

# Adoption: Access to Information and Intermediary Services A Practice Guide

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## Chapter 1

# Introduction to the guide, terminology used and legal framework

## 1 Introduction

Adoption related research, practice and lived experience reported over the past century have shown that adoption is not a one-off event, but a lifelong process, with ongoing implications for all members of the adoption kinship network<sup>1</sup>. Services for adults affected by adoption are an important element of addressing the range of needs expressed by adopted people, birth relatives and people with a prescribed relationship<sup>2</sup> to an adopted person and ensuring that their legal rights are upheld.

These services are characterised by a high level of specialist knowledge, skill and sensitivity on the part of the professionals involved. However, new challenges are emerging. The use of social media and DNA testing has become widespread amongst people in the adoptive kinship network who are searching for each other. Relevant interest groups from all parts of this network are expressing their views and feelings about adoption related issues. In addition, a new generation of young people, adopted after the legislative changes introduced in 2005, are reaching adulthood and seeking services that have been shaped by the new responsibilities placed on adoption agencies.

Practice in this field, therefore, is evolving rapidly and this 2025 edition of the practice guidance has been written to reflect these changes. It includes updated material, although much of the content of the 2008 guidance remains relevant and is included. The guidance is not statutory and does not place duties on adoption agencies (AAs), regional adoption agencies (RAAs) or adoption support agencies (ASAs). It should be applied in the context of the relevant legislation and statutory guidance, which is referred to throughout.

Throughout the process of revising this guidance, we have sought the views of three key groups of people: adopted people, birth relatives and adoption professionals – some of whom have participated via consultation groups established by the project team, others via interest groups. These people have been essential in ensuring, as far as possible, that the guidance reflects the range of dilemmas that this work involves for professionals and the range of needs and feelings experienced by people who seek services. We have aimed to

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<sup>1</sup>The adoption kinship network includes the adopted person and members of their birth and adoptive families including siblings and extended family members.

<sup>2</sup>See Chapter 8.



reflect their views and experiences throughout.

The rewriting of this practice guidance has been funded by Adoption England as part of the Improving Adoption Services for Adults (IASA) project. The guidance aims to support adoption managers, social workers, support workers and other professionals in the field to offer high quality services to all adults affected by adoption. The guidance applies to England only as the legal frameworks and management of adoption policy and practice in Scotland, Northern Ireland and Wales are somewhat different.

## 1.1 Contents of the guide

This guide is divided into three sections; Chapters 1-3, Chapters 4-8 and Chapter 9.

**Chapters 1-3** focus on some of the key areas that underpin professional practice in services for adults affected by adoption. These include the legal framework, messages from research and the complexities of the professional role. Six key principles for good practice are outlined and discussed. These principles are woven through the subsequent text of the guide with the aim of supporting professionals to navigate the complexities of this work and the decision making involved.

**Chapters 4-8** cover the provision of services to people where the adoption took place before 30 December 2005 (pre-commencement adoptions). These chapters cover, respectively, services for adopted people who are seeking access to birth record information and adoption records; general considerations in providing intermediary services; intermediary services for adopted people; and intermediary services for birth relatives and people with a prescribed relationship to an adopted person.

**Chapters 9 and 10** cover key issues relating to services for people where the adoption took place on or after 30 December 2005 (post-commencement adoptions).

Adults affected by adoption may need additional services that are not covered in this guide. Adopted people who have spent time in the care system may wish to access their care records. Both adopted adults and birth parents and other relatives may need therapeutic services to deal with the impact of adoption in their lives. Birth parents currently going through the adoption process may need access to independent support services. These are all important areas of service provision for professionals working in the field to be aware of, so wherever relevant we will mention the need for signposting people to these additional services and refer to other sources of information about these topics.

The current chapter outlines the adoption related terminology used in the guidance, acknowledging that some of this may be contested but explaining why the relevant decisions were taken. It then summarises the overarching legal framework for the services, including a brief history of adoption legislation. This section sets out the relationship between the Adoption and Children Act 2002 and the more detailed regulations. It refers to the statutory guidance issued by the government in 2013 and national minimum standards

which adoption agencies and adoption support agencies should meet. It includes a brief discussion about the overarching duties on public bodies to apply the principles of the Human Rights Act 1998.

## 1.2 Terminology used in the guide

Clapton (2018) has argued that in adoption, language is never neutral. Language both creates and reflects wider narratives about adoption. Adoption raises complex ethical dilemmas in which the interests of children, birth parents, adoptive families, and the state may conflict with each other (BASW, 2018). For example, adoption may be framed positively as a 'happy ending' where the child has gained a 'forever family', obscuring the losses involved for all, and failing to acknowledge situations where things do not go well after the adoption. Conversely, language can create negative narratives around adoption. The adopted child may be seen as somehow inferior (not the parents' 'real' child), unwanted ('given away') or contaminated ('bad blood'; 'illegitimate'). Birth parents may be described as having 'given up' their child for adoption, when they had very little or no choice. In addition, professional language associated with adoption (for example, 'permanence'; 'family finding'; 'matching') may not be understood outside the profession or may be ascribed different meanings by others (Clapton, 2018).

In this practice guide we have thought carefully about the terms used to describe the key people, practice and events connected with adoption. Our consultation with professionals and people with lived experience of adoption demonstrated that people have widely diverging views about which terms they prefer. However, the need for sensitivity in the use of language, and the importance of negotiating preferred terms with individuals seeking services was emphasised by all.

**Key guidance for practitioners:** Start open conversations with the people you are working with about how they prefer to be referred to, the terms that they are comfortable with when talking about other people in their networks, and other terms they like or dislike describing adoption related experiences.

In writing the practice guide we aim to be as clear as possible about who and what we are talking about. Thus, we use consistent terms throughout the guide as follows.

### 1.2.1 Adopted person

This term is used to describe individuals who are legally adopted. As this guide concerns working with people aged 18 and older, primarily we are talking about the adopted person in adulthood. We have however decided to avoid the term 'adopted adult', to avoid suggesting that people are adopted during adulthood (something that is not possible in the UK but is in some other countries). Some people prefer the term 'adoptee' feeling that this recognises the defining impact of adoption on their lives, and the fact that adoption was 'done to' them. Other people dislike this term as they do not feel adoption defines them and/or they dislike the emphasis on their lack of choice or involvement in the adoption.

People may be sensitive in terms of whether they ‘were adopted’ (implying a singular event at a point in the past) or ‘are adopted’ (reflecting an ongoing status). Adopted people may have strong feelings about the use of names given to them at birth versus their adoptive name, and they may prefer to be called by their birth name or another name they have chosen for themselves. Some adopted people we consulted with had strong feelings about the use of language, whereas other people felt quite neutral on the topic. For a birth parent, they may simply think of their child who was adopted as their son or daughter, albeit at times there may be a need to distinguish between a child they have raised who was not adopted and the child who was adopted.

### **1.2.2 Birth parent, birth mother, birth father**

We recognise these terms are complex for several reasons, but in the context of this practice guide we felt it important to distinguish birth parents from adoptive parents to avoid confusion. The terms birth parent, birth father or birth mother may be disliked by some individuals as it is seen as reducing the parents’ role to just the link to their biology and/or birth. For similar reasons, people may dislike the term ‘biological parent’. The term ‘first parent’ is becoming more widely used, but is not yet understood by all, particularly parents whose children were adopted some time ago. Adopted people vary in how they picture their birth parent. Some may wish for their birth parent to be described simply as their parent, or their mother or father. Some birth parents themselves would prefer just to be thought of as their child’s mother or father. Other adopted people might prefer to reserve these terms for their adoptive parents. The terms ‘real’ parent or ‘natural’ parent have been used in the past. They may be preferred by some people (both birth parents and adopted people) as a reflection of the unique biological connection between parent and child. Some adopted people or their adoptive parents may dislike these terms as they could be taken to imply the adoptive parent is not ‘real’ or ‘natural’, something that may feel at odds with their lived experience.

### **1.2.3 Historic baby adoption**

We have used this term to describe the large number of adoptions that took place mainly during the 1950s, 60s, and 70s. Most of the children adopted at this time were born to single women. The shame and stigma surrounding ‘illegitimacy’ meant that there was considerable pressure on mothers (and fathers if they had remained involved) for their baby to be adopted. We have avoided the terms ‘given up’ or ‘relinquished’ for adoption as we feel that they imply some choice or willingness on the part of the birth parents, and this is not the experience that most report. Some parents may have asked for their child to be adopted, and in such circumstances the term ‘placed for adoption’ could be used.

### **1.2.4 Adoption from care**

This refers to the adoption of looked after children. Most of these children will have been placed in foster care by the state and a decision taken that they cannot return home because their birth families are not able to provide safe or adequate caregiving. These adoptions became more prevalent during the 1980s and now represent most contemporary adoption orders granted. Adoptions from care include a range of circumstances, for example parents may or may not have withheld their consent to adoption or contested the adoption. Children may have been adopted by former foster carers or other people they already had a connection with, or they may have been placed with new families.

### **1.2.5 Foundling**

This term is used to refer to babies who have been found in public places. Whilst some of these babies may have been 'abandoned' in terms of being left in an unsafe place, hidden or left where they might never be discovered, many were left in places where they would be quickly found and hopefully cared for. In such scenarios the term 'left to be found' is used in preference to the term 'abandoned', as the latter suggests that the birth parent lacks care and concern for the child when this is very rarely the case. However, some adopted people do feel a sense of abandonment, and it is important to recognise such feelings as valid, as well as to recognise that some babies were left in very harsh circumstances.

### **1.2.6 Reunion**

The term 'reunion' is commonly used in research and practice, to refer to the meeting between an adopted person and a birth relative, after many years of separation. Whilst this term is still widely used and understood, 'reunion' is problematic in some circumstances. Firstly, in circumstances when the adopted person and the birth relative have never previously met (for example when the relative is a sibling born after the adoption or a birth father who was not aware of the child's birth) the term 'reunion' is inaccurate. Secondly, it has been suggested that the term 'reunion' has connotations of a happy and enduring outcome for both parties. While this is the case for some, for others, the outcomes are mixed and often complex. For these reasons, in this practice guide we have avoided 'reunion' as a generic term but have used it when it feels appropriate to do so. If there is uncertainty, we have referred to 'making contact with' or 'meeting with'.

### **1.2.7 Contact**

We use the term 'contact' as an umbrella term to describe a range of ways in which the adopted person might have stayed in touch with people in their birth family. Contact that takes place in person is often referred to as 'direct' or 'face-to-face' contact. Indirect contact via letters (usually mediated via the adoption agency) is referred to as 'letterbox contact'. Prior to the late 1980s it was not common for any form of contact to be set up between the adoptive family and the birth family after adoption. In more recent decades, letterbox contact has been the dominant form of contact. A minority of adopted children will have been enabled to keep in touch with their family members through meetings. Although 'contact' has its uses as an umbrella term, in practice people often feel that this term does not reflect the underlying emotional and relational aspects of the experience. Hence there is a move in contemporary practice to use the terms such as 'maintaining relationships' or 'keeping in touch' to describe contact generally. Terms such as 'visits' or 'meeting up' or 'family time' with family members may be preferred to 'direct contact'.

## **1.3 Introduction to the legal framework**

### **1.3.1 A brief history of adoption legislation**

The Adoption of Children Act 1926 created for the first time in England and Wales a formal

court process for making an adoption order<sup>3</sup>. This order established a legal relationship between the child and the person to whom the court granted the order and ended the child's legal relationship with their parents. Since that time, both the reasons for making an adoption order and the social context in which adoption orders are made have changed. The law has also been changed during this time, sometimes preceded by committee enquiries set up by Parliament. Submissions were usually made from various interest groups, and the recommendations were subject to considerable debate. These amendments generally reflect social changes and changing attitudes towards illegitimacy, responses to infertility, the suitability of persons to adopt and the roles of local authority and voluntary adoption agencies. As a result, when a person is seeking information about their birth circumstances and identity and their adoption, the law under which the adoption order was made varies and, likewise, the process for getting information from adoption case records.

After an effective campaign, adopted people gained a significant victory in 1975 when the Adoption Act 1958 was amended, giving them the right to obtain information enabling them to apply for their original birth certificate. This was a first step in recognising that an adopted person should not face barriers to finding out information about their birth circumstances and their background. It also reflected changes in social attitudes to illegitimacy and parenting outside formal marriage.

The most recent legislation about adoption is the Adoption and Children Act 2002. This Act was implemented on 30 December 2005. It substantially altered adoption law, but it also retained some parts of earlier legislation. It set up a new way by which a person adopted on or after 30 December 2005 can obtain information from their adoption record when they become an adult at 18.

The differences between the ways in which an adopted person can obtain information about their birth circumstances and their birth certificate may seem arbitrary or illogical. Various groups are campaigning to make the legal framework coherent and fit for purpose, more sensitive to the identity needs of individuals, whilst respecting the privacy rights of other people in the adoption kinship network who may be affected by the application. For individuals and the practitioners supporting them, the barriers and complexities can be frustrating. This guide aims to support adoption social workers and managers to navigate a pathway through the existing legal framework, and to provide sensitive and responsive services within it.

### **1.3.2 The relationship between primary legislation, statutory guidance issued by government and National Minimum Standards**

#### ***Primary legislation***

The Adoption and Children Act 2002 sets out in broad terms the duties and powers of adoption agencies as well as those of the court when making an adoption order. It is referred to as either a Statute or Act of Parliament or 'primary' legislation. The Act confers powers on a Minister of State to set out more detailed legal duties and powers

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<sup>3</sup>This Act also covered Wales but Scotland and Northern Ireland were excluded.

of adoption agencies through Regulations, prescribing how these duties and powers are to be carried out. Regulations are sometimes referred to as 'secondary' legislation or Statutory Instruments. In addition, there are Statutory Orders, often used to establish the date on which an Act or Regulations 'come into effect' (for example, the date from which the Regulations apply). Both the Act and the various Regulations will use the term 'must' or 'shall' when describing a duty, and the term 'may' when giving a power or discretion to make a decision or take an action. Sometimes, a power or discretion given to the adoption agency or the decision maker acting on behalf of the agency is 'qualified': in other words, there may be factors that 'must' (a duty) be considered when exercising the power. An example of this is the factors the adoption agency must explicitly address when considering whether to recommend to the court whether a child should be adopted: and, likewise, the factors the court must consider before making the adoption order.

### ***Statutory guidance***

Statutory guidance is issued by the government through the Department of Education. The Guidance on Adoption issued in 2013 explains to local authorities, voluntary adoption agencies and adoption support agencies how to carry out their duties and exercise their powers under the Act and regulations. Agencies, when exercising their adoption functions, must (ought) to have regard to the guidance, unless there are exceptional reasons to justify departing from it. This means social workers and their managers must be familiar with this guidance. One current problem is that the guidance was issued over a decade ago. In 2015, the government proposed that adoption services across England should be delivered through Regional Adoption Agencies (RAA). These arrangements emerged over time and differ from region to region and some RAAs include voluntary adoption agencies as members. In 2021, the Department issued an adoption strategy statement and appointed a national strategic lead to develop England-wide standards across the sector. The 2013 guidance is a useful resource for understanding the regulations but may now seem out of step with current practice.

### ***National Minimum Standards***

There are National Minimum Standards relating to adoption agencies and adoption support agencies, designed to establish a sound foundation for service development, policies and practice. The Standards were last reviewed in 2014. They set out principles and values underpinning the Act and regulations for children, adopted adults and birth relatives. These principles should also inform intermediary services for people with a 'prescribed relationship' with an adopted person.

## **Adoption Minimum Standards, 2014**

### **Values: adopted adults and birth relatives**

- Adoption is an evolving life-long process for all those involved - adopted adults, and birth and adoptive relatives. The fundamental issues raised by adoption may reverberate and resurface at different times and stages throughout an individual's life.
- Adopted people should have access to information and services to enable them to address adoption related matters throughout their life.
- Agencies have a duty to provide services that consider the welfare of all parties involved and the implications of decisions and actions for everyone involved.
- Agencies should seek to work in partnership with all parties involved, taking account of their views and wishes in decision-making.
- Agencies should acknowledge differences in people's circumstances and establish policies that provide non-discriminatory services.
- Adopted adults have their adoptive identity safeguarded and the right to decide whether to be involved in contact or communication with birth family members.

The Act, regulations made under the Act, the statutory guidance and the minimum standards together create a framework which should inform the protocols, policies and professional practice of each organisation providing relevant services. They apply when the agency is carrying out actions and making decisions to provide adoption support services and intermediary services. The individual agency's policies and procedures must be consistent with the law and its principles, which are further informed by the ethical standards of an individual practitioner's registration body.

There is also case law or judgements made by the court which give guidance about how to interpret the relevant provisions in the Act and regulations.

### **1.3.3 The relevance of the Human Rights Act 1998**

An agency and a practitioner must also take into account the rights of the individual under the Human Rights Act 1998 because its principles and requirements apply to all UK legislation, whether made by Parliament before or after October 2000, the date this Act was implemented. The Human Rights Act gives rights to all citizens – both adults and children. The state delegates certain duties – for example to provide adoption services – to a 'public authority'. Local authorities are included in the definition of 'public authority' and must carry out their functions in a way that is consistent with the rights of citizens enshrined in Article 8 of the European Convention of Human Rights.



### **Article 8 of the Human Rights Act 1998: Right to respect for private and family life**

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 8 requires the state to protect the ‘privacy’ of individuals and to respect their ‘family life’, unless there is justifiable reason to intervene in an individual’s family life. This is known as a ‘qualified’ right compared with an ‘absolute’ right as there is some degree of discretion to permit a ‘lawful’ intervention into a person’s private or family life. Article 8 permits, for example, a local authority to remove, subject to a court process, a child who may be at risk of significant harm from a member of their family. The recent Joint Committee on Human Rights enquiry (JCHR, 2022) into adoptions that took place between 1949-1976 argues that understanding of the right to family life would have been interpreted differently in the past, and that many adoptions in that historical period amounted to what would now be considered an undue violation of family life (Selwyn and Wijedasa, 2010).

Adoption case records hold an account of a person’s birth origins, part of their childhood history and their early experience of ‘family life’ and usually some account of the reasons why they were adopted. Balancing the principles of privacy rights of an individual and another person’s need to have an account or narrative of their early family life is central to decision making about sharing information. This potential conflict comes into sharp focus when one person (e.g. an adopted person) is seeking information about another person (e.g. their birth parent) in the absence of informed consent of the person whose information is being shared. This will be considered when we look at exercising discretion to share information in adoption records. The regulations must be interpreted consistently with the rights of every individual as set out in the Human Rights Act.

### **1.3.4 Balancing the rights of the applicant to have information and the privacy rights of the subject of the application**

#### ***‘Informed consent’ of the subject of the application***

Some adopted people and their relatives do not wish to be traced or contacted. The adopted person (if adopted before 30 December 2005) may register a veto which prevents an intermediary agency from making an approach or if they have registered a qualified veto, the agency may only make an approach if the conditions of that veto are met. Birth relatives can register a wish for contact or no contact on the Adoption Contact Register, held at the General Register Office (GRO).

The requirement to obtain ‘informed consent’ is an important safeguard of the privacy



rights of the individual who may not wish the agency to share sensitive personal identifying information with an applicant from either the adoption records or other sources and which is not reasonably available from public records. Identifying information in this context is information, which, whether taken on its own or together with other information possessed by the applicant, enables the subject to be identified or traced.

The agency must give the subject of the application (e.g. an adopted person being sought by their birth parent) sufficient information about the background to the application and their options about whether and how to respond. It may identify the applicant, so the subject will know who wishes to make contact, their reasons for doing so and that person's expectations. For example, do they wish to meet or only pass on information. The applicant needs to be made aware of this. The adoption worker and the agency must be satisfied that the subject understands fully the implications of their decision to consent or not, and is given support in this process.

If the subject does not consent, the agency may provide non-identifying information to the applicant, but must take care not to provide inadvertently information which, when put together with the information the applicant already has (for an adopted person, perhaps their birth certificate or information from the adoption record) enables the subject to be identified or traced.

Sometimes, the applicant has made their own search and already has identifying information about the subject before seeking intermediary services to make contact. In these situations, the agency is required to obtain the subject's informed consent to any additional identifying information being shared. Where the applicant has already traced the subject, the agency worker should explain this to the subject and tell them that the applicant may make a direct approach to them even though they may not have consented. In such situations, the agency should discuss any known or likely risk factors both the subject and the applicant need to be aware of.

#### ***Where the subject of the application has died***

The agency is responsible for confirming whether the subject of the application has died. If so, the agency has discretion to disclose identifying information about the subject. It must have regard to the welfare of all those affected if identifying information is shared. The agency should also consider, at the very least, whether it is appropriate to seek the views of the deceased person's next of kin or persons in the subject's family before deciding whether to disclose the identifying information. Factors such as the length of time since the person's death and the views of their next of kin may influence the agency's decision. This decision about whether to share identifying information is for the agency, rather than an individual worker to make. The checks done and the reasons for the agency's decision, together with what information was shared, must be recorded.

#### ***Where the subject is considered 'incapable' of giving informed consent***

When the agency determines that the subject is incapable of giving informed consent because of, for example, a learning difficulty or other mental impairment, it must consider the factors relating to the welfare of all affected by the application. The agency should seek the views of others before deciding whether it is appropriate to disclose to the

applicant any identifying information about the subject. It should consider whether to obtain medical confirmation of incapacity, and check whether, for example, the subject is under an order of the Court of Protection, or whether any person holds a Lasting Power of Attorney in relation to the subject's health and welfare decisions. The agency should consider consulting with the subject's spouse or civil partner or other family members. It must take these views into account and have regard to the welfare of persons affected by the application before making a decision to share any identifying information with the applicant. The checks and reasons for the decision should be recorded together with a record of what information was shared.

See Chapter 5 for further information.

### **1.3.5 The current legal framework**

Broadly speaking, the law distinguishes between those persons adopted before 30 December 2005 and those adopted on or after that date. This date was when the Adoption and Children Act 2002 was implemented. Different regulations and processes apply for sharing information about a person's adoption, depending on the date of the adoption order. It also means there are different challenges and issues for persons affected by adoption and workers supporting them, depending on when the person's adoption order was made.

#### ***Pre-commencement adoptions***

Adoption orders made before 30 December 2005 are referred to as pre-commencement adoptions and the regulations governing the process for accessing birth records and adoption records is The Adoption Information and Intermediary Services (Pre-commencement Adoptions) Regulations 2005. These regulations were amended in 2014 to allow a wider group of people, those 'related' to an adopted person, including descendants of an adopted person, to apply for intermediary services. This group is considered in Chapter 8. Aspects of laws made before the Adoption and Children Act 2002 still apply to this group. Within this group (the pre-commencement group), there is a subset of persons adopted before 12 November 1975, the date on which amendments to the Adoption Act 1958 were made. This group will consist almost exclusively of 'historic baby adoptions' as opposed to 'adoptions from care'. They are distinct in some ways from later adoptions because the historical context meant that reasons for adoption were primarily social (as opposed to due to maltreatment or lack of parental capacity), and the older current age of those seeking services, particularly birth parents who will now be in their mid-sixties or older. They are also the group who experienced the most secrecy in relation to adoption. Adoptions made from 1976-2005 also fall under pre-commencement regulations. This is a diverse group that includes, though is not restricted to, adoptions from care. There are commonalities across all historical periods in relation to the lifelong impact of adoption on the adopted person and their family members. Chapters 4-8 deal with pre-commencement adoptions.

#### ***Post-commencement adoptions***

Where the adoption order was made on or after 30 December 2005, these are referred to as post-commencement adoptions. The vast majority of post-commencement adoptions will be of children adopted from care. The process for managing and sharing information

about these adopted persons is in both the Adoption and Children Act 2002 and The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005. Post-commencement adoptions are discussed in Chapter 9.

