before the match is considered. The agency decision-maker will need to record their decision that the adopters are approved to adopt, or otherwise, under Reg 30B AA(W)R 2005, as amended.

Adoption order

Once a child has been matched and placed for adoption, the adopters can then apply to adopt in either Wales or Scotland. An English / Welsh placement order, or consent under s.19 of the Adoption and Children Act 2002, is included in the Adoption and Children (Scotland) Act 2007 as one of the conditions that must be satisfied before an adoption order can be made. Conversely, the Scottish-approved adopters can adopt in Wales, as their residence in the UK satisfies the habitual residence/domicile conditions and they will be Welsh approved adopters.

Support

Wales and Scotland each recognise adoption orders made in the other's jurisdiction, and the timescales around adoption support work in the same way in both countries.

The placing local authority provides support for the first three years. After this, responsibility for all support (except financial support) may transfer to the local authority where the child lives (unless the placing authority elects otherwise).



Placement with connected persons

Where the plan is to place a child in a family with an older adopted sibling under a Welsh Early Permanence arrangement, best practice would be for the sibling's adopters to be re-approved as adopters and approved as foster carers under the Fostering Panels (Establishment and Functions (Wales) Regulations 2018).

This is not always possible, but it is possible to use Reg 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 ('temporary approval of relative, friend or other person connected with C' (the child)) to approve a sibling's adopters as temporary foster carers. This relies on the interpretation of 'other person connected with C' as including an adopter of C's biological sibling, despite there being no legal or social relationship between the child and the adopters. This interpretation has been used when circumstances require by some local authorities, so far without legal challenge. It does have disadvantages, in that Reg 26 requires that the local authority immediately begin assessment of the temporary carers as foster carers, and it is time limited. Reg 26 carers would not be eligible for adoption leave/pay in these circumstances (until the child is matched for adoption).

Interagency fees and practical arrangements

Bespoke agreements regarding interagency fees and support will be required when Scottish-approved adopters are involved in early permanence placements. Interagency agreements will need to address fees and responsibilities, including who provides support to the adopters.

However, matching and approval processes remain straightforward due to compatible assessment standards between Wales and Scotland.