

## Adoption

**Earl Howe** asked Her Majesty's Government:

Whether any guidance has yet been issued to social services departments of local authorities in the light of the judgment delivered by the European Court of Human Rights in the case of *P C and S v the United Kingdom* (2002), involving a baby forcibly removed from her mother by social services soon after birth; and, if not, why not.[HL1016]

**The Parliamentary Under-Secretary of State, Department for Education and Skills (Baroness Ashton of Upholland):** The European Court of Human Rights handed down its judgment on 16 July 2002. The Court did not find any legislation or guidance to be in breach of the Convention. However, the judgment did raise a number of issues for the Department for Education and Skills to consider. The department has continued to keep these issues in mind as it reviews and develops its guidance to local authorities. This is an ongoing process.

The department has now begun an extensive programme of consultation on the draft regulations and guidance that will implement the Adoption and Children Act 2002 provisions. In November 2003 it

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issued the first of five consultation packages which sets out the draft regulations and guidance governing the arrangement of adoptions, and which addresses some of the issues highlighted for further consideration as a result of the judgment. For example, the consultation includes the draft regulations that place a requirement on agencies to explain to a birth parent the consequences of adoption and how the parent may apply for a contact order at the time of the adoption hearing. Furthermore, the draft guidance sets out the procedure for counselling a birth parent about contact and how the arrangements for contact may change through the adoption process. This consultation exercise will run until 1 May 2004.

[http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds04/text/40224w02.htm#40224w02\\_sbhd3](http://www.publications.parliament.uk/pa/ld199900/ldhansrd/pdvn/lds04/text/40224w02.htm#40224w02_sbhd3)