### **1.3.6 General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA)**

Article 15 of the GDPR gives an individual the right to ask an organisation to share personal data (information) held about them on that organisation's records. The article sets out additional rights regarding correction of data and, in certain situations, erasure of data. The process for doing so is known as making a Subject Access Request. Adoption case records and the process for sharing information from these are exempt from these provisions in Article 15 of the GDPR (right of access by the data subject) when those records are made by an adoption agency<sup>4</sup>. Subject Access Request processes therefore do not apply to seeking personal data (information) from adoption records; the process for this is set out in the Adoption and Children Act 2002 and the various adoption regulations.

No one has the right to know what personal data is held about them on adoption case records. A person can, however, ask to be told what personal data/information about them is on the agency's adoption records. The procedure to do this is in the adoption regulations. An adopted person, for example, may want to know information about themselves on the adoption records and also detailed information (identifying information) about other persons, such as a birth parent or siblings. When it comes to sharing the personal data/information about another person, (a third party) the agency must give that person (the third party) an opportunity to consent to their personal identifying data being shared or allow them to set out what aspects they wish not to share. This requirement in the regulations is consistent with Article 8 of the Human Rights Act. It does not prevent the agency from sharing information about a person which does not identify that other person (referred to as non-identifying information). The adoption agency, in the case of pre-commencement adoptions, has discretion to share another person's data, without consent, with the person asking for that information in certain circumstances. Exercising discretion in relation to sharing information from adoption records is discussed in Chapter 4. There is a different framework for seeking information from adoption records where the adoption order was made on or after 30 December 2005. This is considered in Chapter 9.

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<sup>4</sup>The exemption (which replaces a previous order exempting adoption records from data protection legislation) is in Schedule 4 paragraph 3(2) of the DPA. The exemptions apply to pre-commencement adoption records and specifically regulation 14 of the Adoption Agencies Regulations 1983 (S.I. 1983/1964) and regulation 41 of the Adoption Agencies Regulations 2005 (S.I. 2005/389). This will be considered in more detail in discussion of case examples.

### **1.3.7 Adoption records and care records: different processes for finding out information on records**

If an adopted person has spent time in local authority care, they may want to find out about their personal information held on their care records. The process for this is not the same as when an adopted person asks for information from their adoption records. The process of accessing care records, a Subject Access Request, is made under the Data Protection Act 2018. Again, respecting the privacy rights of another person must be considered alongside respect for the individual's family life. The holder (data controller) of the personal data (held on care records) has discretion under the DPA to share information. However, they must take into account the rights of all persons whose rights will be affected by the sharing or withholding of information. The reality of this is that care experienced people accessing their care files often find that a large amount of information is redacted from these files because much of the information is from or about third parties and their consent to share the information is either not sought or given.

This practice guide does not cover access to care records, but more information about that can be found in the practice guide by Feast and Jordan (2022) and on the Family Action website [family-action.org.uk](http://family-action.org.uk). It is helpful for professionals dealing with access to adoption records to know where to signpost adopted people to if they wish to access their care records.

## **1.4 Key points**

- This practice guide updates and replaces previous practice guidance written in 2008.
- The work on the guide was funded by Adoption England and views of adopted persons, birth parents, and practitioners have informed the revisions.
- The guide separates guidance relating to adoptions that took place before 30 December 2005 (pre-commencement adoptions) and adoptions on or after this date (post-commencement adoptions). This is because the legal frameworks covering these two groups are significantly different.
- This chapter sets out the definitions of language used in the practice guide. The use of language in adoption is contested, and when working with individuals, sensitivity to their preferences is key.
- Work with adults affected by adoption is governed by a range of primary legislation accompanied by statutory guidance, regulations and national minimum standards. This chapter provides an outline of this legal framework.

## Chapter 2

# Messages from research

Professional practice in services to adults affected by adoption can be informed and supported by messages from research into adoption and other forms of family placement, and these messages are explored in this chapter. However, it is important to consider the research limitations in this setting. Research studies can identify trends and themes in human experience, but they cannot reflect the exact circumstances of an individual person. In a field as complex as adoption, every situation is unique, with its own constellation of events, personalities, risks and opportunities. The challenge for professionals who are working with adults affected by adoption is to be informed and knowledgeable about messages from research, whilst also being attuned and responsive to the unique factors and nuances of each person's situation.

This chapter begins with a summary of the changing face of adoption in England and Wales, including changes in openness and contact. It then outlines key messages from research into the ways in which adoption may impact the lives of adopted people, birth relatives and adoptive parents. Research that addresses themes of loss and identity is considered, followed by an overview of studies which explore the issues for all parties when adopted people and birth relatives search for and make contact with each other.

### 2.1. The changing face of adoption

The history of adoption in England and Wales over the past century provides a context for understanding the range of services currently provided for adults affected by adoption. Here, this history is briefly summarised.

The Adoption of Children Act 1926 introduced the first legal adoptions in the UK and applied to England and Wales<sup>5</sup>. Prior to this, adoptions were informal and privately arranged (Keating, 2009). The 1926 Act established a legal and permanent relationship between the child and the adoptive parents, terminating the birth parents' rights over the child and transferring them to the adoptive parents. The adoptive parents were issued with an adoption certificate and the register linking the person's birth and adoption records was sealed. Secrecy in adoption was underlined with the Adoption of Children Act 1949 which allowed for the adoptive parents' identity to be concealed behind a serial number (Keating, 2009). This was a significant change from the previous legislation. The widespread use of

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<sup>5</sup>This was followed by the Adoption of Children (Northern Ireland) Act 1929 and The Adoption of Children (Scotland) Act 1930

serial numbers, encouraged by adoption agencies, laid the foundations for the 'clean break' concept by effectively negating the mother's/parents' right to know the identity of the people who became their child's legal parents under the adoption order. Cretney (2005), Howe and Feast (2000) and Triseliotis *et al*, (2005) provide comprehensive and helpful summaries of the legal history of adoption.

Most adoptions during the middle decades of the 20th Century were of healthy, white babies who had been born to women who were not married and who faced shame, stigma and lack of support for single parenthood. These babies were usually adopted by infertile married couples and only minimal information was shared between the two families, with all parties advised to proceed as if the adoption had not occurred. In this practice guide, these adoptions are referred to as 'historic baby adoptions'.

Working with birth parents with children who were adopted during this historical period requires a good understanding of what parents may have experienced at the time, and how this may have affected them subsequently. Attitudes towards unmarried mothers in the mid 20th century were shaped by theories about the psychological disturbance and/or moral deviance of pregnant unmarried women (Joint Committee on Human Rights, 2022; Rowe, 1966). A handbook written for adoption workers in the mid-1960s argues that while social workers need to "accept" their clients, "it is not necessary, nor even helpful, to pretend to approve of the unmarried mother's behaviour" (Rowe, 1966, p. 32). Social and professional attitudes of the past help understand the shame and guilt mothers experienced at the time of the adoption and over the subsequent years, and which will impact their experiences with adoption agencies and intermediary service providers in the current day. Many birth mothers' stories are movingly recorded in the House of Lords and House of Commons Committee report of the inquiry into this issue (JCHR, 2022). This report (JCHR, p. 11) described the 'double dose' of shaming that the mothers suffered: first, the stigma of having been pregnant out of wedlock, and second the stigma of having 'given away' their baby" (p. 11). A lack of humanity in historical adoption practices in the period 1949-76 is highlighted and the report concluded that these practices amounted to a violation of the right to family life.

Although many adoptions at this time were arranged by the burgeoning adoption agencies, it was also possible for a private individual (perhaps a doctor or a midwife) to arrange for a baby to be taken from their birth mother (with the consent of the mother albeit often reluctantly and under family and social pressure) and placed with adoptive parents. These parents would then receive a 'welfare assessment' from the local authority and make an application to the court to adopt the child. Adoptions arranged in this way were referred to as 'private' or 'non-agency' adoptions and they were made illegal in 1982.

A further form of adoption, which increased steadily from the 1950s through to the mid-1970s was that of children adopted by their parent and stepparent (stepparent adoptions). These adoptions grew alongside the stigmatisation of both illegitimacy and divorce and were often intended to conceal the perceived 'misfortune' of the child's history. Laws relating to illegitimacy had been amended at various times during the 20<sup>th</sup> century, but it was not until the Family Reform Act 1987 that legal distinctions between children born of married or unmarried parents were finally removed. The implications of legally excluding a caring parent from a child's life became increasingly apparent and unacceptable and



the numbers of stepparent adoptions declined rapidly from their peak (14,000) in 1974, despite the rapid rise in the number of stepfamilies from this time (Masson *et al*, 1983, HMSO (Houghton Report) 1972).

The 1950s and 60s saw a steady rise in the numbers of adoption orders granted in all three of the groups mentioned above. It is difficult to establish a precise figure for the number of historic baby adoptions. The figures for the re-registration of births—the process by which a child born to unmarried parents was ‘legitimatised’ through adoption (though some of these children’s adoptions will have been by their birth parents/stepparents) totaled 185,000 in England and Wales between 1949 and 1973 (Joint Committee on Human Rights, 2022).

From the 1960s onwards, however, the importance of ‘blood ties’ became more widely recognised (McWhinnie, 1966) and a groundbreaking study (Triseliotis, 1973) highlighted the importance for adopted people to know something of their origins for both practical purposes and emotional well-being. This research informed the Houghton Report (HMSO, 1972) and the legislation which followed allowed adopted adults to gain access to their original birth record (Children Act 1975).

From the late 1960s, there were major changes in adoption. The effects of the contraception pill, access to legal termination of pregnancy (Abortion Act 1967) and more liberal attitudes to unmarried parenthood meant that the number of babies placed for adoption dropped dramatically. At the same time, the publication of ‘Children Who Wait’ (Rowe and Lambert, 1973) drew public and professional attention to the plight of the large number of children who were living in children’s homes with little hope of family care being available to them, with black and minority ethnic (BME) children overrepresented in this group (Fitzherbert, 1967). The focus of adoption, therefore, started to shift towards older children and children with additional needs, energised by the message that ‘No child is unadoptable’ which was being promoted in the USA. Preparation and support for the placement of black, older and disabled children were provided by adoption agencies (Churchill *et al*, 1979) and BME children received specific attention through the British Adoption Project (BAP). This project focused on family finding for BME children and spearheaded a movement towards transracial adoption, with the majority being placed in white families (Raynor, 1970).

By the 1980s, therefore, adoption had undergone a fundamental shift, from being a service for infertile couples, to a service to provide family life for children who were in the care system and unable to return home. Most of these children were beyond infancy and many had additional physical, emotional and developmental needs. In this practice guide, these adoptions are referred to as ‘adoptions from care’. Although adoptions from care have predominated since the 1980s, the adoption of babies/children placed by parents has not entirely disappeared. For example, in a cohort of children adopted in 1996-7, 14% were placed as newborns by single mothers, a further 24% were placed by parent/s for a variety of complex reasons where parents were struggling to cope either because of their own stresses often in combination with children’s complex needs (Neil, 2000). In both these groups, the percentage of parents from minority ethnic or religious backgrounds was higher than care adopted children, in many cases because of the pressure imposed on some women (particularly Asian women) by their family and community where single parenthood was shameful (as also highlighted by Selwyn and Wijedesa, 2010).

## 2.2 Outcomes of adoption

Studies concerned with the outcomes of adoption are inevitably complicated by problems of conceptualisation. Whose outcome is to be measured and what criteria are to be used? If comparisons are to be made, should they be made with the outcomes for biological families or with other forms of substitute care? The viewpoints of the adopted child, the adoptive family and the birth family may be at variance. An adoption that lasts 'for life' may nevertheless be unhappy while another that disrupts may result in close and rewarding relationships later on. Research into outcomes must therefore be viewed critically, and the limitations of any single viewpoint or set of measures should be acknowledged.

Studies of historic baby adoptions report that this is a successful means of achieving family life in most cases (for example, Triseliotis *et al*, 2005; Howe and Feast, 2000). However, for a significant minority there is evidence of distressing emotional difficulties for the adopted person. Raynor (1980) looked at historic baby adoptions where most adopted people had reached adulthood and found that about 80% were satisfied with their experiences of adoptive family life, although many of the remainder were living in extremely unhappy circumstances. Kadushin (1980) provides a broad overview of retrospective historic baby adoption studies and concludes, similarly, that about 86% are successful on a range of measures, with the remainder experiencing considerable difficulties.

For children adopted beyond infancy, research consistently indicates that the adoption breakdown rate increases steadily with the age of the child at placement. Thoburn and Rowe (1988) found a breakdown rate of 22% for 1,165 'special needs' placements made by 24 voluntary adoption agencies and observed a rise to 48% for children aged 12 at placement. Poor quality pre-placement experience is also key, with frequent separations and poor caregiving in the birth family adding additional risk of negative outcomes (Rushton *et al*, 1995). Howe (1996) retrospectively studied a mixed group of historic baby adoptions and children placed from the care system and compared their outcomes. He too detected a general pattern in which harmful early experiences were hard for adopters and children to overcome.

More recently, Palacios *et al* (2018) have reviewed the existing research on adoption breakdown. These authors highlight the problem of diversity in terminology and measurement when studying this area, which is echoed in the diversity of adoption policies and data collection internationally. However, they identify common child related factors across a wide range of studies. These include older age at placement, early adversity, age at breakdown (early adolescence being most common) and the intensity of the child's emotional and behavioral difficulties. The authors also note that parent-related factors (such as couple relationships, motivations, expectations of the child, commitment, parenting practices) and service level factors are also influential.

Some studies of outcomes of transracial adoptions have been criticised (Barn, 2000) for noting racial/ethnic identity problems and yet concluding that the adoptions were mostly 'successful'. Other studies of transracial adoption reflect some positive outcomes but also have revealed significant additional challenges for adopted people, especially around



identity and a sense of belonging (for example, Thoburn 2000; Howe and Feast 2000; Barn and Kirton 2012).

## 2.3 Contact after adoption

The permanency movement of the 1970s and 80s was a response to the damaging effects of allowing children to 'drift' in local authority care, with no clear plan for the future. With it came the belief, based on theorists such as Goldstein, Freud and Solnit (1980) that it was necessary for children to make a 'clean break' from previous caregivers to form attachments to their adoptive parents. Thus, adoptions at this time mostly did not involve contact, or contact was restricted to a plan for exchanges of letters and sometimes photographs, sent through the adoption agency.

Attitudes towards contact began to change somewhat towards the end of the 1980s. The Children Act 1989 introduced the concept of working in partnership with birth parents. A birth parent could apply for a section 8 contact order in both 'freeing' and adoption hearings. Leave to apply for a contact order could also be sought post adoption. Also at this time, the voices of adopted people could be heard in accounts of their searches for birth parents and needs for a sense of a coherent personal history and sense of identity (Lifton, 1979; Leitch, 1984; Toynbee, 1985). Similarly, attention was drawn to the plight of birth mothers who had been separated from their babies through adoption, with no knowledge of their subsequent progress or well-being (Howe *et al*, 1992). Evidence began to emerge that children could form new attachments whilst retaining a connection with relationships from the past, indeed that placements could be jeopardised by the sudden termination of contact (Triseliotis, 1993).

The early years of greater openness had the potential to overcome the harmful effects of secrecy and denial that had characterised adoption in the past and there is evidence that to some extent, this goal has been achieved (Neil *et al*, 2015). However, research has also found that contact planning has remained static since the 1980s, with little progression towards greater openness, despite evidence that this can be beneficial. Plans for direct contact are only made for a minority of children. Most adoptions have a plan for indirect contact, but in practice, more than half of these tend not to materialise, or to falter and cease, often soon after the adoption order is made (Jones and Henderson, 2017; Meakings *et al*, 2017; Neil *et al*, 2015).

## 2.4 Themes of loss and identity

The themes of loss and identity emerge strongly from the considerable body of research which explores the experiences of adopted people and birth relatives, and these themes are equally significant in the findings of studies that cover historic baby adoptions and those of children adopted from care.

For the adopted child and adult, adoption implies a complex mix of gains and losses. As

we have seen, most adoptions provide infants and older children with the benefits of a stable and loving family life. At the same time, adoption inevitably involves the loss of key relationships with birth family members and with this, the loss of their identity as a member of the birth family community. For birth parents, legal and emotional severance from their child represents a unique and complex form of loss which includes the loss of their identity as an active parent, whilst retaining the biological tie to the child. Issues of loss and identity for each of these groups are explored in the following section.

#### **2.4.1 Adopted people**

Every adoption involves the child's loss of birth parents, other birth family members and perhaps current and future siblings. Even in stepparent adoptions the child loses the legal connection to one of their birth parents. For older children adopted from care, there will also be the loss of the foster carers they have come to know and trust, as well as the foster carers' wider family and their network of friends, family, pets, and community. It is important to note here that feelings of loss and grief for a relationship may occur even when there has not been a chance to experience that relationship.

Adopted people report a wide range of emotional responses to these losses. Some take the approach that they have received all the love and support they need from their adoptive family and so the impact of the loss of birth family members is of less consequence. Some may have mixed or ambivalent feelings. For others, the sense of loss is profound and debilitating, ever present and often accompanied by feelings of yearning, self-blame, rejection and anger (Neil *et al*, 2015; Fargas-Malet and McSherry, 2020). It is important to note that the responses of adopted people to the losses associated with their adoption are not fixed and may change across the lifespan (Brodzinsky, 2011). For example, Penny *et al* (2007) provide a cross-sectional model of adopted people in midlife and identify different stages of 'appraisal', including lack of awareness, growing awareness and a balancing of losses and gains that may provide resolution.

Identity formation is a universal stage of human development and usually begins during adolescence, when young people commonly experiment with different behaviours and appearances in the search for a sense of 'self'. The question 'Who am I?' is key to this and is usually a fluid process, with a more consistent identity evolving through adulthood (Erikson, 1968; Grotevant, 1997). Adoption raises additional questions around identity and belonging. Uncertainties about 'Where do I come from?' 'Why was I adopted?' and 'Where do I belong?' are commonly expressed by adopted young people and building a meaningful set of answers to these questions is key to establishing a coherent personal identity (Grotevant and Von Korff, 2011). Questions of identity are complicated by additional layers of difference from adoptive parents such as physical appearance, culture - including class and ethnicity, disabilities, and talents (Grotevant, 1997).

As with other aspects of the adoption experience, the process of adoptive identity formation varies widely and is subject to change across the lifespan. A longitudinal study (Neil *et al* 2015) which followed adopted children through to adolescence and young adulthood typifies this range and identifies four patterns of adoptive identity formation in late adolescence:

- **Cohesive**

Young people had high levels of exploration of adoption which had built detailed and coherent narratives around questions of identity.

- **Unexplored**

Young people had low levels of exploration and interest in birth family and a strong sense of identity with their adoptive family.

- **Developing**

Young people had a strong need and desire for further exploration, with their birth family identity feeling unsettled or contradictory.

- **Fragmented**

For these young people, their birth family identity was incoherent and unresolved, with strong feelings of anger, sadness or loss. At the same time, their adoptive identity was experienced as stigmatising and emotionally uncomfortable.

Adoptive identity formation takes place within the adoptive family context, and the secrecy surrounding historic adoptions was harmful in this context. 'Adoption communication openness' or the capacity of the adoptive parents to talk openly and appropriately with their children about their birth family and the reasons for their adoption has been identified as an important aspect of adoptive identity formation (Brodzinsky, 2005, 2006). Relaxed conversations about adoption as part of normal family life provide opportunities for young people to ask questions and to process their thoughts and feelings without feeling guilty. These conversations are more likely to occur when there is indirect or face to face contact with birth family members, perhaps because the planning, doing and reflection on the contacts involves discussion or perhaps because adopters who are more communicatively open are more likely to be involved in contact arrangements (Neil *et al*, 2015; Grotevant and Van Korff, 2011).

Neil *et al* (2023) interviewed 40 adopted men and women, most of whom had been adopted from care and had histories of adversity. Narrative analysis was used to explore how becoming a parent affected their feelings about being adopted and the impact of adoption on them as parents. This study highlighted the potential for parenting to reawaken adoption related issues and for an additional identity related question ('what does my adoption mean for me as a parent?') to arise. This question could trigger anxieties about repeating the negative patterns of abuse and neglect from their own childhoods. For some participants, parenting involved insurmountable challenges, but for others it offered an opportunity to address their difficulties and break the negative cycles of the past.

For people who have been transracially adopted, there are additional complexities both in the experience of being adopted and in identity formation. Feelings of being dissimilar from their adoptive parents may be especially intense for transracially adopted children. In a society that values 'blood ties', their adoptive status is constantly exposed and subject to the judgement and perceptions of others (Triseliotis *et al*, 2005). Additionally, all families who adopt transracially are subject to individual, institutional and systemic racism. Racism might take the form of microaggressions or more blatant comments, threats or physical violence. Studies have shown that children often face these things alone as white parents may be unaware or dismissive of their children's experiences of racism (Docan-Morgan, 2011; Samuels, 2009).

The findings of a UK survey of black, care experienced children and adults (Denton, 2021) are readily transferable to adoption. The survey echoes the above findings and underlines additional challenges for transracially placed children. Consistent themes include the negative and often lifelong impact of placements that are unable to:

- promote the child's culture and identity
- promote appropriate hair and skin care and diet
- prepare the child to deal appropriately with racism and discrimination
- represent a 'safe space' to hear and understand the voice of the black child
- prepare the child to re-connect with their community later on

### 2.4.2 Birth relatives

There have been several studies which have explored the experiences of the birth parents whose babies were placed for adoption under the closed record system in the middle decades of the 20th century. Many (e.g. Argent, 1988; Howe *et al*, 1992; Triseliotis *et al*, 2005) include birth mothers' accounts of pregnancy and childbirth during which they felt stigmatised, unsupported and humiliated. Birth mothers frequently describe a period of caring for and bonding with their baby before the traumatic events surrounding the baby's removal from their care. These accounts often describe key decisions being removed from the mother and instead made by her parents and connected professionals. Women report the despair and sense of helplessness created by this loss of agency, along with a legacy of mistrust of professionals and adoption organisations.

Many birth mothers liken the separation from their child to the experience of a child dying, and yet there are additional complexities, since although the child has gone from their life, they continue to live somewhere else. They are physically absent, but psychologically present in the mind of the birth parent, creating particularly painful and confused feelings, often referred to as 'ambiguous loss' (Boss, 1999). Historically, for many birth mothers, there was little chance to receive family or wider support with their feelings, since their pregnancy was often concealed or negated and the adoption process urged them to forget about their baby and 'get on with their lives'. Their grief was 'disenfranchised' and shrouded in secrecy and shame, making healing and recovery especially hard (Doka, 1989).

Retrospective studies have shown that the pain of the loss of a child to adoption may impact across the lifespan and intensify over time. Responses include poor mental health, disrupted relationships, addiction, infertility or overprotectiveness of subsequent children. Depression is commonly reported and linked to feelings of guilt, anger, sadness, grief and constant thinking of the child (Howe *et al*, 1992; Logan, 1996). Some studies, however, report a wider range of experience. For example, Bouchier *et al* (1991) found that around two thirds of their sample of 49 women had adjusted well or moderately well, with better outcomes associated with younger women who had married after the loss of the child and had been well supported by family, the medical profession and the adoption agency.

Birth fathers have had less attention from researchers, but studies tend to echo the findings concerning birth mothers (for example, Triseliotis *et al*, 2005). Clapton (1997) reviews the research into birth fathers of infants placed for adoption and finds similar experiences of sadness, shame, loss and lack of agency. Birth fathers not married to the birth mother were usually not named on the birth certificate. For many men there were additional painful

feelings connected with exclusion from the adoption process, the court hearing and from any contact with the child. Some men report enduring disturbing and distressing effects of the adoption throughout their lives.

For birth parents and often grandparents of children adopted from care, there is similar mental distress, often exacerbated by the legal process which they describe as unfair, alienating and hostile and over which they have no control or sense of agency (Neil *et al*, 2010; Mermania *et al*, 2015). Relationships with social workers often become fraught or break down during the adoption process, meaning that the birth parents are less likely to be involved in planning for contact or providing information to help with the child's identity needs (Neil *et al*, 2010).

