

## **Education Committee call for evidence on the Adoption and Children (Scotland) Bill**

### **Response of the Scottish Council of Jewish Communities**

The Scottish Council of Jewish Communities welcomes the Adoption and Children Bill and supports the intention to 'provide greater stability for children who cannot live with their original families'.

#### **Sections 10(2)(a), 9(4)(b) and 85(5)(b)(ii): The adoption process**

We welcome the provision that 'the court or adoption agency must.....have regard to...the child's religious persuasion, racial origin and cultural and linguistic background'. Faith communities frequently provide a stable and supportive environment for children who, for whatever reason, find their home lives disrupted so they are unable to live with their original families, and faith-based agencies can play a vital role in facilitating this. Because continuity of religious practice, culture and ethical outlook all contribute to children's sense of identity and security placements should, where possible, be such as to enable the child to continue their accustomed religious practice, and it is, therefore, important that both faith-based and other adoption agencies are given the flexibility to refuse placements that do not fit in with that ethos.

#### **Section 31: Adoption by certain couples**

We note that there were 500 responses to the consultation 'Safe and secure homes for our most vulnerable children' – a far higher number than for the majority of consultations - and are perturbed that the Bill disregards the concerns of the majority of responses relating to adoption by single-sex and unmarried couples. (89% opposed adoption by same-sex couples and 83% opposed adoption by unmarried couples.) We also note that, as a result of similar concerns, faith-based agencies in England and Wales have been given the opportunity to opt out of accepting applications from same sex couples, on the grounds of respect for religious beliefs [Adoption and Children Act Statutory Guidance: chapter 3, section 13]. We therefore urge that the Bill should make an explicit exemption for adoption agencies that do not wish to make such placements on grounds of religious belief.

#### **Section 78: Disclosure of medical information about parents of child**

We support a provision to enable medical information about an adopted child to be shared with that child and the adopting parents, and, in certain situations and to enable proper planning for the child, we would support the limited sharing of that information without consent of the original family. This is of particular importance where there may be a particular genetic predisposition to certain conditions in particular communities (for example Tay-Sachs disease in the Ashkenazi Jewish community).

We would request that this provision should be extended to enable the sharing of other important information, for example in the case of a Jewish child, documentation proving the Jewish status of the birth mother in order that the child should be able to demonstrate their own status when required for example to gain entry to a Jewish school or later, as an adult, on marriage. (Jewish descent is matrilineal, and, as such, it is very important for someone to know the religious status of his/her birth mother.)

### **Section 103: Fostering allowances**

#### **(2)(b) Specifying circumstances in which payments may be paid**

There may sometimes be cost implications attached to religious observance, and we urge that this should be taken into account when setting guidelines and scales for fostering allowances. For example, kosher food is generally more expensive than non-kosher food, and foster families should not have to argue every case on a one-off basis so as to receive an adequate allowance to feed the child. Fostered children may also require special garments or articles in order to carry out their religious observance (for example a Jewish boy may require to purchase *tefillin* (phylacteries) when he reaches thirteen years old and becomes *bar mitzvah*).

### **Compatibility with UK legislation**

Due to the small size of the Jewish community in Scotland there is no Jewish adoption agency in Scotland and many adoption and fostering placements are arranged on a cross-border basis, often facilitated by a Jewish adoption agency in England. We would, therefore, emphasise the importance of Scottish legislation taking account of legislation at Westminster (and vice versa) to ensure that cross-border work remains a viable proposition.

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Note: The Scottish Council of Jewish Communities is the representative body of all the Jewish communities in Scotland comprising Glasgow, Edinburgh, Aberdeen and Dundee as well as the more loosely linked groups of the Jewish Network of Argyll and the Highlands, and of students studying in Scottish Universities and Colleges.

In preparing this response we have consulted widely among members of the Scottish Jewish community, particularly those involved in the social work professions, and with a UK-wide Jewish adoption agency.