Recent research has focused on the issues involved when parents lose multiple children to the care system and/or have their child removed at birth. These issues are relevant here, since a proportion of these children will go on to be adopted and their birth parents may seek services for adults affected by adoption. Broadhurst *et al* (2017) highlight that women who have successive children removed have often suffered a range of adversities in their early lives, including multiple moves within the care system and for some, this link is key in understanding the persistence of their difficulties. A study of fathers who have experienced recurrent care proceedings (Philip *et al*, 2024) also highlights the presence of trauma and abuse in their histories. The authors suggest that some men's expressions of anger are linked with feelings of shame and suggest that professional practice which aims to reduce shame and promote dignity may be beneficial.

Broadhurst *et al* (2022) found that when care proceedings are initiated at birth, care plans may be made at the last minute with mothers and fathers having very little notice, struggling to grasp information and lacking support to manage the practical and emotional impact of care proceedings in the immediate aftermath of the birth. These authors conclude that the various professional systems are not coordinated well enough to ensure that these parents and their babies receive 'equitable, just and effective practice' (p.1).

Whether ongoing contact with the child can alleviate birth parental distress has been explored but is difficult to assess because of the wide range of variables involved. Neil *et al* (2015) found high levels of mental distress for birth relatives of children adopted from care, although for some, this could be mitigated by positive contact experiences. A comparative study of US birth mothers who represented open and closed adoption arrangements (Fravel *et al*, 2000) found that the child was similarly psychologically present for birth mothers in all arrangements. Across the sample, grief responses varied in intensity over time, and no single type of contact arrangement had a noticeable positive or negative effect.

The experiences of the birth parents of children growing up in care provide important parallels with those whose children have been adopted from care. An international study of birth parents of children in long term care (Schofield *et al*, 2011) identifies the concept of a 'threatened identity' - a sense of being seen as 'different', condemned and judged by others as an unfit parent. In addition, birth parents in this study often struggled with contradictory ideas (e.g. 'There was no reason to remove my child, but I know they were neglected') creating internal tension that was hard to resolve. Some birth parents attempted to deal

with this tension by creating a 'good parent' narrative - a positive account of their thoughts and behaviour, before or after the child came into care, which enabled them to feel more consistently like the good parent they wanted to be. Other ways of dealing with the loss of the child, both internally and in relation to others, include denying or suppressing emotions (perhaps appearing unmoved when describing highly distressing events) or trying to regain a parenting identity through having another child (Neil *et al*, 2010; Mermanian *et al*, 2015).

### **2.4.3 Adoption microaggressions**

There is a growing body of literature which explores the concept of 'microaggressions' related to adoption (for example, Sue *et al*, 2007; Baden, 2016; Garber, 2020).

Microaggressions are defined by Baden (2016) as "common slights, insults, indignities that can occur almost daily that may be intentional or unintentional" (p.7) and they may be directed towards the process of adoption or towards adoptive parents, adopted people and birth relatives. For example, adoption may be referred to as 'rescue', adopted children as 'lucky', birth parents as 'real', adopters as 'heroes' and so on.

Baden (2016) explores literature, research and culture related to adoption and identifies four groups of microaggressions: assaults (intended to cause harm), invalidations (deny or devalue thoughts and feelings), insults (convey demeaning or insensitive beliefs) and fictions (stories created to conceal the truth). Microaggressions of all types are more likely to occur in transracial adoptions where there are visible differences, and they may intersect and overlap with racism and racist microaggressions. The author suggests that education and training, increased self-awareness and commitment to change are needed to challenge adoption microaggressions and improve services to all concerned with adoption.

Garber (2020) introduces the idea of 'control' in relation to adoption microaggressions and suggests that this is an overarching concept in the research. In all contexts where microaggressions occur the narrative of one's identity is taken out of the control of the individual and 'co-opted' by another. This author suggests that practitioners can help people affected by adoption to explore their own beliefs and feelings around their identity in relation to adoption, thus retaining "control and dignity over their experiences and identity" (p.318).

## **2.5 Searching and making contact**

For the purposes of this section, the term 'search' is understood to mean the process through which adopted people and birth relatives seek information about and/or contact with each other. The term 'contact' is used to mean making indirect or face to face contact. Firstly, the impact of social media and DNA testing are considered. Then the question of who searches and why do they do it is addressed, followed by a consideration of the outcomes of the searching and contact for all parties.

### **2.5.1 The impact of social media**

The process of searching has changed immeasurably since the development of the internet and the emergence of online search engines and networking sites in the 1990s and then Facebook in 2004. Since then, a range of social media sites, such as X (formerly Twitter)



and Instagram have allowed users to create content, to interact with each other and to link with a wider community. The speed and capacity of search engines means that locating people can often be done swiftly using minimal information. The use of smart phones or other means of access to the internet have now become central to the lives of most people, and the use of social media has the potential to overturn traditional approaches and expectations of searching and making contact for all adults affected by adoption. In particular, social media has transformed and now plays a key role in transnational and transracial adoption searches and making contact.

O'Brien (2013) suggests that social media impacts the professional's role in working with adults affected by adoption. Websites have been developed to provide information, searching facilities, emotional, practical and legal advice, forums, mutual support and discussion groups. Hazards in using some of these sites have also been reported and include on-line bullying, oppositional views feeling hurtful or exclusive to some, immediacy of response cutting down time for reflection and the pressure of entering a community where feelings and vulnerabilities are exposed (O'Brien, 2013). In this context, an additional role for the adoption professional is to be aware of and knowledgeable about the challenges and benefits of the various opportunities available, and to signpost service users accordingly. For example, [www.familyconnect.org.uk](http://www.familyconnect.org.uk) and [www.adoptionsearchreunion.org.uk/default.htm](http://www.adoptionsearchreunion.org.uk/default.htm) may be highlighted because they do not have 'chat' facilities and users are therefore protected from online pressure.

In addition, O'Brien notes the opportunities that social media provides for professionals to engage in dialogues with a range of stakeholders and to build additional skill sets and perspectives.

There is currently only limited research specifically on the use of social media in adoption-related searching and making contact. Whitesel and Howard (2013) surveyed adults affected by adoption and related professionals and found that, on balance, the advantages of using social media outweighed the risks. For many people, social media provided a 'safe space' for contact and 'closeness with distance' as relationships were developing. The benefits of the use of social media include the ease and speed of making connections and the breadth of contacts that can be achieved. Adopted adults valued the sharing of 'virtual windows' into each other's lives through Facebook profiles, feeling this to be less intrusive than direct exchange of information. The wide range of communication types, such as messaging, photographs, videos and online chat is also seen as a positive (O'Brien, 2013; Whitesel and Howard, 2013).

Shier (2021) explored the experiences of a group of inter-country adoptees seeking contact and noted that online translation tools, videos, emoticons and so on were helping them to overcome barriers and bring the contact to life. However, respondents were also aware that technology could leave them open to unwanted contact and intrusion and an awareness of how to manage online privacy was important. A further issue for these young people was the instant nature of locating and contacting a family member. Although all were pleased to be in contact, the majority felt that they would have benefitted from a slower process.

Services for adults affected by adoption may be helpfully informed by research into foster

and adoptive families where ‘virtual’ contact with birth relatives has been established. In a small-scale study of adoptive families, Greenhow *et al* (2017) conclude that virtual contact is complex but can have benefits. There could be risks to the emotional well-being of young people, some of whom became overwhelmed by inappropriate information and requests from birth family members. However, for some young people, the communication felt natural and ‘normal’ and there was evidence that they were able to make use of valuable connections while at the same time restricting those that were not helpful to them. Similarly, Neil *et al* (2015) found that there could be negative outcomes of virtual contact when it was used in an unplanned and unexpected way and when adoptive parents were not aware. It was more likely to be positive when it was used to extend existing relationships and was supported by adoptive parents.

Simpson (2020) contrasts the viewpoints of young people using technology for birth family contact with those of professionals. Young people did not feel themselves to be ‘passive recipients’ of technology and saw it as enabling them to control who and when they connected with birth family members. Professionals, however, were more attuned to the risks and negative consequences. In view of these differences, Simpson suggests that local authorities should have staff who specialise in the use of mobile technology and communication and that all staff should receive training which encourages a nuanced, child-centred and safeguarding aware approach to the use of technology. This proposal might helpfully be applied to services for adults affected by adoption.

### **2.5.2 Direct-to-consumer genetic testing**

Direct-to-consumer-genetic testing (commonly referred to as ‘DNA testing’) provides individuals with information about their ancestral roots and can help them to identify biological relatives (sometimes as distantly related as fourth or fifth cousins), if these relatives have also registered their DNA with the same company. It can also help individuals to obtain information about their family health history without contacting the birth relative, or to verify their ethnicity. Testing is relatively inexpensive and has become ‘normalised’ by popular usage.

Regarding accuracy, DNA matching is very reliable but inevitably it works better for close relationships than matches with more distant relatives where there is a greater chance of false matching. A direct-to-consumer test can accurately distinguish parent/child relationships and full sibling relationships. Other relationships can be narrowed down to a pool of possible relationships depending on the amount of DNA shared (Henn *et al*, 2012). However, DNA testing should never be used without additional context. Even a parent/child relationship is not certain. For example, if the parent had an identical twin, then the match with the aunt/uncle would also show up as a parent/child relationship.

DNA testing is particularly relevant to adopted people, foundlings, and others who do not have information about their parentage, including those who were donor-conceived or spent time in the care system. It has become another method that can be used to search for birth relatives and some commercial testing companies target adopted people directly (for example 23andMe, 2019; Ancestry, 2019).

There has been limited research on how adopted people view and experience these tests



and the risks and benefits of using them for searching purposes. Regarding the motivation to use DNA testing, studies undertaken in the USA (Baptista *et al*, 2016; Strong *et al*, 2017) suggest that adopted people are largely motivated to undertake testing by their lack of genealogical information, the desire to address gaps in their family history, and to assess genetic risk and pass this information on to their biological children. The possibility of contacting birth relatives was seen as somewhat unlikely and for some adopted people the possibility of obtaining information *without making contact* was attractive.

A small, in-depth study of UK adopted people who had not yet undertaken testing, aimed to explore the views of adopted people on DNA testing (Kay and Taverner, 2023). As with other means of searching, issues of 'yearning' and 'longing' were common motivators and these feelings tended to be heightened during significant life events such as childbirth or bereavement, leading to 'impulsive' test taking. However, there was also uncertainty regarding both the science behind the testing, and the potential gains, leading some people to make an uninformed decision to proceed.

A desire for information and connection sometimes led people to maximise their visibility through using a range of consumer databases but this desire was not static and could be replaced by feelings of panic about potential outcomes and regret that they had not been more cautious.

Regarding health issues, people were generally interested in whether their existing health conditions might be inherited. However, many did not want the worry of knowing about conditions that might be inherited from a birth family member. This could be a source of anxiety, since this information, if discovered in a link, could not be edited out.

Overall, this study reported the outcomes of DNA testing as producing both 'resolution' and 'discordance' for the subjects. Some found the information that they were seeking and felt satisfied by it. Especially helpful was finding health information about birth relatives that 'mirrored' their own conditions, as this could make sense of their condition and reduce feelings of personal responsibility. However, for others, there were feelings of disappointment, frustration and sadness. This could be because the test did not reveal relevant information, only very distant relatives were identified, being 'blocked' by birth relatives, or finding relatives but still feeling that their issues were unresolved.

The issue of DNA testing being promoted as a quick and easy process, which gives adopted people a unique form of control over their search was also challenged by some participants in this study. Instead, they described an 'all-consuming' process where they were constantly checking their results and preoccupied with the possible outcomes. The apps and notifications from the testing companies could be intrusive and made it difficult to switch off from the process. Other disadvantages reported by some were receiving information that conflicted with their sense of identity and belonging (for example relating to ethnicity) and feeling worried by health risks, to the point of experiencing related symptoms, even though they were well.

### **2.5.3 Adopted people and searching**

Adopted people vary considerably in their information seeking behaviour and curiosity

about their birth family. Information seeking behaviour frequently precedes searching and can include asking adoptive parents for information, accessing information from the adoption agency records or gathering information from social media sites such as Facebook (Wrobel *et al*, 2004).

For some people, there is very little curiosity or interest, for others it can be all-pervading. For many, the intensity of curiosity changes across the lifespan (Howe and Feast, 2000) and becoming a parent can trigger the desire to search (Muller and Perry, 2001).

Estimates of the number of adopted people who search for birth relatives vary considerably, and usually only those who do so through official channels are included in research studies. Muller and Perry (2001) provide a comprehensive review of studies conducted in a range of countries with open adoption records. From this review they conclude that around 50% of all adopted people will search at some point in their lives and at least half of these want to contact their birth parents. Many wish to let their birth mothers know that they have had a good life. Women are overrepresented in both groups, with researchers suggesting that pregnancy and childbirth might activate greater interest in the birth mother or that gender specific socialisation processes create a tendency for females to define themselves in terms of social relationships and especially motherhood. Searching can occur across all age groups, but studies generally suggest that the largest age group is 25 - 35yrs, with women often beginning their search at a younger age than men.

Transracially and transnationally adopted people often experience heightened curiosity around the parent(s) who share their ethnic identity and a desire to connect with their original cultural background. They tend to begin their search for birth relatives at a younger age than their racially matched peers (Howe and Feast, 2000). A review of the research on transracially adopted people who search (Godon-Decocoteau and Ramsey, 2020) suggests that making contact can be especially poignant as it can re-connect them to a lost country and heritage as well as to their birth family and community. However, there may be additional challenges and barriers due to very limited or missing records and language, cultural, economic and/or value differences. Overall, the research points to the importance of the supporting professional being informed about the issues of race, culture and identity that will have affected the adopted person's life and the challenges they may face when contact is made.

Drawing from the literature on *motivation* for searching, Muller and Perry (2001) identify three theoretical models to explain the reasons for taking this step: psychopathological, socio cultural and normative:

- The psychopathological model was prominent in research findings in the mid-20th century (for example, Sants, 1964). This model identifies searching as part of a 'deficiency' in the individual or the adoption experience and highlights issues of genealogical bewilderment, poor attachment, loss and emotional isolation.
- The socio-cultural model suggests that people search in the context of a society that values blood ties and regards the ties of adoption as 'second best'. Additionally, they may be influenced by the wealth of literature and film around adoption, searching and 'reunion' which often romanticise or misrepresent this complex area.
- The normative model (which does not exclude elements from the two models above)

suggests that searching is a normal developmental task for many adopted people as they seek answers to questions of origins and identity and satisfy a natural curiosity and need for a coherent biography (Feast and Howe, 1997; Fargas-Malet and McSherry, 2020). This model supports the findings from other studies which indicate that positive adoptive family relationships are often associated with a desire to search (Jones and Hackett, 2007; Farr *et al*, 2014; Wrobel *et al*, 2004).

Research which considers the perspective of non-searchers has implications for services to birth relatives. Smith and Wallace (2000) identify that non-searchers are a diverse group, and it is important that this is held in mind when making an approach on behalf of a birth relative. Some non-searchers state that they do not want contact or have never been interested in their birth family. Others, however, report interest in their birth family and some of these may have considered reaching out but have not taken steps to do so. This group, the authors suggest, is broadly similar to the searchers. Howe and Feast (2000) studied the perspectives of both searchers and non-searchers. Non-searchers had varying levels of interest in birth family information, but regardless of this, 75% of this group felt that it was right for the agency to have let them know that their birth relative had made an approach seeking contact. For professionals, an individualised approach is needed to consider the full range of adopted peoples' interest and curiosity in origins and the events around the adoption.

The age profile of non-searchers may also be relevant here: younger non-searchers are more likely to refuse contact if a birth parent makes an approach. This could suggest that exploration around the adoption and interest in the birth family network might develop with greater maturity, or it could link to adopted people's commonly expressed reluctance to 'upset' adoptive parents, even if they have previously been positive about the idea of birth family contact.

#### **2.5.4 Birth parents and searching**

Research on birth relatives who search for information and seek contact with their adopted children mostly focusses on the experiences of birth mothers (see Triseliotis *et al*, 2005 for a significant study conducted in England and Wales).

Virtually all birth mothers report anxiously thinking and wondering about their child over the years, and a considerable number expect that their child will contact them at some point, if only to gain information (Feast and Smith, 1995). However, birth mothers are less likely to search for the adopted adult than vice versa. Many describe feeling that it is not their role to instigate contact, since they have 'signed away their rights' and many are concerned that an approach would be unsettling to the adoptive parents (Triseliotis *et al*, 2005). However, search activity by birth mothers has increased in recent years. Reasons for this include birth mothers ageing and fearing that it might become too late to search, more media attention on 'reunions', and the growth of peer support groups (Passmore and Feeney, 2009).

When indirect contact has been positive and sustained over the years, this can help to pave the way to contact with birth children when they reach adulthood. However, most indirect contact arrangements are not sustained, and this can create additional pressure for birth relatives. For example, Neil *et al* (2015) found that birth parents could be highly anxious about how to explain the adoption if their adopted child made contact, as they did not

know what they had been told by their adopters. These findings point to the need for birth relatives, who have not had indirect contact, to receive emotional support if contacted by their child through an adoption agency or if they want to find their child.

Henney *et al* (2007) reviewed the literature on birth parents' motivations for initiating a search and found that reasons were wide ranging. They included feelings of guilt around the adoption decision, wanting to find closure to feelings of loss and grief and wanting the adopted adult to understand the circumstances surrounding the adoption. At the same time, there was a dual desire both to reassure the adopted person that they are well and to be reassured about the adopted person's well-being.

These authors also examined the literature concerning birth mothers' hopes and expectations of their future role for the adopted person and found wide variation from 'no future role' to 'best friend', 'second mother' or 'part of my extended family'. Interestingly, these differences were unrelated to the level of openness in the adoption. These findings underline the need for adopted people seeking contact to be prepared for a wide range of possible responses and expectations from birth parents and other relatives.

#### **2.5.5 Birth siblings and searching**

Ludvigsen and Parnham (2004) found that birth siblings tended to have personal and independent needs to locate a 'lost' sibling, with a large majority approaching intermediary services to meet their own needs, rather than acting on behalf of their parents. Many reported the sibling had been in their thoughts at intervals over the years. Significant life events such as family births and deaths could trigger the final decision to search. Some expressed simple curiosity or a need for reassurance that the sibling was well: others felt strongly that the absent sibling had a right to know about their origins and birth family network. Searching was an emotional experience for all, with mixed feelings of excitement, apprehension, impatience, optimism and pessimism, anxiety and sadness being expressed. Strong feelings of anger and injustice about the adoption process have also been identified amongst birth siblings (Pavlovic and Mullender, 1999) but these feelings were considerably more apparent amongst those who simply registered on the Adoption Contact Register, compared to those who used intermediary services to actively search. This could suggest that intermediary services have a particular value for birth siblings, providing both a sense of agency and emotional support and so helping them to process and manage their difficult feelings and achieve more positive contacts (Ludvigsen and Parnham, 2004).

#### **2.5.6 The impact of searching on adoptive parents**

For adoptive parents, the impact of their (adult) child searching for birth relatives is likely to vary according to a range of factors, including the degree of 'communication openness' in the adoption, information they already have about the birth family member and the needs and circumstances of the adopted person. Triseliotis *et al* (2005) explored the feelings of parents who had mostly adopted their children before 1975, without contact arrangements. Most adopters appreciated that it was important for their child to resolve identity issues through searching for their birth parents, but at the same time, they were concerned that their child might reject them. These fears were mostly unfounded, and many parents reported a better understanding of their child and stronger relationships with them because of the search.

## 2.6 The outcomes of searching and contact

### 2.6.1 The outcomes for adopted people

The research findings in this area suggest that, like the adoption itself, the outcomes of searching for and contacting birth relatives are likely to unfold and evolve over time. Most adopted people who make an initial contact report that it was, for them, a positive action, *no matter how the relationship turns out*. Positive consequences include access to medical information, the resolution of questions of identity, building a narrative around their conception and birth, no longer feeling rejected and a diminished sense of loss. A small minority express feelings of disappointment, further rejection or dissatisfaction from the initial contact (Howe and Feast, 2003).

A further body of research, however, focuses on the ongoing relationships between the adopted person and their birth relatives and how these relationships are experienced, defined and managed. Most of this literature focusses on the relationship between the adopted person and their birth mother. A small number of these relationships falter and fail, due to insurmountable differences but many appear to be positively sustained over many years and take on a 'family like' quality with attendances at key life events and building a network of relationships that feel similar to kinship.

Some studies report that the adoptive family continues to be 'primary' and the birth family 'secondary' in the mind of the adopted person, and that adoptive family relationships remain unharmed (Howe and Feast, 2001, Triseliotis *et al*, 2005). Jones (2009) focusses more closely on the nature of adoptive and birth family relationships post contact and suggests that both adoptive and birth kinship may be experienced as 'real' on one level and 'fictive' on another. In common with all forms of kinship, these relationships are made and remade over time and, in the long term, there may be 'horizontal' sets of families and relationships that are experienced differently but equally valued.

Clapton (2018) examined relationships that followed the adopted person and birth relative over a longer period, after they had been put in touch through the Adoption Contact Register. The findings echo the notion of 'horizontal' relationships developing in the longer term. The dynamics of these relationships are complex, but they appear not to replace the significance of the adoptive family in the mind of the adopted person. Instead, they deepen and develop to become an expression of a different kind of kinship bond.

### 2.6.2 The outcomes for birth parents

Most of the research into outcomes for birth parents is taken from the perspective of birth mothers who have been contacted by their adopted child or an intermediary and have agreed to take things further. Largely absent from the research are the voices of birth parents who have declined to have contact. Most birth mothers in research samples are, overall, pleased and relieved to have been contacted. However, initial contacts inevitably prompt intense and mixed feelings, including guilt, anger, anxiety and emotional numbness. Some birth mothers report needing time and space to process these feelings before taking the next step, whereas others feel the need to act immediately and choose to respond to the contact within hours or just a few days (Triseliotis *et al*, 2005; March, 2014).

March (2014) illuminates the complex feelings involved for birth mothers where meetings have occurred. Many in this study described a strong sense of repressed grief and mourning for the lost baby when first contacted. At the same time, there was the need to acknowledge and accept the reality of the adopted adult, with their distinct adoptive history and identity. To manage this emotional conflict, some birth mothers reported 'blocking' their maternal feelings and taking on the role that the adopted adult was prescribing for them. In cases where this emotionally challenging process had occurred, there was more likely to be satisfactory and ongoing contact. March helpfully links her findings to the role of the intermediary, suggesting that supporting both 'seeking' and 'sought' birth mothers to address their disenfranchised grief alongside preparing them for the realities and expectations of the adopted adult is of crucial importance.

### **2.6.3 The outcomes for siblings**

Many adopted adults wish for sibling contact but it may not be easily achieved. For example, in a sample of adopted people who all wished to contact a sibling, only two thirds were successful, with a third finding that their sibling had died, couldn't be found or did not wish to be contacted (Ludvigsen and Parnham, 2004).

In a study of adopted people who had met siblings in adult life, O'Neill *et al* (2018) found that the most commonly occurring contact was with maternal half siblings, but there were also connections made with paternal half siblings or full birth siblings. Some had been adopted into other families. Overall, most of this sample felt positive about their initial contact and hoped their sibling relationships would be sustained. Benefits included gaining genealogical information which enabled a more complete sense of personal identity. Of note is that these benefits were reported *even when the contact was not sustained*.

O'Neill and colleagues (2018) also examined the nature and quality of sustained sibling relationships and found a certain 'fragility and ambiguity', even when the contact felt positive. Participants in the study linked their uncertainties to the fact that they had not grown up with their brothers and sisters and so they lacked the shared history and culture normally associated with siblings. In this sense, the relationships could not be quite the same as those of siblings who had childhood experiences and memories in common. Most participants valued professional support during the search and contact phases and the authors suggest that, given the complexity of some of the relationships, support could also be offered after the contact has been established.

### **2.6.4 Genetic sexual attraction**

The term 'genetic sexual attraction' (GSA) was first used to describe the intense erotic feelings felt by some birth relatives following 'reunion' with children (now adults) that they had lost to adoption (Gonyo, 1987). In terms of frequency across the adoption reunion cohort, an estimated 50% of adopted people and birth relatives may have felt some degree of sexual feelings during the reunion process. It is important to note that includes feelings that were fleeting, one-sided and never acted upon, through to those which resulted in consensual sexual relationships (Greenberg 1997).

A study of this phenomenon, undertaken in partnership with the Post-Adoption Centre identified such relationships occurring between adopted adults and their birth fathers, birth



mothers and also siblings (Greenberg and Littlewood, 1995). Most were heterosexual, some were same sex.

These authors outline two key theories that can help us to reflect on the possible foundations of GSA. Both theories start with the premise that the incest taboo is strictly maintained in human societies to prevent in-breeding. A Freudian approach suggests that it is normal for children to have desires for parental intimacy, but the incest taboo means that these must be repressed. Thus, GSA can be seen as an expression of natural feelings in a situation where societal norms have been shifted. An alternative approach, suggested around the turn of the 19<sup>th</sup> century by Finnish philosopher and sociologist, Edvard Westermarck, is that the 'familiarity and boredom' of close, day to day familial relationships serve to encourage us to look further afield for intimacy. These elements are missing when children have been separated from birth relatives by adoption, but the feelings and memories of intimacy associated with the 'lost' person may remain. On occasions, this can give rise to feelings of sexual attraction on reunion. Greenberg and Littlewood suggest that in cases of genetic sexual attraction, these theories may in fact be complementary, since they explore both the psychological and the behavioural aspects of this phenomenon.

Greenberg and Littlewood looked at the experiences of adopted people who had experienced intense GSA and social workers who had worked in this area. For adopted people, the search processes did not appear to be unusual and they were generally well supported. Prior to the meeting, the normal range of mixed feelings was reported, although many hoped to find something immediately 'recognisable' in their relative. More unusual was the torrent of intense and almost overwhelming emotion that was universally reported as occurring in the first meeting. This was akin to 'falling in love' and was similarly irresistible. These emotions were compounded by a feeling that they had 'found themselves in the other person' and a tendency to exclude partners and other supporters from their experiences. For some, sexual intimacy could follow rapidly from these beginnings.

Greenberg (1997) reflects that the role of the adoption worker becomes especially complex when these situations occur. Feelings of powerlessness and discomfort are frequently described, shadowed by the knowledge that each case of GSA can be extremely harmful to many people, and in some cases, is illegal. There is no clear pathway here, and a range of communications may be helpful, including the provision of a warm, non-judgmental environment where uncomfortable issues may be shared, giving advice and information (even strong, moral guidance in some cases), and providing reassurance that these intense feelings are not unusual and are likely to abate in time. Adopted people report that it is helpful for them to focus on trying to 'normalise' the situation, for example by meeting in a public place, to refer to the relative as 'my birth mother' or 'my brother' or 'sister', to read relevant material and to talk with others who have had similar experiences.

## 2.7 Problems with current services to support adults affected by adoption

A number of publications from the last five years have highlighted the inadequacy of current services providing access to records for adopted people, and intermediary services for both birth relatives and adopted people. Looking at first access to records, a survey carried out by PAC-UK gathered responses from 454 adopted adults (Rawcliffe et al, 2022). Most respondents had accessed their records, and across the sample a high level of dissatisfaction was expressed about the support available for this process, and how long it took. While some (28%) received a timely response and received their records within three months, for 30% it took between 3-6 months, and 42% waited more than six months, most of these waiting over one year. The JCHR report (2022) referred to huge inter agency variations in timeliness of access to records work and argued that the government should monitor and publish compliance with guidelines regarding timeliness. Adopted adults have highlighted their needs for support to process the information shared with them, to consider the next step of searching for birth relatives and help with locating intermediary services. (Rawcliffe et al, 2022).

Problems with the nature and quality of information available to adopted people in their adoption records have also been noted. Over half (52%) of respondents in the PAC-UK survey were dissatisfied with the content of the information shared with them. The recent “Adoption Barometer” survey carried out in England (Adoption UK, 2024) included responses from 246 adopted adults. The qualitative comments make sobering reading as many people felt they had faced impossible hurdles in accessing adoption records including being refused a service, the agency having closed down, records reported to be lost through fires, floods or accidents, and problems with the existence, accuracy/truthfulness and completeness of records. Adopted adults have expressed a desire to see more of the original content of their records as opposed to summaries, due to their concern about information that social workers may have excluded or incorrectly summarised (PAC-UK, 2022). Although some respondents reported receiving an empathic, caring and professional service, many said they were made to feel like children, or that they were not entitled to their own information.

Adopted people and birth parents’ experiences of intermediary services are mixed. An initial point to note is that many adopted people will search without using an intermediary service (an option that is much harder for birth relatives who have no access to the adopted person’s new name). In the PAC-UK survey, 45% of adoptee respondents said they had not used an intermediary service. Of those who had, most (73%) felt the service was satisfactory. A range of mixed views of intermediary services were expressed by adopted adults in both the Adoption Barometer (Adoption UK, 2024) and the JCHR report (2022), a key theme being the importance of services providing emotional support which extends beyond the initial meeting with a birth relative. A recommendation in the JCHR report is that family members who may not wish to be contacted should be given more information about how to search and make contact in the future should they change their mind. The costs of using an intermediary service, which often must be borne directly by people using the service, is also problematic for many, and 98% of adopted adults responding to the



PAC-UK survey argued that intermediary services should be free to the user (PAC-UK, 2022). For birth relatives the question of the timeliness, availability, quality and cost of intermediary services is particularly pertinent, as for most this is their only way of contacting the adopted person.

A specific issue impacting the timeliness of intermediary services is that where the agency making an intermediary approach is not the agency that placed the child they are *required* to identify the agency that placed the child or holds the historic records and contact them to find out: if a veto on contact exists; whether the subject has expressed views about future contact and whether the agency has views about such contact; and any other relevant information, including information needed to trace the subject. Research carried out in 2022 used Freedom of Information requests to understand how local authorities and regional adoption agencies were responding to these requests (Murphy, Neil & North & Oates, 2022). This revealed that few agencies had records about the timeliness of their responses. Where records were held, times varied hugely from 1-279 days. Many agencies had no central record of vetoes based on adoption files by adopted people, no ring-fenced budget for work with adults affected by adoption, and no digital copies of adoption records. Respondents highlighted several factors that delayed their work in this field including the impact of the Covid 19 pandemic, staff shortages/resource issues, older records being difficult to find because of antiquated indexing systems, and variations between local authorities in accessing records. These delays holding up the provision of intermediary services predominantly affect birth relatives from the 'historic baby adoption' era, many of whom are in later life and possibly in poor health. Examples from practice show that in some cases birth relatives have died waiting for these checks to be completed.

These recent investigations into services for adults affected by adoption paint a grim picture of practice in this area, and the need for an urgent investment of attention and resources in both policy and practice.

## 2.8 Key points

This chapter has summarised some of the research into the outcomes and experience of adoption for adopted people and birth relatives and the processes and outcomes for both parties when they search and meet with each other. Findings from research underlie the need to be sensitive to the motivations, needs and feelings of individuals rather than rely on generalisations about how people might feel about adoption. However, alongside this need for an individualised approach it is important that professionals understand key commonly occurring experiences impacting adults affected by adoption. These centre around loss, identity, and stigma.

- The experiences of adults affected by adoption will have been shaped by the historical context in which the adoption occurred. Adoptions that occurred before 1976 will in most cases have been made in the context of considerable social pressure, as opposed to any history of maltreatment of family dysfunction. For adoptions made after that date, the picture is more mixed and by the 1990s adoptions from care have predominated. An

understanding of the historical context of adoption is essential for practitioners working in this area as past events will shape people's responses in the current day.

- Although adoption brings benefits for the adopted person in most cases, loss and identity challenges are commonly experienced.
- The extent to which adopted people are affected by adoption related stresses which have their roots in loss and identity varies between individuals, and within individuals across time.
- Where adoptive parents are open to thinking and talking about adoption with the adopted person, this helps the adopted person in making sense of adoption-related feelings and identity challenges.
- Birth parents and other birth family members experience ambiguous loss as the adopted person often remains strongly present in their mind yet is not part of their life. This loss is disenfranchised, as it is not recognised or sympathised with in society.
- The loss experienced by adopted people is also ambiguous and disenfranchised.
- Adopted people, birth relatives and adoptive parents can all be affected by adoption microaggressions.
- The availability of social media and of consumer DNA testing have provided new ways for adopted people and birth relatives to find and find out about each other. It is important that people considering these methods understand the potential benefits and challenges of these ways of searching.
- Adopted people who search for background information or for birth relatives have a wide range of motivations including curiosity, answering medical questions, seeking connection with 'lost' relatives and making sense of their life history and identity. For transracially adopted people, making sense of their ethnic identity is also an important motivation.
- The views of adopted people who are "found" by birth relatives vary widely, though the majority are likely to consider it right that an intermediary agency made contact with them.
- Birth relatives are less likely to search than adopted adults, though many may nevertheless be keen to know how the adopted person has fared and will welcome being contacted by an intermediary.
- The adopted person searching, or being sought, can be experienced as threatening by adoptive parents, though many will support the adopted person in this, and concerns that their relationship with the adopted person will be negatively affected are generally unfounded.
- Where the adopted person and birth relatives do contact each other after a search, this can work out in a wide variety of ways. The searching process and 'reunions' frequently involve intense emotions for all. They do not necessarily lead to sustained and/or close relationships, but even so they may be valued in terms of filling missing information gaps. Generally, the adopted person continues to view themselves as part of their adoptive family and adoptive parent/adopted person relationships are sustained, in some cases alongside birth family relationships.
- Research exploring practice in recent years shows that considerable improvement is needed in terms of the availability, affordability, timeliness, and quality of services provided to adults affected by adoption.

## Chapter 3

# The role of the adoption worker and key principles for practice

This chapter begins by exploring the role and tasks involved for workers (referred to here as 'adoption workers') providing services for adults affected by adoption. This is followed by a section which highlights the importance of this role being underpinned by an approach which promotes equality, diversity and inclusion. The final section sets out six key principles that create a framework for best practice in this complex field.

### 3.1 The role of the adoption worker in services for adults affected by adoption

#### 3.1.1 The complexity of the role

Working with adults affected by adoption can be both rewarding and challenging. It is rewarding to support adopted people and birth relatives to find out more about each other and to meet each other, and in doing so to resolve some of the issues of loss and identity connected with adoption. It is challenging to identify and assess the potential risks for both parties as they navigate this process, complicated by the profound and mixed emotions that may influence their thinking and decision making along the way.

These challenges are magnified by the requirement that the adoption worker does not focus on the rights and needs of just one of the parties. Instead, in any one case, they must consider the needs of the adopted person and their network and the birth family member and their network. While there may be congruence here, there may also be conflicting needs and expectations. The same issues arise when working with a person who has a 'prescribed relationship' to the adopted person.

Issues of power and control are inherent to the role. For example, having prior access to an adoption record and then sharing what may be highly personal information (perhaps the name given at birth to an adopted person) places the adoption worker in a powerful position, as does the use of discretion in the redaction of third-party information from adoption records. When the worker is acting as an intermediary between an adopted person and a birth relative to discuss contact, there are also issues of power to be managed. The intermediary service is requested (and often purchased) by either the adopted person or the birth relative and yet it must address the needs of both parties on an equal footing. The possibility of taking on or being seen to take on the role of 'advocate' for one party is ever present and incurs the risk of unduly influencing the decisions of the other person involved.

It is also important to be mindful of the issues of power connected with the emotional highs and lows inherent in this work. For example, the elation of locating a long-lost person or the frustration of an approach being declined when there is no obvious reason for this can unconsciously influence the worker's approach and make it harder to sustain a neutral stance.

A further strand in the context of providing these services to adopted adults is that of the thinking and feelings of the adoptive parents. Although they are not the people requesting services, they are likely to have a range of feelings both positive and negative around the provision and potential outcome of these services. They may or may not be physically present during the consultation meeting, but they are likely to be psychologically present in the mind of the adopted person.

Key here is the way in which the adoptive parent(s)' thinking and feeling may be affecting the adopted person's thinking and feeling, and it may be helpful to support the adopted person to reflect on this issue. The careful balance for the adoption worker is to remain alert to the adoptive parents' position whilst always respecting the adopted person's adult status and rights.

The complexities outlined above make it essential that adoption workers receive skilled supervision that promotes reflective practice and self-awareness. Supervision should be planned and regular, but also available on a case-by-case basis. There should be a clear ethos within the agency that complex decisions are 'agency' decisions and not taken by individual workers. There should be an agency policy which states this and gives guidance about factors which indicate a complex situation or decision. Training and case discussions can promote reflective practice and support staff to consider the beliefs, values, attitudes and assumptions that underpin their practice.

### **3.1.2 Tasks involved in the role**

In terms of the tasks involved in providing these services, the adoption worker role is multi-faceted, and includes the following elements:

- **Assessment of benefits and risks**

Each stage of information sharing and intermediary work involves potential benefit and potential risk for the person using the service. Both benefits and risks will range between slight and highly significant. For each case, there is an ongoing process of risk assessment, of preparing and advising people accordingly, and occasionally of making complex decisions about whether it is safe (for one or both parties) to offer a service.

- **Counselling skills**

Although the term 'counsellor' does not accurately describe the role of the adoption worker, counselling skills are needed to build rapport with the person using the service and to create a safe space for the exploration of difficult feelings and complex decision making. Counselling skills in this context include active listening, paying attention to one's own and the adopted person or other party's verbal and non-verbal language, and showing empathy and acceptance.

- **Assessing support needs**

The assessment of support needs is an important element of risk management. The adoption worker acting as an intermediary will need to explore how much support is available to the adopted person and the birth relative before, during and after the contact. As appropriate, they should explain the importance of both parties having a trusted person who is interested in and aware of their situation. The worker should offer support to both parties as needed and in line with the agency's policies and responsibilities. They should also signpost people to other sources of support, including therapeutic support, as appropriate. In intermediary work, there will usually be one intermediary who can offer support to both parties, but in some situations, it may be appropriate for the parties to have separate workers/intermediaries.

- **Providing context and information**

Each adoption occurs against the social and political background of its time. If needed, the adoption worker can provide knowledge of historic and more recent adoption norms and processes, helping people to contextualise and understand their experience of adoption. The adoption worker also needs to be able to signpost to the range of relevant written and online resources, websites, and support groups that people may choose to use for additional context and information.

- **Searching advice and activity**

When an intermediary service is being offered, the adoption worker may offer advice on the range of routes through which people can be located or they may need to undertake search activity themselves. They will need up-to-date knowledge of relevant registers, websites, and other sources of information and to be able to advise on the risks and benefits of using social media and DNA testing for searching.

Each encounter between the adoption worker and the adopted person, birth relative or related person requires the worker to move between these tasks sensitively and flexibly, and skilled supervision will support this. When a worker feels uncertain or challenged by a case or when there is a complex decision to be made, it is essential that there is a full discussion with a manager and a plan agreed. All staff, including managers, need regular training sessions and the opportunity to share and discuss difficult issues with colleagues.

## **3.2 Equality, diversity and inclusion**

### **3.2.1 The Equality Act, 2010**

This Act identified nine 'protected characteristics'. These are areas where evidence shows there is still significant discrimination in employment, the provision of goods and services and access to services such as education, health and social care.

The following issues are identified in the Act as protected characteristics:

- Age
- Disability
- Gender reassignment

- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

Providers of services to adults affected by adoption will need to consider how their working environment and the services they provide may be experienced by people with protected characteristics. They must make reasonable adjustments to ensure that there is no discrimination in the way that people from these groups experience the services offered to them. For example, a building must be adjusted to ensure that a person with mobility difficulties is able to access the service comfortably and safely.

Other examples of issues that may be considered, as appropriate, are:

- The wording of leaflets and other information provided.
- The use of gender pronouns.
- Ensuring that each person using the service is comfortable with the language used in their interactions with workers.
- Encouraging the use of supporters for people with the full range of additional needs.

Issues of equality and inclusion must be considered, and regularly reviewed, in decision-making, policies and in the delivery of services.

### **3.2.2 Key approaches and issues for agencies to consider**

#### ***Cultural humility and anti-racist practice***

Cultural humility is an approach that attempts to genuinely understand and be attuned to people's identities in relation to race and ethnicity, gender, sexual orientation, class and socioeconomic status, disability and so on. This approach is essential if an organisation is genuinely committed to addressing racism, marginalisation and exclusion at every level.

#### ***Unconscious bias***

Unconscious bias refers to the tendency for human behaviour to be driven by assumptions and biases that a person is not aware of – for example, a stereotypical belief about someone based solely on their gender. Unconscious bias can be present in organisations and groups as well as influencing the behaviours and decisions made by individuals.

There are key risks associated with unconscious bias:

- When judgements and decisions are influenced by unconscious bias we are, in effect, using an incomplete and inaccurate evidence base. This will lead to poor decisions.
- Unconscious bias (particularly when linked to gender, ethnicity, disability or some other characteristic) has unfair and negative consequences for the subjects of this bias. This includes unfair treatment and poorer outcomes (e.g. in health, education and employment).

- Unconscious bias can result in microaggressions.

### **Microaggressions**

Adopted people, adoptive parents and birth relatives are likely to have experienced microaggressions from organisations and individuals. Microaggressions have been defined as:

“Everyday verbal, non-verbal and environmental slights, snubs or insults, whether intentional or unintentional, which communicate hostile, derogatory or negative messages to target persons based solely upon their marginalized group membership” (Sue *et al*, 2019, p278).

Examples of microaggressions in adoption include:

- The ‘bad blood’ or ‘bad seed’ narratives.
- ‘Blood is thicker than water’ themes.
- Adopted people are ‘lucky’ or should feel ‘grateful’ for having had better opportunities in life.
- The suggestion of degrees of parenthood – first, birth, real, adoptive, etc.
- Adoptive parents as ‘heroes’ or ‘rescuers’.
- Birth parents ‘had their chance’ to parent.
- Invalidating of heritage – ‘you look just like your adoptive mother’.

Microaggressions may be overt or subtle, intentional or unintentional, but in all cases, they are harmful in that they erode the dignity and self-belief of the recipient.

### **Ways in which agencies can promote equality, diversity and inclusion**

- Agency policies should reflect a commitment to equality, diversity and inclusion.
- Agencies have a responsibility to provide supervision and training that will promote equality, diversity and inclusion in the services they provide.
- Appropriate training will support individual workers to explore what cultural humility and anti-racist practice means to them and how this can feed into the whole organisation to work towards an anti-racist approach.
- Appropriate training, supervision and case discussion opportunities will alert staff to the issues of unconscious bias and microaggressions and to be reflective about their own practice.
- Training should also include how to recognise and deal with these issues in the workplace in a professional but decisive way to maintain an inclusive approach and culture.
- The occurrence of microaggressions in adoption records (for example, unsupported negative assumptions about a single birth mother) can be recognised and explored with the adopted person or birth relative as appropriate.
- When an adoption worker notes that an adopted person or a birth relative that they are working with has been negatively affected by a microaggression, it is important to listen, reflect on the experience with them and to validate their thoughts and feelings.



### 3.3 Working with adults affected by adoption: key principles for practice

The six key principles outlined below offer a practice framework for adoption workers who are supporting adopted people, birth relatives and people with a prescribed relationship to an adopted person. The principles connect and overlap with each other, and together, they support the sensitive approach and complex decision making associated with this unique and often challenging area of work.

#### 3.3.1 Supporting Openness

**Be open in sharing information from records and support people to make contact, whilst also considering the welfare and confidentiality of others**

People who use services for adults affected by adoption are usually seeking access to information or relationships that have been closed off by the adoption order. Adopted people may wish for more information about their origins or to locate and meet with birth family members. Equally, birth relatives may wish to enquire about the welfare of the adopted person, or they may hope to contact or meet with them. The descendants of an adopted person, and relatives as a result of the adoption, may have similar needs.

For over fifty years, research and practice in this field have shown that the secrecy and closed nature of the adoptions of the past were unhelpful and even harmful to many adopted people and their birth relatives. It is now widely recognised that adopted people have a fundamental need for knowledge of their origins to build a sense of who they are and where they came from. For birth relatives, knowledge of the adopted person can help to mitigate the loss associated with the adoption.

Services for adults affected by adoption should therefore be underpinned by a drive towards openness, both in terms of information sharing and facilitating contact between parties. In all cases, there should be an assumption that it is valid for adopted people and birth relatives to seek further knowledge relating to the adoption and to connect with each other if that is what they wish for. Adoption workers in this field must acknowledge the importance and value of greater openness for people using the services. They should share as much information as possible from the adoption records and support indirect and direct contact between the parties whenever it is safe to do so.

However, the adoption worker also has a responsibility to consider the impact the disclosure of information and contact services may have on the privacy rights of others who may be affected by these services. They must, therefore, make an ongoing assessment of the benefits and risks of further contact for all parties and shape their approach accordingly. In most cases, this will involve being mindful of the various issues that may arise for the individual and their birth and adoptive family network during the sharing of information or at the search and meeting stage (for example, the possibility that only minimal information is available on a file, or that their approach might be declined) and helping the person to be aware of these and prepared for a range of outcomes. Occasionally, however, sharing information or facilitating contact may carry a risk of abuse or harm to one of the parties

involved and the adoption worker must carefully assess the situation, consult with a manager and act to reduce, or minimise this risk.

### **3.3.2 Responding Sensitive**

#### **Provide services that are respectful and sensitive to each person's needs and feelings**

Adopted people, birth relatives and people with a prescribed relationship to an adopted person who request services for adults affected by adoption have various needs and bring with them the full range of feelings, hopes and expectations. Some may want only a small amount of information, others may be hoping for much more, or for meetings and relationships with the people they have lost.

For some people, the adoption experience may have involved significant and ongoing trauma and loss. Earlier experiences of personal adversity and conflicted relationships with authorities can make it hard for people to trust professionals and receive support from others. For other people, there may be less emotional impact. Some may have stable lives and be well supported to manage the outcome of their enquiries, whatever that might be. It is important, therefore, that the adoption worker does not make assumptions about the needs and feelings of the person they are working with, but that they listen to, respect, and respond sensitively to whatever the individual brings to them, including experiences of discrimination.

There may be difficult and emotionally charged information to be shared in a consultation meeting and it is important to build a degree of trust with the person using the service in the limited time available. This can be supported by practical arrangements, such as the comfort and privacy of the waiting area and meeting room, careful planning on the part of the adoption worker and a brief introduction that includes reassurance that they are experienced in this work or have access to consultation. It is good practice for the adoption worker to mention terms that can be used for key people in the adoption kinship network (for example 'birth mother') and to adjust their language according to the preferences of the person they are working with. It is also important to avoid the use of acronyms and professional jargon during the meeting, to explain unfamiliar terminology and to contextualise judgmental comments that may be found in adoption records.

Careful, reflective listening may help people you are working with to express their feelings and concerns more accurately and to feel that these are acknowledged and validated. It is also important to observe body language and to be alert to what people are saying implicitly. Responding sensitively to the full range of possibilities (including the possibility that the adopted person or birth relative feels resolved and positive about the adoption) is central to the professional role and the meeting should be shaped accordingly.

In some cases, the adoption worker might judge that further support could be helpful (for example, therapeutic counselling) but if the person is clear that their needs are already being met, this should be respected. Finally, the adoption worker can offer signposting to a range of resources which provide additional practical and emotional support.

### 3.3.3 Supporting Sense Making

#### **Support each person using a service to build a personal understanding of their adoption story**

People using services for adults affected by adoption are likely to have absorbed various external narratives about what adoption means and what it is to be adopted (for example, I am 'lucky' 'incomplete', rejected' or 'saved') or to have lost a child to adoption ('I had no choice', 'I should have fought harder', 'I am a bad parent'). These narratives may be obtained from many sources, including professionals, books, films, television, the views of other people, or they may have built in the mind of the individual, based on sparse or inaccurate information. Additionally, people may have repressed their memories or have gaps in their memories of traumatic events.

The process of sharing information from adoption records and providing intermediary services is therefore much more than an administrative exercise. The adoption worker also has a significant role in supporting 'sense making' for each person. This can involve helping people to recognise and find a way through external narratives, and to fill gaps and contextualise their recollections of events. The goal is to support individuals to build their own meanings and understandings of the people and events around the adoption and the intervening years. This is not a case of creating a more 'accurate' narrative but rather, supporting each person to build a personal narrative that they can own and that makes sense to them. This, in turn, may help adopted people and birth relatives to develop a stronger and more cohesive sense of their identity.

### 3.3.4 Promoting Autonomy

#### **Support adopted people, birth relatives and others to make their own decisions about what is right for them**

Adopted people and birth relatives frequently report feelings of powerlessness regarding the adoption process. From their different perspectives, they commonly feel that they had no choice in what happened to them, and that events were directed and controlled by others, especially professionals. It is particularly important, then, that services for adults affected by adoption allow people to reach their own informed decisions about the way forward and that they are supported to do this at a pace that feels comfortable to them.

In some situations, the involvement of the adoption worker may be limited and short-lived, with the adopted person or birth relative quickly reaching their own decisions and proceeding independently. In other situations, the intermediary may have a key role in promoting autonomy in decision making, ensuring that neither of the parties feel under duress or are being unduly influenced by the wishes and feelings of others.

When taking on an intermediary role, it is important that the adoption worker maintains their role as a facilitator for *both parties*, helping each to explore the range of issues and outcomes that different forms of contact, or no contact may present and ensuring that both have choice and control over the process.

Sometimes, however, the autonomous decisions of the parties may be conflicted, creating

a more complex situation for the intermediary. For example, an older birth parent may be hoping for contact with her adopted son or daughter, who clearly states that they do not wish for this. Whilst accepting and respecting this decision, the intermediary might try to sensitively explore the reasons behind it with the adopted person, along with providing some information about the birth parent's request. They might also seek the adopted person's consent to pass on some non-identifying information about them to the birth parent, ensuring that the adopted person is comfortable with what will be shared. The intermediary should work sensitively towards a solution which allows both parties to achieve their goals as far as possible.

Occasionally, for the adoption worker who is acting as an intermediary, it can be difficult to retain impartiality and it is important to be aware of the subtle power dynamics at play. For example, the intermediary may connect strongly with the position of one party and find it hard not to 'champion their corner' when relating to the other party. The risks of this can be mitigated by training, case discussions and thoughtful group and individual supervision.

### **3.3.5 Recognising that needs can change**

**Recognise that the impact of adoption on an individual can change across the life course; take this into account when offering support and advice**

Research and practice have shown that adoption is not a one-off event, but rather an evolving lifetime experience for birth relatives, adopted people and related persons. Children and teenagers build their understanding progressively as they reach different stages of development. Adopted adults' views and feelings about their adoption and their wishes regarding contact are likely to shift and change as they move through the life stages of independence and make decisions about establishing partnerships and having children. Middle age and later life bring further experiences and changes in outlook. Similarly, for birth relatives, feelings about the adoption and wishes for contact with the adopted person may fluctuate across the life course, influenced by subsequent experiences and relationships and by the support available to them.

Adoption workers providing services to adults affected by adoption will usually work with the adopted person or birth relative at one point in time. Feelings expressed or decisions made at this time may be strongly felt and unequivocally stated. Nevertheless, whilst **responding sensitively** and **promoting autonomy in decision making**, the adoption worker has a responsibility to hold in mind the possibility of change in the future and to ensure that important avenues are not irrevocably blocked.

For example, if a birth parent declines an approach from their adopted son or daughter, the worker might sensitively explore this decision with them and, while accepting it, give some examples of situations where people have felt differently later on. The birth parent may consider sharing some non-identifying information or message with the adopted person (whilst being mindful that the adopted person may already know or could learn of their current address through public records). They should also be given information, so they know what to do if they change their mind at a later stage. At the same time, the adopted person can be supported to understand that reluctance on the part of the birth parent may mean that the timing is wrong for the birth parent, rather than being an act of rejection.

### 3.3.6 Sharing complex decisions

**Ensure that decisions about complex issues are not taken by one person alone; consult with colleagues and managers before taking decisions**

As indicated above and in the following chapters, providing services to adults affected by adoption is a complex and emotionally charged area of work. For example:

- Adoption workers are required initially to assess the benefits and risks of providing a service to each applicant. Some people seeking services or being contacted by services may have had difficult and challenging life experiences in the past or presently. There may be potential risks both in providing and not providing a service and the decision to proceed or not may be finely balanced.
- When providing the service, there are decisions to be made about the benefits and risks of providing certain information and the protection and privacy rights of third parties when doing so. The decision to redact or withhold information from a record may have highly significant consequences for the adopted person, birth relative or a person with a prescribed relationship to the adopted person.

It is vital therefore, that workers are well supported and supervised and that there is a clear agency policy that complex decisions of any nature can only be made in consultation with a manager. The agency should also recognise that experienced colleagues are an important source of advice and there should be access to legal advice to assist with complex decision making, when needed.

## 3.4 Key points

- The professional role in supporting adults affected by adoption is complex, particularly as it involves understanding and taking account of and balancing the needs of a range of people. Adoption workers therefore require specialist knowledge, a reflective stance, and access to good supervision and support.
- Adoption workers need to undertake a range of roles including assessment of benefits and risks; demonstrating counselling skills; assessment of support needs; provision of context and information; searching advice and activities.
- Providers of services to adults affected by adoption will need to consider how their working environment and the services they provide may be experienced by people with protected characteristics. Agencies must consider how the specific needs of these groups can be met.
- The experience of adoption needs to be understood and considered; an awareness of the discrimination and stigma that adults affected by adoption may have experienced through microaggressions is needed.
- Practice should be guided by key principles as follows:
  - Supporting openness
  - Responding sensitively
  - Supporting sense making
  - Promoting autonomy
  - Recognising that needs can change
  - Sharing complex decisions

## Chapter 4

# Providing access to birth registration information and sharing information from adoption records with an adopted person

This chapter provides information for professionals who are providing services to people who were adopted before 30 December 2005 (pre-commencement adoptions). For adoptions that took place on or after 30 December 2005, (post-commencement adoptions) a new legal framework was introduced for retaining and disclosing information. For the legislation and procedures for work in relation to these adoptions, see Chapters 9 and [10](#).

The chapter covers services for adopted people seeking information about their adoption. There are two main pathways for adopted people to obtain information about their origins, circumstances of their adoption and family background. These are:

- 1. Applications for Birth Registration Information** via the General Register Office (GRO) to enable them to obtain a copy of their original birth certificate.
- 2. Applications to access information from adoption records** via the adoption agency that holds the records relating to the adopted person.

These two processes can sometimes overlap in practice and several different ways forward are possible. For example, the adopted person may:

- Wish to know their birth name so that they can obtain their original birth certificate.
- Wish to obtain their original birth certificate *and* information from the adoption record.
- Already have their original birth certificate and wish for one or more specific pieces of information from the adoption record.
- Already have their original birth certificate and wish to have as much information as possible from the adoption record.

In this chapter, we describe applications for Birth Registration Information in section 4.2 and applications for access to and disclosure of information from adoption records in section 4.3. We have added signposting to other relevant sections where appropriate. This chapter also covers services for people who wish to record a wish for contact or no contact with birth relatives on the GRO Adoption Contact Register or register a veto with the agency

that organised the adoption regarding future approaches from birth family members. Services for adopted people who want to locate and perhaps contact their birth relatives (intermediary services) are covered in [Chapters 5 and 6](#).

### Use of the term ‘counselling interview’: changing perceptions

The Children Act 1975 gave adopted people the right to apply to the GRO for information about their origins. The law stated that ‘it shall be the duty of the Registrar General, each local authority and approved adoption society’ (now referred to as agency) to provide ‘counselling for the adopted persons who apply for information’. Adopted people had to attend this ‘interview’ with a counsellor at the General Register Office, the local authority or adoption society before birth record information would be shared.

A range of people have expressed concerns about the term ‘birth records counselling’ to describe this meeting. Many adopted people feel uncomfortable with the word ‘counselling’ as it can have connotations of therapy. Understandably, they may feel that they do not need counselling to obtain information which is rightfully theirs. The word ‘interview’ can also feel inappropriate for adopted people in this context.

Adoption workers and other persons in the adoption community have also queried the terms ‘counselling’, and ‘interview’, as these do not accurately reflect the professional role and approach taken in providing this service. The ‘Birth certificate Information Before Adoption’ (BIBA) form for adopted people applying for access to birth certificate information has been adapted and no longer refers to a requirement for ‘counselling’. Instead it refers to attending ‘a meeting with an approved adoption advisor’.

In current practice, the term ‘**birth records consultation meeting**’ is generally preferred, and we use this term in the practice guide.

In terms of *future recommendations*, the Improving Adoption Services for Adults Project has recommended a change in legislation to remove the mandatory ‘procedural requirement’ for persons adopted pre 12 November 1975 to attend a ‘counselling interview’. Adequate resources for those who wish to have a consultation meeting with an approved adoption worker should remain available.



## 4.1 The legal framework

### 4.1.1 Key legislation

Below, the key laws that guide this area of practice are summarised.

#### **Providing access to birth records and sharing information from adoption records: the legal framework**

Rights to information enabling adopted people to apply for a birth certificate:

- Since 12 November 1975, adopted people have had the right to information enabling them to apply for a copy of their original birth certificate.
- The Children Act 1975 (Section 26) created a new section in the Adoption Act 1958 (section 20A) which subsequently became Section 51 of the Adoption Act 1976.
- That provision was carried forward for pre-commencement adoptions as Section 79(6) of the Adoption and Children Act 2002. This section gives adopted adults the right to obtain their birth record information and enables them to obtain a copy of their original birth certificate.
- The duty and powers of the Registrar General to disclose birth records are in Schedule 2 of this Act.

#### **The Adoption Contact Register**

- The Children Act 1989 implemented the Adoption Contact Register which came into operation on 1st May 1991. The Adoption Contact Register is held by the General Register Office and provides the opportunity for adopted adults and their birth relatives to record their wish to be contacted or not to be contacted.

#### **Discretionary powers to disclose information from adoption case records**

- The 2002 Act retained the discretionary power which adoption agencies have had since 1983 to share information from adoption case records.
- This power is in Regulation 15(2) of The Adoption Agencies Regulations 1983.
- This retention is significant and ensures that adopted adults continue to have access to the information they need about their family history and origins (Adoption and Children Act 2002 statutory guidance paragraph 10.5).
- This discretion can be used to give information to an adopted person seeking family history information but who does not wish to trace and have contact with birth relatives.

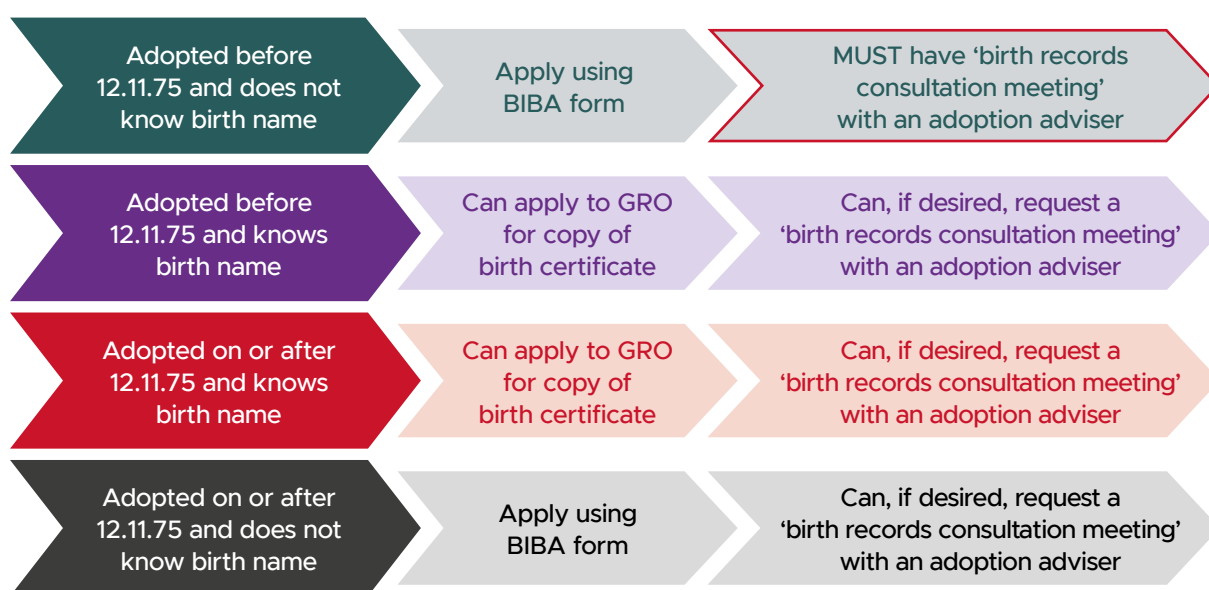
### 4.1.2 Access to birth registration information

Within the Adoption & Children Act 2002 there are different procedures for pre-commencement adoptions to be followed depending on when the person was adopted and whether they already know their birth name:

- **People adopted before 12 November 1975 who do not know their birth name** are required to attend a meeting (the birth records consultation meeting) with an adoption worker before receiving the information needed to apply to the GRO for a copy of their birth certificate. The form needed to make the application can be obtained from the GRO ([www.gov.uk/general-register-office](http://www.gov.uk/general-register-office)<sup>6</sup>). It is sometimes referred to as the BIBA Form (Birth certificate Information Before Adoption). When the adopted person applies to the GRO, the GRO provides information about where the adopted adult can arrange the meeting with an adoption worker. The GRO will then forward the necessary paperwork to the identified adoption worker. This includes a copy of the CA5 form, which enables the adopted person to apply to the GRO for a copy of their original birth certificate which costs £12.50 (in 2025)
- **People adopted before 12 November 1975 who know their birth name** may apply directly for a copy of their original birth certificate as they already have the information necessary to make the application. Providing the person has the index reference, the cost in 2025 is £12.50. They could also choose to complete the BIBA form in order to access the birth record consultation meeting.
- **People adopted on or after 12 November 1975 and before 30 December 2005** are not required to attend a meeting with an adoption worker, but this service is available to them if they wish. They can apply to the GRO using the BIBA form for a copy of their original birth certificate, whether or not they already know their birth name.

Flow chart 1 (in [Appendix 2](#)) gives an overview of the processes to be followed when supporting an adopted person to access their birth records.

#### Which adopted people must have a birth records consultation meeting?



<sup>6</sup>Also available to download from gov.uk: [https://assets.publishing.service.gov.uk/media/65e85e7b62ff48001a87b241/BIBA\\_form.pdf](https://assets.publishing.service.gov.uk/media/65e85e7b62ff48001a87b241/BIBA_form.pdf)

### 4.1.3 What information can an adopted person get from their birth certificate?

When an adopted person applies for information from the GRO, they receive some key pieces of information that will enable them to apply for a copy of their birth certificate. Most importantly, they will be told the name they were registered with at birth, and their birth mother's name. The information that will be available on their birth certificate will include the adopted person's original name, where they were born, their birth mother's name and address (which could be a mother and baby home), and the district where their birth was registered. It will also show the name and address of the person registering the birth (which may not be the same information as for the birth mother). The name of their birth father may sometimes be included on the birth certificate. For the birth father to have his name entered, one of the following would have to apply:

- He was present when registering the birth
- He was married to the birth mother or
- He made a statutory declaration to say that he was the father of the child

If the child was conceived through an extra marital relationship, the name of the mother's husband might be recorded as the father of the child, even though he had no genetic link to the child.

Where the adopted person was a 'foundling' they will not have an original birth certificate, but information will be recorded on the Abandoned Children's Register, held at the GRO.

#### Receiving an enquiry from adopted people: general points

- The main reasons adopted people may make an application to an adoption agency are: to obtain birth registration information needed to get a copy of their birth certificate; to access information from their adoption record; to apply for an intermediary service.
- It is important to respond promptly. This is likely to be an anxious time for the adopted person and they should receive a swift acknowledgement indicating when they are likely to receive an appointment. If there is a waiting list, they should be informed and given an indication of how long the wait for the service may be.
- They should be given information about the services the agency provides and what is likely to happen when they meet with the adoption worker.
- Some adopted people may need to be seen as a priority, for example, an older person or a person suffering from a life-threatening or shortening illness. It is important to ensure that the adopted person knows that they can request a priority service if necessary, and in what circumstances.
- Providing services for people who have applied for information about their birth registration or the records held by an adoption agency may overlap in terms of the preparation needed and discussions the worker has with them.

## 4.2 The consultation meeting for adopted people who are applying for Birth Registration Information

### 4.2.1 When the adopted person does not know their names given at birth

A consultation meeting was prescribed in law for adoptions arranged prior to the Children Act 1975. When these adoptions were made, the adopted person did not have the right to access to their birth records. Frequently birth and adoptive parents were told that no identifying information about themselves would be disclosed to the other party and typically all contact would be severed. The requirement to meet with an 'adoption advisor' was therefore put in place to help the adopted person understand that this is what the birth parents would have been told, and as a result, the birth parent might have kept the adoption secret from their friends, partner, and family. This could have implications for the adopted person's decision to search for the birth parent and for the potential outcome of their search.

Because adoptions made after the 1975 Act were no longer restricted in terms of the adopted person's access to birth records, the **requirement** to meet with an 'adoption advisor' before obtaining birth record information does not apply. However, the option for an adopted person to request such a meeting remains in place.

The meeting provides an opportunity for the adopted person to meet with an adoption worker where a range of issues relating to their adoption and application can be considered. For example, their hopes, fears and expectations, whether they want to access information from the adoption records, or whether they want advice about next steps they could take in locating birth relatives.

Accessing information about their origins and knowing more about the circumstances of their adoption can be of vital importance to adopted people, as it can help to enhance their sense of identity and well-being. Meeting with an adoption worker prior to gaining information can provide adopted people with an opportunity to talk about issues and concerns. The meeting can also help them to consider some of the potential outcomes, if they decide to search for more information and/or to contact their birth relatives. This is particularly important as it may be the only opportunity to discuss this, particularly if the adopted person chooses to try and locate and contact birth family members without accessing the information that is held on the adoption agency's record. See section 4.2.6 for further information about conducting the consultation meeting.

A birth record consultation meeting can only be undertaken by a registered, qualified social worker with knowledge and experience of adoption work and all the issues involved and who meets the requirements of the Adoption National Minimum Standards (NMS 23.9). Where a person who is not qualified as described above (for example, a student social worker placed in the team) they must work under the supervision of a suitably qualified adoption worker who takes responsibility for the work undertaken and decisions made (NMS 23.10). It is important that managers are aware of these requirements.

Adopted people may wish to have additional therapeutic counselling or other professional

input after the birth record meeting. In these situations, the adoption worker should signpost the adopted person to individuals or agencies equipped with the knowledge, skills and qualifications to provide the services needed. This includes referrals via General Practitioner services. A therapeutic counselling service provider is likely to charge a fee for their service.

#### **4.2.2 Meeting with an adopted person who does not know their birth name or the name of the adoption agency which arranged their adoption.**

When the adopted person has applied directly to the GRO, they must name an adoption agency where they would like to receive the information about their birth registration information. Once an agency has been identified the GRO will send an information pack to that agency. The information from this pack is then shared with the adopted person at the consultation meeting. This information includes the name of the adopted person entered on their birth certificate, the name and address of their birth mother, the name of their birth father, where known, and the district where the birth was registered. This information may have an emotional impact on the adopted person especially if they were not previously aware of it. The information from the General Register Office will also show which court made the adoption order and the name of the adoption agency (if known).

When an adopted person indicates that they may search for birth relatives, the adoption worker should cover the key issues detailed in [Chapter 6](#).

If the agency which made the adoption arrangements is not known to either the adopted person or the adoption worker and was not included in the information sent by the GRO, the adoption worker should ask if the adopted person would like help obtaining more information about this. An application to the court can be completed by the adopted person or by the adoption worker, on their behalf. The court should then provide the name of the adoption agency involved, if any, and/or the local authority involved in the adoption process. It may also be possible to obtain copies of reports or documents from the court adoption file, although third party information will be redacted.

Once the name of the adoption agency or the local authority involved is known, the adopted person can ask their adoption worker to apply to the LA or AAA for any additional information. If this is available, it can be shared with them during a subsequent meeting. It is also important for the adopted person to be given information about the additional services that the agency can provide, for example, an intermediary service, as well as information about other local or national support networks and resources (See [Appendix 1](#))

Where the adopted person is considering accessing information from their adoption record, the worker should make them aware that in some cases there may be little or no additional information available in this record, sometimes no more than the names of the birth parent(s) and a brief record of the reason for the child's adoption. This is likely to be frustrating and disappointing for the adopted person who may have come with expectations that the agency will hold detailed information. Sometimes additional information can be obtained from court records – see the case example below.

## **The value of pursuing court records when no agency records are available**

### **Case example: Amanda**

*Amanda discovered she was adopted some time ago when reading papers left by her parents after they died. She wanted to find out more information and approached a local adoption agency to access information from her adoption records. The adoption worker established that Amanda's adoption was privately arranged and therefore no agency was involved. The worker assisted her to apply to the court where the adoption order was made for information from the court record. The worker explained that third party information on the court records would most likely be redacted because of their data protection duties and that courts can vary in how they respond to applications. The court, for example, may send the relevant documents via the worker and not directly to the adopted person. Sometimes the court may have closed and records relating to the adopted person may have been transferred to another court or in some cases cannot be found. There is currently no central register of court adoption records. Amanda was fortunate that when she applied to the court, the adoption record was located. Amanda contacted the court and was able to find out why she had been adopted and some other background information about her origins and birth family, which she found helpful.*

### **4.2.3 Meeting with an adopted person who does not know their birth name but has applied for birth record information to the adoption agency that arranged their adoption**

If an adopted person knows which agency arranged their adoption, they can apply to that agency for access to birth registration information. The worker will have more information available to them than that provided by the GRO and will be able to give the details they require to apply for a copy of their original birth certificate. In this scenario therefore they do not need to complete the BIBA form. The agency will be able to advise the adopted person that they could also choose to apply to it for access to information from the adoption records, which would include much more than just the birth registration information.

Therefore, the initial meeting may either be simply a birth records consultation meeting, which would be in most respects similar to that described in the previous section or a combined birth records and access to records consultation meeting, if the adoption worker establishes that the adopted person would also like to receive information from the adoption record. If continuing the process seamlessly from access to birth records to sharing information from the adoption record, the adoption worker will need to be familiar with how to share information from adoption records. This is covered in section 4.3 below.

## **A combined birth records consultation and access to record meeting**

### **Case example: Frank**

*Frank did not know his birth name but knew that he was adopted through a voluntary adoption agency. He approached this agency and was advised that he could either just access his birth registration details or he could access fuller information from the agency's adoption record. Frank decided he would like to apply for whatever information he could have from the adoption record. The worker was then able to prepare for this and so Frank was offered a consultation meeting which combined the functions of a birth records consultation meeting and an access to records meeting. The information shared from the records included his birth registration information.*

### **4.2.4 The consultation meeting with an adopted person who has also applied for access to information from the adoption records**

Since 1983, adopted people may (at the discretion of the agency) have access to their adoption records, held by the agency that arranged their adoption. Adopted people may request this service from the agency who placed them for adoption or from another agency that is registered to provide this service.

The birth record consultation meeting should be shaped according to the wishes and circumstances of the adopted person. The example below shows how birth records consultations meetings and access to records work may overlap.



## Overlap between an access to record meeting and a birth record consultation meeting

### Case example: Julie

#### **The overlap between a birth records consultation meeting and an access to records meeting**

*Julie contacted the local authority where she lived, seeking a birth record consultation meeting. She was keen to establish her birth name in order to trace her birth family. While making the arrangements, the adoption worker established that Julie had no knowledge of why she was adopted. Julie agreed that the worker could try to locate her background information from the appropriate adoption agency (AAA) that placed her for adoption. In the meantime, Julie had her birth record consultation meeting and was able to go ahead and obtain her birth certificate.*

*The worker contacted the AAA to request a summary of background information. Julie returned for a second appointment to receive this information from the adoption record. On learning that she had been conceived as the result of an extra-marital relationship, and having established during her search that her birth mother was still living with her first husband, Julie felt better prepared for the potential response she might receive if she approached her birth mother or asked an intermediary to approach her.*

### **4.2.5 Preparing to meet with the adopted person.**

When offering the initial appointment, the following points should be considered:

- Before the meeting ask the adopted person about any special needs they may have, including access to the building, hearing loop, large print or audio recordings, translation and signing services or other specific support needs, so that the adoption worker can ensure these are met.
- Ask the adopted person to bring proof of their identity and age, if not provided earlier, for example, passport, driving licence, utilities bill.
- Let the adopted person know that they are welcome to bring a supporter whom they may want to be present through all or part of the meeting with the adoption worker. However, it might be helpful for the adoption worker to see the adopted person on their own initially to check that they are comfortable for the supporter to be present throughout, particularly if sensitive information is being shared from the adoption record.
- Ask the adopted person to bring with them any information they already hold about their adoption and birth family as this is likely to inform decisions about what to share from records.
- Provide written information about the agency's policy if safeguarding concerns regarding a child or adult are disclosed during the meeting.

### Concerns about offering a service and the need to build in support

The adoption worker has a duty to consider the welfare of the adopted person and anyone else who could be affected by the application for information. In situations where the adoption worker has concerns about the adopted person, for example, their mental health, or how they may react to information that may be shared, it is important to undertake an assessment of risk. This should be integral to the interview process.

When there are concerns, permission should be sought from the adopted person to liaise with other professionals involved in their care or providing services for them, for example, a community psychiatric nurse. Having other professionals involved can also be helpful if an adopted person has any additional needs that the adoption worker may not be equipped to support. Co-working with another specialist can ensure the adopted person gets the best possible service. Adoptive parents may also be a source of information regarding the welfare needs of the adopted person and their current situation. Consideration can be given to the possibility of contacting the adoptive parents, with the permission of the adopted person.

### Working with other professionals to ensure the adopted person is supported

#### Case example: Janet

*Janet, a young woman with learning disabilities, wanted birth records and background information and hoped for contact with her birth mother. Her comprehension and reading skills were limited and there was concern that she might not fully understand the information she received or the intermediary process, in terms of contacting her birth mother. Prior to meeting with the adoption worker, she agreed that her key worker at the day centre she attended would come with her. The adoption worker recorded her background information on audiotape, avoiding complex language.*

*Janet's birth mother was traced but declined contact. She had married, and her husband, who was very ill, was unaware of Janet's existence. The involvement of the key worker proved invaluable in helping Janet to understand the reasons for her mother's decision. In addition, Janet was able to talk through her feelings of loss and disappointment with her key worker during the weeks and months that followed.*

## 4.2.6 Conducting the birth records consultation meeting

### **Key principle: Responding sensitively**

Accessing information and attending the appointment with the adoption worker is often an anxiety provoking event for the adopted person. It is frequently a highly significant moment for the adopted person and they may have a range of very strong feelings about learning more about their adoption. Adoption workers should take time to put the adopted person at their ease and explain it is an opportunity for the adopted person to talk about their hopes, fears and expectations.

The application from the adopted person should be read before the meeting, as this may indicate how much they already know about their background and adoption. Sometimes the GRO may have received a letter from a birth relative prior to the Adoption Contact Register being available and that letter would be sent to the agency with the birth record information. As mentioned above, it is often helpful when writing to the adopted person to ask what information they already have about their adoption and birth family and what information they hope to obtain. Sometimes this may be discussed if the adopted person first contacts the agency by telephone. Their response may make it possible to move directly to requesting information from the appropriate adoption agency (AAA) that holds their adoption records.

The adoption worker should ensure that a meeting room is available and a waiting area where anyone attending with the adopted person can wait, as it may be appropriate to see the adopted person alone for some of the session.

The identification documents provided by the adopted person must be checked to ensure information is given to the person entitled to receive it. Some people may bring additional documents that are not necessary e.g. school reports, but workers need to be sensitive to the importance the adopted person places on them.

The adoption worker should re-state the agency's policy when responding to any safeguarding concerns, including non-recent abuse. If the adopted person begins to make a disclosure of a safeguarding matter during the meeting, the worker should remind the adopted person of the agency's policy on this issue. Managers should be made aware of the disclosure and if necessary, the agency should take legal advice about their responsibilities. The adopted person should also be signposted to relevant support services.

The adoption worker's role is to understand more about the adopted person's particular request and needs so that the agency can respond to them, clarifying if they just want birth record information or in addition more detailed information from the agency's record. The adoption worker should also provide the opportunity for adopted people to discuss their current circumstances and their adoption experience.

The meeting is also an opportunity to explore with the adopted person whether they would

like to search for their birth family and to discuss the possible range of feelings that might arise for either party when meeting birth family members. As appropriate, this discussion may include the possibility of powerful feelings of physical attraction. Even though the adopted person may not at this stage be thinking of making contact, it is helpful to mention these possible feelings so that the adopted person can be prepared for this and make an informed decision about the way forward. Reflecting in advance about the range of possible feelings can be helpful (see [Chapter 5](#) for further discussion of this issue).

### **Birth records consultation meeting: issues to consider during the meeting**

These include:

- The adopted person's current circumstances, including information about their family situation such as partner, children, and occupation.
- Their experience and knowledge of their adoption and the sources of that information.
- Whether they were adopted transracially.
- Whether their adoptive family is aware of their application and, if they are, their attitude and feelings about this.
- Their support systems and whether they have any links to support within their community, for example, social services and health services and community groups.
- What information is being sought.
- Their hopes, fears and expectations.
- Whether contact with birth family members is being sought.
- Discussing powerful feelings about meeting birth relatives, including Genetic Sexual Attraction.
- The role of the Adoption Contact Register.
- Information about registering a veto.
- Timescales for obtaining and locating and receiving adoption records from other agencies if applicable.

See [Appendix 5](#) for a checklist for recording a birth records consultation meeting

## **4.3 Supporting adopted people to access information in the adoption case records**

### **4.3.1 Introduction**

Some adopted people will not know their birth name, and therefore the first steps include going through accessing birth records processes described in section 4.2 above. Other adopted people may already know their birth name when they apply for additional information from their adoption records. They may have learned their birth name from their adoptive parents, life story books or later life letters, or through applying for their original birth registration information before adoption.

In the case of adoption records which pre-date the 1970s there may be limited information on these records and adopted people are likely to be seeking all the information held in official records about them. Before the early 1980s when the care and adoption records may not have been separated out, there may be a great deal of information held on file (which were often 'family' rather than individual files) not just about the adopted person but about other members of the family. In such cases a summary may be more appropriate, especially where there is detailed information about abuse. However, this does not mean a summary should avoid or gloss over significant details, since these can help the adopted person decide whether they wish to seek further information. The adopted person can also receive copies of relevant information from the records when it applies to them, for example a school report.

For many people, having and handling original documents can be significant, particularly if the document was signed by their birth parent(s) or another relative. Where original documents are given, copies of these should be retained in the case record. However, in the past, some agencies transferred paper records to microfiche (a process of reducing printed material in a miniaturised form onto a transparent film sheet which is then read in a microfiche reading machine). This was done with older records to reduce the need for space to archive paper records and usually the paper records were destroyed. As a result, not all adopted people will find paper records of their adoption. Later records may have been transferred to an electronic file and again original documents may have been destroyed.

It is important to clarify what information the adopted person hopes to receive from the adoption records. Some people may be seeking all the information held in official records about them, others may want only limited information. They may have little idea of what information will have been recorded or be uncertain about what they may receive. It is important to go at the adopted person's pace and to be sensitive and responsive to their needs and wishes.

In situations where there is little or no available information to share, the adopted person may welcome information about the social context at the time and the pressures that their birth mother and father may have experienced which resulted in their adoption. This information may be provided by the adoption worker or the adopted person may prefer to be signposted to relevant books, websites and support groups. See [Appendix 1](#).

### 4.3.2 Sharing information from adoption records and exercising discretion to share

#### Sharing information in adoption records – the need for improved services

Two recent surveys of adopted adults (Adoption UK, 2024; Rawcliffe et al, 2022) indicate the urgent need for improvement in how access to adoption records requests are managed. Messages from adopted people demonstrate the need for policy makers and agencies to prioritise improvements in this area of work, and for practitioners to manage requests:

- In a timely manner
- With a high level of transparency about contents of the record, sharing original documents wherever possible
- With empathy and respect for the adopted person's entitlement to know their history
- With advice about what to do if they want to take the next step of contacting birth family members

We have learned from adopted people the importance to them of understanding 'who they are and where they come from' and how information about their family background, origins and the circumstances of their adoption can help them build a fuller sense of self and enhance their identity by building a bridge between their birth and adoptive identities. In practice, this has meant that most agencies provide as much information as possible to the adopted person from the adoption record, using their discretion under Regulation 15(2) of The Adoption Agencies Regulations 1983. This discretion is considered below. Making decisions about what to share is at times challenging. Being able to discuss with colleagues and managers the issues and factors to consider builds confidence in workers' professional decision making and supports them to record the reasoning behind their decisions. It is likely to reinforce a consistent approach across the agency and inform agency policy and procedures.

When sharing information with an adopted person (as distinguished from providing intermediary services) the agency has a discretion retained in The Adoption Agencies Regulations 1983, 15(2)(a). The agency may share adoption information from its 'case records' if it considers doing so is '...for the purposes of carrying out its functions as an adoption agency.' This discretion enables the agency to share identifying information from its case records without the consent of the person who is the subject of that personal information, if it is reasonable to do so and consistent with data protection principles. The AAA must take into account the impact on the welfare of other persons affected by sharing the adoption information (ISR R6).

The adoption worker needs to clarify whether the adopted person is asking for adoption information from their adoption record or seeking an intermediary service to assist tracing

and potentially contacting birth relatives. The reason is that differing regulations apply to each application. Intermediary services for adopted people are covered in [Chapter 6](#).

As discussed in Chapter 1, the process for sharing information from adoption records is exempt from the process in the Data Protection Act 2018 [DPA] - see Schedule 4 paragraph 3(2). This Act implemented the principles in the General Data Protection Regulation, one of which is to give rights to individuals to find out what personal data about them is held on an organisation's records. For example, if a care experienced person wants to know what personal data the local authority has about them on care records, they make a Subject Access Request under the DPA.

Accessing information in adoption records is covered in the adoption regulations which set out the process for an adopted person. Although adoption record information is not accessed via the DPA, data protection principles apply to the process of sharing information from adoption records. A person does not have the right to know what personal data about them is held on the records, but the principle of 'lawfulness, fairness and transparency' means that the agency should share the information unless there is a sound reason not to do so. The agency must also give proper respect to the rights individuals have under the Human Rights Act 1998. Article 8 requires the agency to respect the family life of an individual and the privacy rights of individuals. Thus, the expectation is that the agency must consider whether to obtain the consent of the person about whom the personal information relates. However, the agency has discretion to share such information if it is reasonable to do so.

The AAA's records are usually the main source of background information for the adopted person about their birth and adoption. In more recent adoptions, the person may already have background information from their adoptive parents or through a life story book and a later life letter. For others, seeing information from the agency's records may be the first opportunity to understand the reasons for their adoption and their connections to their birth relatives. However, the records will hold personal information about other people. The adoption worker must make a decision about sharing the personal information of the adopted person and relevant information about other people. The worker must balance the importance of providing the information the adopted person needs to have to provide a comprehensive account of their birth family life, while also respecting the privacy rights of other people.

When exercising its discretion, the agency must behave reasonably, taking into account the impact that disclosing the personal information of an individual without their consent may have on them and other persons also connected to them. It must keep a written record on the file of its reasons or justification for doing so. Some decisions about sharing particular documents or the personal information of another person may be finely balanced, and it is especially important in these cases to consult with a manager and take legal advice, if necessary.



### Exercising discretion in sharing information: learning from the Gunn-Russo case

The discretion in Regulation 15(2)(a) was considered in the case of *Gunn-Russo V Nugent Care Society and Secretary of State for Health* ([2001] EWHC Admin 566).

Ms Gunn-Russo had been adopted in 1948 at the age of 2. She wanted to have from the agency records information about her birth mother, who was deceased and with whom she had previously made contact. She also wanted to know about her own circumstances prior to her adoption, as well as information about her deceased adoptive parents.

The agency considered that her birth mother's information was confidential and should not be shared and, likewise, information about her adoptive parents. The court was critical of this rigid and restrictive approach and reminded the Society of its wide discretion under Regulation 15(2)(a) to disclose adoption information to an adopted adult. The court explained that an agency must:

- consider the unique facts of each individual applicant's circumstances,
- take account of the interests of the adopted person, birth parents and the adoptive parents,
- the nature of the information,
- whether aspects of the information are already known to the applicant and
- where relevant, the passage of time since the information was recorded and whether individuals remain alive.

This judgement sets out a constructive approach to decision making and the exercise of discretion. Furthermore, it is helpful to inform agency policies.

The AAA cannot delegate its discretion about what information can be shared to another agency. The Adoption and Children Act 2002 makes it clear that it is the AAA's responsibility to make the final decision about what information is shared. In exceptional circumstances, the AAA may send the adoption records to the agency providing the service to the adopted adult to undertake the task of identifying what information to share and what not to share and prepare a case summary. However, the AAA must check and approve the summary and proposed redactions and record the reasons for their decision on the case records.

Some agency files may be relatively straightforward to prepare with little or no 'third party' information to remove. Other files may be extensive and hold information about other family members, including siblings. The task of separating what can be shared from what must be edited or not shared is a time-consuming process for the adoption worker. The focus should be on what, if anything, should *not* be shared. In other words, adoption workers should presume the contents of any adoption case record should be shared with the adopted person, unless there are sound reasons why specific documents or parts of

documents should not be disclosed. It is important to seek advice from a manager and, if necessary, legal advice, where there is contentious information or a finely balanced issue.

In complex family situations where current information about the situation of individual family members may be relevant to making a decision about what to share, or where there is more recent information that could potentially be shared, the AAA should consider making enquiries and a thorough assessment to consider the welfare of those people who may be affected, for example, the imprisonment of a family member which may not be known in the wider family. The agency should have regard to the source of the information, its reliability and the appropriateness of sharing it.

### **Sharing information from adoption records – summary of key points**

- Agencies have discretion to share information on adoption records, including identifying information about third parties.
- There should be a constructive approach to sharing as much information as possible.
- Decisions about what to share should be carefully considered and dilemmas discussed with colleagues/managers.
- The welfare of everyone involved -the adopted person and third parties - must be taken into account.
- Although the DPA18 does not apply to the process of information sharing from adoption records, data protection principles apply.

## Deciding whether to share information about a birth relative that is not on the adoption record

### Case example: Farida

*Farida received her background information via an adoption support agency (ASA). The AAA had prepared the adoption file for the ASA. The AAA informed the ASA worker that although letterbox contact had lapsed between the birth and adoptive family, the local authority still had some contact with the birth mother. The birth mother had another child (now aged 21) who had a disability and was receiving support from the disabilities team. She sometimes mentioned Farida to the respite link worker, and it was thought that she would respond positively to an approach by Farida. However, this current information was not on adoption records and therefore the AAA did not consent to the information being shared with Farida at this stage.*

*After receiving information from the adoption agency record, Farida told the ASA worker she was interested in trying to contact her birth mother. However, she was concerned about the possible implications for her, particularly if she had subsequently married a man who was unaware of her existence. The ASA worker suggested that she contact the AAA on Farida's behalf to establish if they were in current contact with the birth mother. If so, the AAA could make a discreet approach.*

*Her birth mother was very happy when she was contacted by the local authority disabilities team worker with the information that Farida was seeking contact. Farida's birth mother had re-married, and her new husband knew about Farida and was positive about the possibility of reunion.*

This case illustrates that personal information about the current circumstances of the birth mother and about her sibling known to the local authority was not shared with the adopted person as this was outside the information held on the adoption record. The birth mother would need to be approached via an intermediary to seek her permission for this information to be disclosed to Farida. Although ultimately Farida and her mother were helped to contact each other, there were some missed opportunities here. The local authority worker who was in touch with Farida's mother could have referred her to the adoption team when she expressed interest and concern in how Farida might be getting on. The adoption team could then have offered her the opportunity to put a letter for her daughter on the adoption agency records. They could also have advised her to register her interest in contacting Farida on the Adoption Contact Register. This would have made it easier/possible for the adoption team to then tell Farida the more recent news of her birth family and her birth mother's interest in her progress when she accessed information on her adoption record.

### 4.3.3 Working with other adoption agencies

Sharing information in adoption records often involves collaboration between the agency directly supporting the adopted person, and the AAA which is responsible for the adoption records. Key points to be considered are summarised below:

#### Key points when more than one agency is involved in sharing adoption records

- Establish effective communication between the AAA and other agencies. Maintaining good communication is important in order that informed decisions can be made that take account of the best interests of the adopted person and anyone else affected by the application.
- When the adopted person is receiving a service from an agency that is not the AAA, the AAA may suggest to that agency that they undertake the work to share the records held by the AAA with the adopted person.
- There needs to be a clear, written agreement between the agencies about the arrangement made and each other's protocols for this work.
- The AAA needs to prepare the information that may be shared with the adopted person and must identify clearly what information is background information and not to be shared. It must ensure that the information is sent securely and confidentially, consistent with data protection good practice.
- If the agency providing the access to information service also provides intermediary services and the adopted person has indicated they may wish to establish contact with their birth relatives, the adoption worker may also ask the AAA to give its view on the provision of intermediary services, as well as on the sharing of information from the adoption record. This may save time later and avoid the need for a subsequent request.
- In most circumstances, the agency sharing the records should aim to pass on full information shared by the AAA.
- There may be situations where it is necessary for the agency sharing the records to exercise judgment in determining whether to share all or only part of the information agreed by the AAA. The agency sharing the information may wish to exercise caution if they consider passing on all the information could be harmful to the adopted person themselves or to someone else. For example, the adopted person might have a recent history of convictions for violent offences, or their mental health might be very fragile (for example they may have been recently detained under the Mental Health Act).
- In such situations, withholding identified information must be discussed with the AAA, which is responsible for making the decision about what to share. The agency should inform the adopted person that the AAA holds additional information, unless it is unsafe to do so or the AAA has taken a view about this.

#### 4.3.4 Exploring the information with the adopted person

It is important to contextualise all information shared. This includes the social and historical context of any judgmental and discriminatory comments in the records.

Adoption workers should clarify where possible whether the information recorded is fact or opinion. An adoption worker may, for example, point out that the matron of a mother and baby home described a birth mother as a 'naughty girl'. The worker might suggest that the matron's comment is not factual and may reflect her view of this birth mother as less submissive to the regime of the home than others.

The name of the adopted person's birth father may be referred to but unconfirmed in the adoption records. However, the records may be the only possible means of access to this information if the father has not been named on the original birth certificate. The father's name may be shared with the adopted person, but clarification must be given as to whether the records show that the man concerned was aware of the pregnancy and whether, at the time, he accepted that he was the birth father. For example, "Your mother told her worker your father was Bryan Smith, a car mechanic who lived in the same street. Bryan Smith was not interviewed by the worker and there is no record of whether he too thought he was your father or knew of your birth".

Adopted people are entitled to know the structure of their birth families. They may want to know the names and ages and dates of birth of their birth parents, siblings, grandparents and other birth relatives. If mentioned in the records, it is appropriate to share other basic details of the adopted person's birth relatives such as their occupations and their addresses at the time. Such information is obtainable through birth, deaths and marriages/civil partnership records held at the GRO which the adopted person can apply for. Exceptions to sharing would be the adopted name of a birth sibling who had been adopted into another family. Although the name should not be shared, the adopted person should be informed that they can ask for an intermediary service to locate the adopted sibling.

There might also be reasons stated on the adoption record as to why a particular piece of information is not to be shared. For example, a birth mother may have recorded a request that a certain piece of information should not be told to her adopted child. Agencies need to be mindful of data protection issues where the information relates to a person other than the adopted person, for example, in relation to a sibling. Where sensitive information is solely about another person and does not directly concern the adopted person's history, then sharing that information is usually not appropriate. However, information about other people may be relevant to the adopted person's life story e.g. the identity of their father or family issues that linked to them being adopted. In this case it is necessary to weigh up the benefits and risks of sharing the information at the current time, including who may be affected by this disclosure (or decision not to disclose).

## Deciding whether to share identifying information about third parties mentioned in the adoption record

### Case example: John

*John's adoption record revealed that between the age of 2 and 4, he lived with a stepfather and an older stepbrother. His birth mother, who had an alcohol problem, had later separated from his stepfather and all contact with them ended. The records indicated that the stepfather and stepbrother had been fond of John and that they had provided some degree of protection for him. John then lived with his mother and her new partner, Kevin, until he was 8 years old, when he was taken into care, having been assaulted by Kevin.*

*The adoption worker was unsure if John should be given identifying information about the stepfather and stepbrother. They had an unusual surname and the worker had quickly established the current whereabouts of the stepbrother and that the stepfather had died.*

*In supervision it was agreed that whilst information about this period in John's life would be passed on, the surname of the stepfather and stepbrother and any other personal identifying information would be redacted from the file. The worker offered to approach the stepbrother in an intermediary capacity if John was interested in finding out more about this period of his life.*

This case study shows that there are often no simple answers about whether to share identifying details of other people mentioned in the adoption records. In this case the worker wondered whether to pass on the identifying information about the stepbrother because it seemed he had been an important part of John's life story. On the other hand, the stepbrother was not a biological relative, and there was no way of knowing what impact it would have on him to have this information released to John. The worker therefore did not take the decision themselves but discussed it with their supervisor to weigh up the benefits and risks. The final decision protected the confidentiality of the stepbrother but gave John an option if he did want to contact this person.

The adoption worker should write a summary to accompany the records that are shared. This can bring information and events together in a clear sequence of events for the adopted person. It can also be a place to include appropriate information that is noted in documents that cannot be shared. It may be helpful for the adopted person to be given original letters and photographs that are then replaced in the file with clear photocopies. Being able to hold a document that their birth mother signed, even seeing her handwriting, can be especially significant for adopted people. Photocopies do not have the same value for the adopted person but can adequately maintain a complete record. However, particular care will be needed in the case of twins or other sibling situations where a document may

be of significance for more than one adopted person. Whilst it will hopefully be possible to give at least one original document to any applicant, it is important to ensure that sufficient original documents are retained to meet the needs of a twin or sibling, who may subsequently apply for access to adoption record information.

Consideration of how information is presented is important. The information could be presented in a booklet or folder to signify the respect the agency attaches to it. Unfortunately, due to digitisation of adoption records, there may be situations where no original documents were retained and providing a photocopy is the only option.

#### **4.3.5 Sharing medical and health information**

Adoption workers are not experts in medical matters and sharing health information can present difficulties. Except when there is routine medical information, adoption workers should consider whether they need to consult with a suitably qualified medical practitioner or whether the information should be shared through a medical practitioner, for example the adopted person's GP. It is especially important to check out in advance any medical information recorded in the adoption records that may have implications of inherited risk factors for the adopted person and their children.

Sometimes, adopted people want to find out about their birth family's medical history, particularly if they have a child who has been diagnosed with an inherited medical condition. In these situations, the adopted person (and also birth relatives) may use the NHS Hereditary Medical Conditions Service.

##### **Hereditary Medical Conditions – GP to GP Service**

NHS England will write confidentially to the GP of the identified patient to inform them about the request to pass on information received from the GP of the patient with the diagnosed hereditary condition. Both GPs must agree to use this service. However, this process is not necessarily reliable as the GP does not have to inform their patient or let NHS England know whether they took any action following receipt of this information. It does not enable either of the parties to have contact with each other and only information about the diagnosis is shared. For further information, see: <https://digital.nhs.uk/services/adoption-registration-service/hereditary-medical-conditions#:~:text=This%20service%20allows%20information%20about,advice%20on%20what%20to%20do>

#### **4.3.6 Sharing information about adoptive parents**

Receiving information about the adoptive parents and their application to adopt can be an emotional experience for the adopted person and there may be a range of feelings expressed, depending on the quality of the adoptive family relationships, whether the adoptive parents have died and so on.

Information relating to the adoptive parents' application to adopt, including their references and medicals should not normally be shared. However, adoption workers do have discretion



in this area. In addition, the ruling in the Gunn-Russo case (see 4.3.2 above) indicates that a specific request for such information should be considered on its own merits. A decision might be reached to share relevant information if the adopters had died and there was a sound reason for the adopted person to receive information about the adoptive parents' assessment.

Exercising discretion about what can be shared must be considered in each individual situation and, where necessary, dilemmas should be discussed with a supervisor and the agency should seek legal advice. Information relating to other children in the adoptive family should not be shared, except in the most general sense, for example, "the adopters' first child Jimmy loves playing with his new little sister".

Adoption workers must consider what information to share about adoptive parents following the placement for adoption and consider data protection principles and restrictions on the disclosure of court papers. The adoption records may contain copies of correspondence between the prospective adopters and the adoption agency, including comments made during welfare visits about the adoptive parents and how they were coping. The adoption worker should consider the impact on the relationship between the adoptive parents and the adopted person of sharing this type of information where negative comments were made by adoptive parents. Such correspondence may also contain positive comments about the adopted person made by their adoptive parents that the worker may consider appropriate to share.

It would not usually be appropriate or necessary to share sensitive comments made by visiting workers about adopters, or references to their anxieties as new parents, particularly where the adopted person is still in regular contact with their adoptive parents. However, there may be exceptions as in the following case example where the information was felt to be important for the adopted person to make sense of their family experience.

## Sharing information about the adoptive parents

### Case example: Dennis

*Dennis told the adoption worker that although his adoption experience was good and his parents had provided for him well, he never felt that his adoptive mother really loved him. He explained that she would never allow him to sit on her lap or let him give her a cuddle. However, his adoptive father was very affectionate, and Dennis described their relationship as being very close.*

*When looking through the adoption agency's records, the adoption worker noted that the visiting social worker's report, written after Dennis was placed with his adoptive parents, expressed concern that the adoptive mother did not seem to bond with Dennis. She told the worker that motherhood was not what she had expected. The visiting social worker reassured the adoptive mother that it can take time to adapt to motherhood.*

*In consultation with her manager, it was agreed that it was appropriate for Dennis to be given this information, as it validated his feelings that his adoptive mother found it difficult to bond with him.*

In circumstances of adoption breakdown before or after the order was made, decisions about what to share from the records about adoptive parents may be particularly complex and challenging. This may include information recorded at the time of adoption and thereafter. A judgement will need to be made as to whether the information on the record about the adopters is relevant to the adopted person and should be shared. Correspondence between the AAA and the prospective adopters that will help the adopted person make sense of what happened up to the making of an adoption order may be helpful to them in making sense of their life story. Decisions about sharing information are even more difficult when there are still other children living in the adoptive family; the impact on these other people also needs to be considered.

## Sharing information from the adoption record where there was a breakdown of a previous placement

### Case Example: Rosie

*Rosie aged 30 years, was not adopted until she was 5 years old. She described her adoption as a happy one and felt close to her adoptive parents. However, she didn't find it easy talking to her adoptive parents about her early life or why she had not been adopted until she was 5 years old. She felt they were not comfortable when she tried to raise the subject with them. She therefore decided to see what she could find out without telling them she was going to do this and contacted the adoption agency to find out what they knew about her early history.*

*When the adoption worker met with Rosie prior to sharing the adoption records it became clear that Rosie had no idea that she had previously been placed for adoption when she was 18 months old.*

*From the case record, the worker discovered that the prospective adopters Rosie had been placed with had no other children and were both in their 40s. Initially the placement seemed to go well, but when Rosie was 3 years old, they contacted the adoption agency to say that they no longer felt able to go through with the adoption. They found Rosie's 'challenging behaviour and temper tantrums' too much to cope with and the prospective adoptive mother had been treated for depression.*

*Rosie was subsequently placed with foster carers where she was described as a 'delightful, loving but sensitive child'. She remained there until she was placed with her adoptive parents.*

*The worker considered the impact on Rosie of being told that the prospective adoptive mother found her behaviour challenging. In discussion with a manager, it was agreed that it was important for Rosie to have a coherent account of her early life and the reasons for her move, including information about the breakdown of the first adoption placement. However, this could be put into context (e.g. 3 year olds are typically challenging, also the prospective adoptive mother was depressed) and balanced with the positive account of the foster carers. The relevant information from the adoption record was shared with Rosie.*

#### 4.3.7 Court records and other information provided by other agencies

Where there is little or no information in the AAA's records about the adopted person's background and reason for adoption, then the adoption worker should assist the adopted person to apply to the court where the order was made for information from the court record, as the court has discretion to disclose information on application.

##### **The rules setting out the role of courts in providing information are as follows:**

- The Adoption Rules 1984 – rule 53 – covers the custody, inspection and disclosure of documents and information documents (Statutory Instrument 1984/265)
- The Magistrates' Court Adoption Rules 1984 - rule 32 - covers the keeping of registers, custody, inspection and disclosure of documents and information (Statutory Instrument 1984/611).
- These remain in force by virtue of article 4 of the Courts Act 2003 (Revocations, Savings and Transitional Provisions) Order 2005 (Statutory Instrument 2005/2804).
- The above rules govern disclosure of information in pre-commencement adoptions.
- There is no automatic right to information held in court records; the application requires the exercise of the court's discretion.
- The court will apply data protection principle to any decision to share third party information and is likely to redact this.

The information in court papers, for example the report prepared by the social worker for the court, and the report of the reporting officer appointed from the Guardian ad Litem and Reporting Officer Panel (the social worker appointed by the court when the adoption application was issued) remains protected by rules of court. The adoption agency cannot disclose any documents lodged with the court, or extracts from those documents, without the court's permission. The agency should therefore apply to the court which made the order or now holding the court records for consent to disclose the information in these documents.

The information contained in the court documents is protected even where it is repeated in other documents that might not themselves have been submitted to court (e.g. manuscript notes taken by social workers during interviews with family members), and the court's permission regarding the information is required before such documents are disclosed. The adoption worker may need to consult with the agency's legal adviser.

However, in preparing a summary for the adopted person the social worker may take account of information contained in documents filed in the court proceedings relating directly to the adopted person but must not include extracts from reports written by other agencies or professionals for the court.

#### **4.3.8 Recording information shared with or withheld by the adoption agency with the adopted person**

The AAA must keep a clear written record of what information was shared and what was withheld (AAR 1983 15(3)). Any finely balanced decisions should be recorded, specifically noting the decision-making process and the manager responsible for the decision.

Depending on the format of the adoption records, options might be to list all information edited or not shared, to keep copies of all information not shared, or to keep copies of all information removed. Each agency should draw up its own protocol to account for what information was shared in each case. This can be helpful if the adopted person misplaces the information shared and comes back for replacement records.

Agencies may wish to have a form for the adopted person to sign when receiving copies of their records. This form may categorise or itemise the records shared (see [Appendix 6](#)).

#### **4.3.9 Providing information and advice about searching for birth relatives and intermediary services**

Once all the relevant information has been shared, the adoption worker should establish if the adopted person now has all the information they require and whether they wish to start a search for birth family members.

Some adopted people are clear from the outset that the main purpose of receiving information is to begin a search for birth family members. Others may make the decision to search after receiving information from the adoption record, when they have fully understood the reasons for their adoption. Some adopted people do not want to search for birth relatives. This may be because they are satisfied with the information they have received or because it does not seem to them the right time to do so. It is important that the adoption worker can provide information, support and advice responsive to the wishes of the adopted person.

If an adopted person wants to search for birth relatives, the worker should support them in thinking through the potential benefits and challenges this may present for them and their birth and adoptive family. If the adoption agency does not provide tracing and intermediary services, the worker should provide information about how to go about searching and the benefits of using an intermediary service to make contact. The adoption worker may also wish to offer the adopted person a copy of the 'tracing checklist' See [Appendix 7](#). Information could also be offered about DNA testing and the use of social media along with the potential benefits and risks these may bring (see Chapter 2.5.1 and 2.5.2 for details).

## The use of DNA testing

### Case Example: Ron

*Ron found his birth mother using her name from his birth certificate. She had died but Ron independently contacted her children and had developed a good relationship with these adults who accepted and welcomed him as a half-brother despite not previously knowing of his existence.*

*Ron remained curious about his birth father, whose name was not on his birth certificate and so he did an Ancestry DNA test in the hope it could identify his father. He had his results analysed by a professional DNA genealogist who painstakingly built family trees for him on both his maternal and paternal sides. Shockingly, this revealed that Ron had found the wrong birth mother. His actual birth mother was a different woman with the exact same names; she too was deceased.*

*Ron then approached an adoption intermediary service to contact his birth mother's children. The intermediary also helped him manage the difficult situation of telling the assumed birth siblings that he had got the identity of his birth mother mixed up. The intermediary approached the correct birth brother. Not only was there DNA evidence to back up the relationship, the birth brother had been told already by his mother about the baby she had to part with for adoption. He and his family were very pleased to hear from Ron.*

*Meanwhile, the DNA genealogist had also identified Ron's late birth father's family who all lived in Canada, and Ron was able to connect with these birth relatives as well. Seeing a photo of Ron convinced them, as Ron looked so like his birth father, though of course the DNA results also showed the familial link.*

Ron's case example shows the potential value of DNA testing in identifying a father's identity when he is not named on records. It also shows how DNA testing can be used to confirm a relationship, especially when the potential relative has a common name (as was the case with Ron's birth mother). This example also shows that DNA testing results may need further professional genealogy research (which is likely to incur additional fees), particularly if the results only show DNA matches with more distant relatives.

## The need to exercise caution when using DNA testing

### Case Example: Tom

*Tom learned his birth mother's name from some adoption papers he found after his adoptive parents had died. He began to search the internet and managed to find her but decided to get some advice before approaching her.*

*Tom contacted his local RAA. The worker suggested that he should seek access to the adoption records so that he would have more information about the circumstances surrounding his adoption. This proved to be a long and arduous task, so, whilst waiting, Tom took a DNA test and uploaded his results on a site that enabled him to be contacted by people who were genetically linked to him.*

*A few months later Tom received a message from Clara, who had been matched as having a genetic link. She thought that Tom's genetic father may have been her uncle Mark. Mark had been a sound engineer and was well known in the music business in the late 60s, working with some famous bands. However, Mark had died some years ago. Tom was also very musical and worked in the industry as a sound engineer. He was pleased to have some background information about a man who was possibly his father and to know that they had shared the same profession.*

*Some months later when the adoption records were finally located it came to light that his birth father was actually a man named Graham. Tom realised this was also the name of his birth mother's husband, given on her Facebook page; he was also apparently very musical. They had two sons, which meant Tom had two full brothers.*

*With the intermediary's support, Tom contacted his birth mother. She had cancer and sadly was in the later stages of life, so there was no direct contact. However, he went on to contact his two brothers, who were cautious in their response until Tom provided some evidence, although they could see physical resemblances. Within a few months, they met up and developed a close bond, integrating their families and spending time and holidays together.*

Tom's case study illustrates that whilst DNA testing can help people search for birth relatives, it is important to try and establish the strength of the genetic link to ensure that the right person is being contacted. It turned out in this case that Clara was related but this was to a distant cousin of Tom's birth father.



The adoption worker should discuss some of the methods available for searching for a birth relative's current address. These will include using publicly available records such as registers of births, marriages and deaths, as well as electoral rolls and various directories that are produced in paper form and on the internet. The adoption worker may also wish to discuss with the adopted person the benefits and risks of more immediate ways of searching (e.g. sending an email through an internet reunion site or placing a message on a family search website). Benefits could be immediacy of action, the possibility of a more rapid response and a wider spread of the net. A potential risk is that the enquiry may be unexpected and such contact, without proper support, might be unsettling for the birth family member. Some search websites may not be secure and the adoption worker should remind the adopted person of possible danger of their personal data being at risk.

For a range of reasons, adoption workers may not be able to play an active role in locating the birth relatives of the adopted person. It is important to provide the adopted person with information about agencies who can offer a tracing service (these will typically be fee-based). Exceptions may need to be considered and further support offered if the adopted person has additional difficulties such as learning disability, neurodiversity issues, language challenges or other special needs that would prevent them from carrying out a search independently.

Sometimes the adopted person may learn sad or disturbing information about the birth family members during the meeting. For example, a birth family member may have died, suffered abuse, had addiction issues or experienced other challenges. The worker may need to take time for difficult information to be processed and feelings expressed. It can be particularly upsetting when a birth parent has died. Adopted people who have experienced not knowing their birth parent, and having all hope of renewed contact taken away, may need a great deal of support. They may need time to reflect about if and when to take steps to begin a search for other birth relatives.

In all cases, the adoption worker should make it known that they are available to answer questions, to offer guidance and suggestions and to meet again, if needed, as the search progresses.

#### **4.3.10 When adopted people want to approach a birth relative without using an intermediary service**

When adopted people wish to contact a birth relative, it is advisable for them to use a professional intermediary service, via a registered adoption support agency. This provides both parties with the opportunity to discuss the key issues, make an informed decision about how to proceed, and receive support.

However, sometimes adopted people prefer to make their own approach to the birth relative. They may consider that an intermediary service is unnecessary or that it could be a barrier to contact rather than enabling it.

It is important to acknowledge that adopted people vary in how they feel about using an intermediary service and the choice to act independently should be respected, unless there are safeguarding concerns that need to be addressed.

### ***Supporting the adopted person to make a direct approach***

When the adopted person has made the decision to make their own approach to a birth relative, they may still welcome some support, information and advice about this. In cases where the adopted person welcomes further discussion, it may be helpful to consider the following issues with them:

- Have they got the right person? Any further checks that might be helpful, including public records and other information available to them, such as adoption records.
- The potential responses and outcomes of their approach: these may be mixed and can include happiness and relief, surprise, fear and sadness. There may be no response or the relative may decline further contact.
- The risks and benefits of different types of approach, including email, letter and social media.
- How the approach might be worded.
- The value of support from family, friends or people with lived experience.
- The risk of inadvertently connecting with another person in the household. Have they thought about an explanation they could give without compromising the birth relative's privacy and confidentiality?
- The risk of inadvertently connecting with a stranger, who happened to have the same name.

The adopted person may value guidance from the adoption worker, for example, drafting the contents of the letter/ email for the first approach. They may also want to give the birth relative options, in case they do not feel able to respond directly to the adopted person. They may want them to know that this contact has been a considered decision. Therefore, they may decide to include the name and contact details of the worker who they are in touch with, so that the birth relative can get in touch with them if this is something they would find helpful. In addition, they may want to provide the contact details of the birth relatives local adoption support service to enable them to seek any information and advice they may need.

#### **Example of initial contact letter**

Dear

I appreciate my letter/email may be unexpected and it is probably a surprise to hear from me and I apologise if this letter has come at an inappropriate time for you.

I have spent some time thinking about contacting you and have been working with (name of worker) who is an adoption support worker at (name of agency). They would be pleased to talk with you if you wish: their number is (worker's contact number) or you can email them on (worker's email address). I hope you will feel able to reply to me directly, but if you do not feel able to, please do contact (name of worker) who will help and support us both.

If available, it can be helpful to offer the adopted person an information sheet, which provides some helpful pointers for making direct contact. This can include other general information and details of adopted people's support networks, so that they may get in touch with them. See also [Appendix 1, Resources](#).

The adopted person should be informed that the support services from the intermediary agency are available to them at any time in the future, should this be needed.

#### **4.3.11 What records can an adopted person access if they have been in care?**

When an adopted person has requested access to their adoption records, check if they were in care before being placed for adoption. If this is the case, then the adopted person should be advised to make a Subject Access Request (SARs) under the Data Protection Act 2018 to the organisation where they were in care. The care records may hold information about their family and other matters that may not be in the adoption record. There is comprehensive information about the process and procedures regarding subject access request on the Family Connect Website [www.familyconnect.org.uk](http://www.familyconnect.org.uk) See also: A guide for social workers and Access to Records Officers (2022 edition) <https://corambaaf.org.uk/books/access-information-adult-care-leavers>

## **4.4 Recording a view about contact with birth family members**

### **4.4.1 The Adoption Contact Register**

Adopted people and birth relatives should be informed about the Adoption Contact Register (ACR) and the facility it provides to enable them to register their wish for contact or no contact (see 4.4.1).

#### **The Adoption Contact Register: key points**

- Inform the adopted person about the Adoption Contact Register held at the GRO which enables both the adopted person and birth relatives to register a wish for contact or no contact.
- Explain that if a birth relative has not registered a wish for contact, this may be because they are unaware of the Register, rather than because contact would be unwelcome. Many adopted people and birth relatives are unaware of the existence of the Adoption Contact Register.
- The NORCAP Adoption Contact Register (NCR) pre-dated the GRO Adoption Contact Register and contains over 62,000 entries, relating to people born before 1995 who were subsequently adopted. When NORCAP closed in 2013 the NCR was saved and is now held by PAC-UK. Adopted adults, birth relatives and professionals can apply to PAC-UK and pay a fee for a register check, contact via [advice@pac-uk.org](mailto:advice@pac-uk.org).

- Some adopted people do not wish to be contacted by a birth relative, and the adoption worker should tell them about their options to prevent contact. Written information to explain these choices should be provided.
- Since 30 December 2005, it has been possible for adopted people to use the Adoption Contact Register to record a wish for no contact (ACA02 section 80). An adopted person can do this directly by completing the appropriate forms and paying the fee.
- Adopted people and their birth relatives should be made aware that the Register does not provide a reliable mechanism for informing the adopted person and their relative that a match has been made. For example, the GRO does not have the resources to check that the address on the ACR is current or that the letter has been received by the recipient.

#### 4.4.2 The adopted person's right to register a veto regarding contact

If the person was adopted before 30 December 2005, an alternative way they can state a 'no contact' or 'restricted contact' wish is to register a veto. The effect of a veto is to prevent any agency providing intermediary services approaching the adopted person to inform them about any enquiry from a birth relative. The veto is held in writing by the AAA on the adoption case record (ISR 8).

The AAA must keep a written record of the veto on the adopted person's adoption record and inform any intermediary service making an enquiry about the veto and its terms. It is very important that the agency should keep a central register of all vetoes recorded on case records to enable a prompt response to enquiries from another agency.

#### Two types of veto

- An **absolute veto** prevents an agency providing intermediary services from making contact with the adopted person. An absolute veto does not prevent the AAA from contacting the adopted person or their GP to share important medical information. However, this should only be done after considering whether to seek advice from the agency's medical adviser who may prefer that sharing the medical information is dealt with through the NHS.
- A **qualified veto** restricts the circumstances in which an agency providing intermediary services can make an approach to the adopted person. The qualification to the veto may, for example, specify that the adopted person wishes only to be approached by one parent but not the other parent or only by siblings who were adopted by another family. Alternatively, there may be a qualification about the nature of the request, for example, that an approach should only be made if the reason is to pass on a legacy or if the person requesting contact is terminally ill.

Vetoes can only be registered with the adoption agency (AAA) that placed the child for adoption, or in cases of private (non-agency) adoptions the local authority that was notified of the adoption application. While the AAA must comply with an adopted person's request to register a veto, it is good practice for the adoption worker to discuss with the adopted person the implications of registering a veto. Therefore, when an enquiry about registering a veto is received, an appointment should be made, where possible, to meet with the adopted person. This will enable the adoption worker to confirm the adopted person's identity and to discuss some of the implications that registering a veto might have for them. The adoption worker should also explain the veto can be withdrawn or amended at any future time and how to do this.

It is important to inform the adopted person that registering an absolute veto may not preclude the AAA contacting them in the future where it considers it is necessary to do so, for example, if the AAA considers the adopted person needs to be informed of a life changing or hereditary medical condition, or that a birth relative has obtained identifying information and intends to make contact. The AAA has discretion to contact the adopted person in such circumstances even if a veto is in place. A veto will, however, prevent any other agency providing intermediary services from approaching the adopted person.

### **Discussing the benefits and risks of registering a veto**

#### **Case example: Patrick**

*Patrick contacted his AAA saying he wanted to register a veto. He said he had been seriously abused by both of his birth parents and he was clear he wanted no contact ever. He agreed to come to see an adoption worker but was clear that he "would not change his mind". The adoption worker explained that it was important for him to consider all the implications of registering an absolute veto. During their discussion, Patrick realised that he had not thought about how he might feel if approached by a younger sibling who had also been placed for adoption. Nor had he thought about whether he would want to be contacted in the event there was significant health information from his family of origin. In the end he decided to register a qualified veto.*

If, after considering the potential benefits and risks, the adopted person decides to register a veto, the adoption worker should help them to make a written request. See [Appendix 4](#) for a checklist of the issues to be addressed with the adopted person before a veto is registered, and a suggested form for registering a veto. See [Appendix 3](#) for a suggested information leaflet for adopted people on contact and vetoes.

## 4.5 Key points

- Adopted people may seek information about their adoption through two main pathways:
  - **Applications for Birth Registration Information** via the General Register Office (GRO) to enable them to obtain a copy of their original birth certificate.
  - **Applications to access information from Adoption Records** via the adoption agency that holds the records relating to the adopted person.
- A birth records consultation meeting with an adoption worker is required for people adopted before 12 November 1975, who do not know the name they were registered with at birth, and available for all others.
- Each adopted person who attends a birth records consultation meeting is unique. They will have a wide range of reasons for seeking information; they may wish for a single piece of information, or as much information as possible; their experiences of adoption and their personal well-being will vary across the full range. It is important, therefore, that the adoption worker **responds sensitively** to each individual and that the service offered is respectful and sensitive to each person's needs and feelings.
- The birth records consultation meeting is an important opportunity to **support openness and sense making** by sharing as much information as possible from the adoption record. The agency has a discretion which enables the sharing of information without the consent of the person who is the subject of the information *unless there is a sound reason not to do so*. In some cases, the decision not to share may be finely balanced. It is important that complex **decisions are shared** and that there is consultation with a manager and legal advice taken, if necessary.

## Chapter 5

# Introduction to intermediary services

This chapter covers the common issues for providing intermediary services across three groups of people: adopted people, birth relatives, and people related to an adopted person via a 'prescribed relationship'. Professional practice that is specific to providing intermediary services to each of the three groups is covered in Chapters 6 (adopted people), 7 (birth relatives) and 8 (people with a prescribed relationship).

Intermediary services are not provided for in the post-commencement regulations which cover adoptions made on or after 30 December 2005. Where adoptions took place after this date, practice relating to supporting people in the adoption kinship network who wish to contact each other is covered in [Chapter 9](#).

### Definition of intermediary services

An intermediary service is defined as a service to assist adults adopted before 30 December 2005 to obtain information in relation to their adoption and, if the adopted person requests, to facilitate contact between them and their relatives. Birth relatives and persons with a prescribed relationship to the adopted person may also apply for these services. Intermediary services can be provided only to adults (18 years and over).

## 5.1 Introduction

There is no duty on an adoption agency to provide intermediary services and there is a paucity of these much-needed services. Some Regional Adoption Agencies (RAAs) take the lead in providing these services. In other RAAs, it may be the task of the adoption agency local authority responsible for the child's adoption. In the case of less recent adoptions, which were arranged by a voluntary adoption agency (VAA), the agency may no longer be operating and locating the adoption records can be challenging. Where an agency does not provide an intermediary service, it has a duty to signpost the enquirer to agencies registered to provide these services. These agencies may charge for their services.

To differentiate between the service for adopted adults seeking access to adoption records (see Chapter 4) and individuals requesting an intermediary service, the term 'intermediary consultation meeting' is used here to describe the meeting that the worker arranges with the applicant to discuss the way forward with the provision of an intermediary service.



The flow charts at [Appendix 2](#) outline the range of processes undertaken for intermediary work.

## 5.2 The legal framework

The Adoption and Children Act 2002 and Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 (ISR) amended in 2014, set out the framework for intermediary services and the functions and powers of:

- adoption support agencies
- adoption agencies
- the courts; and
- the Registrar General (RG)

The regulations provide the circumstances in which these bodies are permitted or required to share information with each other to enable tracing individuals involved in a person's adoption (ISR R16). Each body must have a good understanding of their own responsibilities and there should be protocols to ensure services are effective and efficient.

### 5.2.1 Who can provide intermediary services?

#### Problems in accessing intermediary services

- Currently there is a lack of intermediary services for adults affected by adoption, and it is not a statutory requirement to provide such services.
- Some services may only accept referrals from certain groups.
- The affordability of services is a key issue as many services are fee charging.
- Access to affordable intermediary services for all who need them is an urgent need.

Intermediary services can only be provided by an adoption agency (i.e., a Local Authority, a Regional Adoption Agency acting on behalf of a local authority or a Voluntary Adoption Agency) or an adoption support agency (ASA).

An adoption agency does not have a legal duty to provide an intermediary service but, if it does so, it should make clear in its Statement of Purpose to whom it provides such services. For example, it may provide services for adopted adults but not birth relatives or persons in a prescribed relationship with the adopted person. If the agency does not provide these services, it must signpost the individual to either an adoption agency that does or to an ASA.

There is nothing to prevent the applicant from using another registered agency to conduct the search. In turn, a commissioned agency may use a tracing service if it does not have the available resources for the search, but there is likely to be an associated cost to the

applicant. It is important to note that regardless of who undertakes the tracing work, it remains the intermediary agency's responsibility to contact the subject of the application.

### **NMS 18**

18.1. The adoption agency and adoption support agency has a clear Statement of Purpose which is available to and understood by staff, volunteers, children, birth parents and guardians, prospective adopters and adopters, and is reflected in any policies, procedures and guidance.

If ASAs wish to provide intermediary services, they must be registered with Ofsted under Part 2 of the Care Standards Act 2000 and should indicate they provide intermediary services in their Statement of Purpose.

If an Appropriate Adoption Agency (AAA) is only providing the adopted person with information in relation to their adoption, this does not constitute an intermediary service (ISR R4.2).

The Regulations allow applicants to select an agency of their choice to provide an intermediary service. Most intermediary services agencies charge fees for their services. The fee charged must be 'reasonable' (R18). Agencies should use written agreements setting out the terms and costs of their services and provide clear information about expectations and the range of possible outcomes.

The Regulations set out the duties of the General Registrar (ISR 13 & 14)) to provide information to identify the agency responsible for arranging the adoption, the court which made the order, information from the Adopted Children Register and from the Adoption Contact Register. Applications to a court to access information from court records are governed by court rules.

Adopted adults and birth relatives may consider using private investigators to trace relatives. However, under the Adoption and Children Act 2002 private investigators and agencies that are not registered to provide intermediary services are not able to have access to crucial information needed to link a birth relative with an adopted person. Under the Care Standards Act 2000, it is unlawful for agencies or individuals to offer an intermediary service for adopted people and birth relatives and others unless they are registered with Ofsted. However, this legal restriction does not prevent the adopted person from asking a family member or friend to act as their intermediary to make the first approach the birth relative they have found and wish to be in touch with. Birth relatives of the adopted person do not have access to identifying information so always need to use a registered intermediary agency.

### 5.2.2 Who may apply for an intermediary service?

Intermediary services are only applicable to adoptions made before 30 December 2005. Adoptions prior to 2005 encompass a wide range of circumstances, including historic baby adoptions and more recent adoptions from care. Applicants for an intermediary service may be at various stages of their enquiries. Some will be at the very beginning, while others may have located their relative but want help with the next steps, including an approach to make contact. Others may have tried and failed to make contact but want support to try again.

The three groups of people who have the right to apply for an intermediary service are outlined below.

#### Who may apply for an intermediary service?

- **Adopted people**

Any adopted person who is an adult and adopted before 30 December 2005 may apply for an intermediary service.

- **Birth relatives of an adopted person**

An adult birth relative of a person who was adopted before 30 December 2005 may apply for an intermediary service. A birth relative, in this context, may be a parent, grandparent, brother, sister, uncle or aunt of an adopted person, whether of full blood or half-blood or by marriage or civil partnership (Adoption and Children Act 2002, Section 144(1))

The intermediary service agency cannot go ahead with a birth relative application if the adopted person has registered an absolute or qualified veto. Vetoes are considered in Chapter 4.4.2.

- **People with a prescribed relationship to an adopted person**

The group of people included in the term 'prescribed relationship' are:

- direct descendants of an adopted person – children, grandchildren and great grandchildren who, for example, may wish to know about their parent's or grandparent's history and reasons for their adoption and potentially to be in contact with the birth relatives of the adopted person.
- a spouse or civil partner of an adopted person – who may have a reason to contact, for example, birth relatives of their partner who was adopted.
- and, additionally, people who are 'related' through the adoption order – for example, a sibling of an adopted person (who may or may not also have been adopted).

### 5.2.3. Applying for more information from the General Register Office

When the AAA is providing an intermediary service, it usually has the identifying linking information because the name given to the adopted person at birth and the name given to them at their adoption will be held on the record. However, when an ASA or another local authority or independent agency is providing the intermediary service, they will not have

this linking information. They may also need other information including:

- Name of the Appropriate Adoption Agency (if held by GRO)
- Details of the court that made the adoption order
- The information required to obtain a certificate from the Adopted Children Register
- Information from the Adoption Contact Register
- The information required to obtain a certificate from the Register of Births.

There are standard forms for the agency to use to apply to the Registrar General depending on the status of the applicant. If your agency does not have a saved copy of the above forms, apply by email to the General Register Office: [adoptions@gro.gov.uk](mailto:adoptions@gro.gov.uk)

#### Forms used to request information from the GRO:

- **AF3: Application for Adoption Information on behalf of a Birth Relative**  
used when the intermediary agency is trying to locate the adopted person on behalf of a birth relative and therefore needs to obtain the adopted person's names after the adoption order was made, as well find out other information such as the court details and a check of the Adoption Contact Register.
- **AF4: Application for Adoption Information on behalf of an Adopted Person**  
used by an intermediary agency when applying for information on behalf of the adopted person. If the AAA is the intermediary agency usually it has the identifying links between the person's birth and adoptive identity. If not, the AAA (or ASA or IA) should use this form. The AF4 form should not be used for Schedule 2 applications.
- **AF5: Application for Adoption Information on behalf of a person with a Prescribed Relationship to an Adopted Adult when the birth name of the adopted person is not known**  
used by an intermediary agency when providing a service to a person with a prescribed relationship to assist in locating members of the birth family.

#### 5.2.4. Use of private investigators.

Adopted adults and birth relatives may consider using private investigators to trace relatives. However, under the Adoption and Children Act 2002 private investigators and agencies that are not registered to provide intermediary services are not able to have access to crucial information needed to link a birth relative with an adopted person. Under the Care Standards Act 2000, it is unlawful for agencies or individuals to offer an intermediary service for adopted people and birth relatives and others, unless they are registered with Ofsted.

### 5.2.5. Concerns about offering a service

The agency may decline to accept an application or decide not to continue with an application if it 'considers that it would not be appropriate to do so' (R6.1). It is required, when making such a decision, to consider the information it has and:

- The welfare of the applicant.
- The welfare of the person who is the subject of the application: this person must be an adult.
- The welfare of any other persons who may be identified or otherwise affected by the application and particularly any person under the age of 18.
- Any views of the appropriate adoption agency obtained under regulation 12(3) of The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005.
- Any information obtained from the Adoption Contact Register.
- All the other circumstances of the case (R6.2, 6.3 & 6.4).

Decisions about providing a service when there are concerns and possible risks are complex and should always be shared with a manager. The intermediary agency will need to balance the principles of promoting autonomy in decision-making with their responsibility to consider the welfare of others. There will be benefits and risks associated with both proceeding and not proceeding with the provision of a service, and these should be carefully considered. Key points of the discussion and how the decision was arrived at should be clearly recorded.

The applicant must be advised in writing of a decision not to proceed, with the reasons for that decision. They should be informed of their right to seek intermediary services from another agency and of the agency's complaints procedure. Further discussion and case examples regarding the decision to offer an intermediary service are provided in [Chapters 6](#) (adopted people), [7](#) (birth relatives) and [8](#) (people with a prescribed relationship).

## 5.3 Responsibilities of agencies providing services

### 5.3.1 When an AAA is providing the intermediary service

If a birth relative or person with a prescribed relationship to an adopted person is applying to the AAA and another agency is involved (e.g. where the adoptive parents were approved by a different agency) the AAA should check with that agency as it may have had more recent contact with the adoptive family than the AAA. A VAA that assessed and approved the adoptive parents may also hold copies of records from the AAA. They may have been the providers of adoption support services and have records relating to this. The AAA may commission another registered adoption agency or adoption support agency to provide the service on their behalf, including locating and contacting the person being sought.

### 5.3.2 Lost or destroyed adoption records

In circumstances where the information from the adoption records has been lost or destroyed, the AAA will need to apply to the GRO for the identifying information from the Adopted Children Register to enable it to locate the adopted person or relative. The agency providing the service may seek assistance from a tracing service if they do not have the resources available to find the person being sought. Nevertheless, it remains the intermediary agency's responsibility to contact the subject of the application.

### 5.3.3 When the agency providing the intermediary service is not the AAA – 'Regulation 12 checks' and the importance of a timely response.

If the agency providing the service is not the AAA, it will have to undertake more checks than the AAA that holds the adoption records. The intermediary agency must contact the AAA to establish:

- whether or not the adopted person has in the past had access to the adoption records
- whether a veto has been registered (see Chapter 4.4.2)
- whether the agency is aware of any views of the birth relative or adopted person regarding an approach or contact
- the views that the AAA may have about the application
- information to enable the adopted person or subject of the application to be located

Information from the AAA enables the worker to prepare and support the person making the application for services, as well as the subject of the application. It may enable an adopted person to find out what is in their adoption records to support them to make an informed decision regarding the approach to be taken by the intermediary agency.

The AAA is not required to respond within a definite time limit to a request under R12, and this can cause considerable delays with consequent distress for those seeking the service (Murphy, North, Neil & Oates, 2022).

#### **The importance of a timely response to 'Regulation 12' requests**

The Statutory Guidance on Adoption (2013) emphasises the importance of a timely response to such requests and suggests that AAA's "may find it helpful to maintain a central register of any vetoes recorded, perhaps with the index to their adoption records."

Adoption Minimum Standards 2014 Standard 16.3 recommends that there is an agreed timescale for the response, and that AAA keeps the intermediary service informed of the progress.

The IASA project have recommended that regulation 12 is amended to require AAAs to respond within a fixed time period of 3 months. We suggest agencies should follow this timescale as best practice.

We also recommend that agencies set up a central register of vetoes as best practice, and that a national central register, held by the GRO, is established.

A number of problems slow down adopted people and birth relatives using intermediary services and these delays cause huge stress and anxiety. The consequences may sometimes be devastating when one of the parties involved does not have time to wait because of their advanced age or a life shortening illness. There is particular concern about birth parents whose children were adopted before 12 November 1975 because this is the oldest group of birth parents (e.g. a mother who was very young when her child was adopted in 1975 will now be in their mid 60s – most birth parents will be older than this). Some people refer to this group of birth parents and associated adopted people as the “Before it’s too late” group – the argument being that they need urgent support and help to get the information they require to assist them to trace each other. Because birth parents typically do not have identifying information about the adopted person, delays in the provision of intermediary services are particularly damaging because the birth parent may have no other means of contacting them. Across the sector, there is a shared view that the rights and needs of this group of older adopted persons and their now elderly birth parents require immediate attention as identified in the Joint Committee on Human Rights Report (2022). In general, the safeguarding risks involved in facilitating contact for this group of people will be much lower than for more recent adoptions where children may have been in care.

The IASA Project have made several recommendations aimed at reducing delay, some of which require changes to the law. In the absence of such legal changes, to minimise delays and the subsequent distress this causes, it is important to follow up the request and explain the reasons for the delay to the applicant, whilst continuing to seek a reply from the AAA. Minimising delay is primarily the responsibility of the AAA (which, as we have noted above, should aim to respond within three months), but there are recommended actions that intermediary service providers can follow to try and achieve a timely response. These are set out below.

- The intermediary agency should set out the factors relevant to the need for particular urgency and the impact of delay in their communications with the AAA.
- In every case the agency should agree in writing a time frame with the AAA for their response and confirm that the AAA will keep it informed if there are justifiable reasons for any slippage from the agreed timescale.
- If necessary, the intermediary agency should bring any delay to the attention of the manager of the AAA’s adoption service and also support the applicant to make a complaint to the local authority’s complaints officer.
- In some circumstances where there is delay and no explanation or reasons given, the applicant with the support of the worker may wish to consider a referral to the Local Government and Social Care Ombudsman.
- It is important that concerns about delays are brought to the attention of senior managers in both agencies. Sometimes, involving a local councillor and the member responsible for the delivery of social services in the authority or the local Member of Parliament may assist.
- The intermediary agency’s senior manager should also consider a referral to Ofsted if there is a persistent pattern of delay on the part of that AAA.



## 5.4 The role of the intermediary worker

Intermediary services include providing information, guidance and support to all individuals affected by an application from a person within the three groups outlined above. Once an application for a service has been received, the first stage is to offer a meeting with the applicant (the intermediary consultation meeting) to discuss the application and support them to make informed decisions about the way forward.

In some situations, the role of the intermediary may be limited and short-lived, with the applicant quickly reaching their own decisions during the consultation meeting and proceeding independently. In other situations, the intermediary may become more involved in working with both the applicant and the subject, for example, where the adopted person has been adopted from the care system and where there is a significant history of maltreatment in the birth family. The adopted person may also need advice on accessing their care records.

The intermediary worker has a key role in helping both the applicant and the subject of the application to negotiate their way through the process of making contact and deciding whether to meet. The worker must remain impartial, and support each person involved to decide for themselves what their next steps should be. At the same time, however, the worker must assess the possible benefits and risks of these next steps for both parties and consider the welfare of other people who may be affected. As far as possible, both parties should be involved in considering the advantages and disadvantages of going ahead with a meeting, so they can be supported to make their own decisions. Some people may wish to discuss options other than making direct contact.

Sometimes it may be difficult for the intermediary to work effectively with all the individuals involved, for example, because of distance or conflict of interest. In these situations, it may be useful to seek the help of another colleague or agency and to find out what post adoption support services are available for the individuals concerned.

Acting as an intermediary can be rewarding and satisfying, but it can also be emotionally demanding, complex and challenging. The worker needs to be able to empathise and reflect on the impact of providing a service on each person in the adoption kinship network. Workers providing intermediary services need to have access to skilled supervision, consultation and peer support. Peer support can be provided in the worker's own agency or through a network of professionals who also undertake this work. Having the opportunity to discuss practice issues and dilemmas is important for those undertaking the role of an intermediary.

The role of the intermediary worker is discussed further in [Chapter 3.1](#).

## 5.5 Key principles for practice

The six key principles outlined below offer a practice framework for workers providing intermediary services. The principles support the sensitive approach and complex decision

making associated with this area of work. The key principles for practice are discussed further in [Chapter 3.3](#).

### Key principles for practice

- **Supporting Openness**  
Be open in supporting people to make contact, whilst also considering the welfare and confidentiality of others
- **Responding Sensitive**  
Provide services that are respectful and sensitive to each person's needs and feelings
- **Supporting Sense Making**  
Support each person to build a personal understanding of the adoption
- **Promoting Autonomy**  
Support each person to make their own decisions about what is right for them
- **Recognising that Needs Can Change**  
Recognise that the impact of adoption on an individual can change across the life course; take this into account when offering support and advice
- **Sharing complex decisions**  
Ensure that professional decisions about complex issues are not taken by one person alone; consult with colleagues and managers before taking decisions

## 5.6 Equality, diversity and inclusion

Applicants for intermediary services represent the full range of diversity, for example, age, gender, sexuality, disability, additional needs, race, religion and ethnicity. Agencies should make reasonable adjustments to ensure there is no discrimination in the way people experience the service offered to them.

Examples of issues that should be considered are:

- Ensuring that the wording of leaflets and other information is in plain English and jargon free, and that translation can be provided when needed.
- Ensuring that written material is offered in a range of formats to meet the needs of people with impaired vision.
- Understanding the adjustments and support that may be needed by people with hearing loss.
- Ensuring that a person with mobility difficulties can access the service comfortably and safely.

- Encouraging the use of supporters, as appropriate, for people with the full range of additional needs, including learning difficulties and mental health difficulties.

See [Chapter 3.2](#) for further discussion of issues of equality, diversity and inclusion issues in relation to services for adults affected by adoption.

Gender reassignment issues can add to the complexity of providing intermediary services and need to be considered as sensitively as any other factor. These issues can also have an impact on contact between the adopted person and the birth family, particularly if not discussed in advance. Section 22 of the Gender Recognition Act 2004 creates a criminal offence for a person who has acquired ‘protected information’ about a person’s gender status to share that information without authority to do so. Therefore, when either the applicant or the subject of an intermediary service has reassigned their gender it is important that this is not mentioned to the other party unless the individual concerned has consented to this information being shared.

Issues of sexual orientation can also impact on contact. For example, a birth mother might be concerned that their adopted son or daughter might reject them if information is shared with the adopted person that they are in a lesbian relationship. Again, providing a space for people to talk about their worries and concerns and think through what information they are happy to share is an important aspect of the intermediary role.

## 5.7 Confidentiality and consent

The worker must consider carefully the confidentiality rights of all persons involved. It is important to clarify with each person what information the worker has permission to share and with whom. ISR 7 states that an agency providing intermediary services must not share identifying information about the subject of an application without first obtaining that person’s informed consent to share personal identifying information (including which information, if any, they wish to be shared). The terms of the consent should be recorded on the case record and confirmed with the person giving consent in writing.

In some cases, the worker may become aware that one person wishes to keep potentially significant information confidential, for example, that the applicant is currently in prison, or there are severe mental health issues currently or in the past. There may be situations where the agency judges that it is vital for the person being sought to know this information. Encouraging the applicant to allow this information to be shared is the first step. However, in cases where the person remains unwilling to do so, the agency may decide not to provide the intermediary service.

If the agency establishes that the subject of the application has died or determines that they are ‘incapable of giving informed consent’ the agency providing intermediary services has discretion to disclose identifying information to the applicant as it considers ‘appropriate’ (R7.2). Before disclosing identifying information where the subject has died, the agency must seek the views of the next of kin and take these into account before making a

decision. It must also have regard to the factors in R6.2, including the welfare of any other person who may be identified by disclosing information about the adopted person or any other person who may be affected by the application (see 5.1 above). This is an agency decision, and not one for the individual worker to make.

Where the agency considers that the subject is incapable of giving informed consent, it must consult any person or body authorised to act on the subject's behalf (for example, the person appointed under a Lasting Power of Attorney for health and care decisions or the Court of Protection) and take these views into account before deciding whether it is appropriate to proceed with an application. There is a detailed discussion about informed consent in the statutory Adoption Guidance at paragraphs 10.37 to 10.47, and in [Chapter 1.3.4](#) of the guide.

## **5.8 Providing an intermediary service: some general practice issues**

### **5.8.1 Collaborative working between agencies**

Working collaboratively is important. Agencies must have a good understanding of their respective responsibilities and protocols and communicate constructively and securely with each other to share information and ensure services are delivered effectively. It is particularly important to have clear agreements about respective roles, responsibilities and confidentiality protocols for sharing confidential information. This will ensure that everyone concerned is supported at each stage of tracing and contacting the person being sought.

In some circumstances, it may be preferable for a different agency to provide post-contact support to the applicant and the subject after an approach has been made. This may be helpful when there is a need to provide local or specialist support to one or more of the parties involved. In these situations, there should be written joint working agreements between the agencies, covering respective roles and responsibilities, confidentiality, recording, reporting back and any charges payable.

### **5.8.2 Providing written information about advice and support**

The agency is responsible for providing written information about 'the availability of counselling' (R10.1). The term 'counselling' is used in regulation 10 and means information about advice and support to the applicant for services, the subject of any application and an adopted person who is considering consenting to an application. If the agency to whom the application is made does not itself offer this service, it must provide details about another adoption agency or adoption support agency which provides an advice and support service. They must also explain that it is likely fees will be charged (R10.2). This inevitably has implications for the individual concerned and causes concern to practitioners across the sector. The IASA project has highlighted this issue as part of the recommendations needed to support adults affected by the life long consequences of adoption.

When deciding whether to accept or proceed with an application, the agency must be confident that the person gives an informed consent to their personal information being

shared with the applicant and some may need counselling support to think through the implications for them and their birth relative of giving consent.

### **5.8.3 When an applicant is living abroad**

When an applicant for intermediary services is living abroad, where possible, arrangements should be made for them to have an online consultation with the intermediary worker, and perhaps to link them into a local social work service or voluntary agency experienced in this area of work (R10.4). It will be necessary to have documentary evidence of the applicant's age, identity and their relationship to the person being sought.

It may be difficult to evaluate services abroad. However, the worker can contact the GRO for information about the list of agencies that have provided services to adopted people in individual countries. These agencies should have some understanding of adoption issues, and this may enable them to also work with birth relatives or signpost to local services. The intermediary agency or AAA should carefully check out what is offered and how it will be provided. If a suitable local service cannot be located, and online consultation is not possible, then telephone discussion and correspondence should be considered.

### **5.8.4 NHS Death Registration Enquiry Service**

At the time of writing [2025] the NHS Death Registration Enquiries Service has been suspended. For many years it had been a valuable resource for adoption agencies and the best means of trying to establish if an adopted person or birth relative was registered with the NHS in England and Wales and whether the subject of the application had died. The agency would be informed if this was the case. This route did not provide a current location for the person being sought but enabled the agency to confirm whether the subject had been identified in the NHS records, if they had been or still were registered with a GP or if there was a registration of the death of the subject. If the death was registered under the same name as provided in the application, then the references needed to obtain a death certificate were given to the agency. This information greatly helped to facilitate further work with the applicant. The IASA Project is recommending urgent re-instatement of this service and other organisations are lobbying for it to be brought back into operation

### **5.8.5 Verification of identity**

The sensitive nature of intermediary services means that in all cases, care must be taken to confirm the applicant's age and identity through a range of documents.

What is required by the agency for identity checks, including proof of age (as the applicant must be an adult), can be raised at the application stage. Agencies will have different approaches, but they need to have evidence of the connection of the applicant to the subject, (for example birth certificate) and evidence that the applicant is who they say they are (ideally photo ID such as passport, driver's licence, bus pass, passport etc).

Where a person is stating that they wish to act on behalf of the applicant, the agency must satisfy itself that this person is authorised to do so. If the applicant states they have a prescribed relationship with the adopted person, the agency must verify this.

The agency should have clear procedures for explaining what is needed in terms of identity

checks and for confirming that they have been provided. In some cases, the agency may need to be flexible and when there are difficulties in providing some documents, this should not be a barrier to providing a service.

### **5.8.6 Making initial contact with the subject of the application**

The agency needs to consider in each situation a suitable and effective way to communicate with the subject of the application when making the initial approach. If the subject responds, thereafter the agency should agree with them about their preferred way to communicate information.

Factors to consider include:

- A letter is usually preferable to make the first contact with the subject as it gives them time to consider whether and how to respond.
- In some circumstances, contact by email may be appropriate but it is not a secure method and any approach giving information about the reason for the approach should be sent to a personal not a work email address.
- Sometimes, a direct approach may be right through a verified social media account or sites such as [www.ancestry.co.uk](http://www.ancestry.co.uk).
- A direct and unannounced telephone call is potentially distressing because the subject is not forewarned. It will be difficult for the agency worker to ensure that the person answering any call is the correct person or there is privacy to deal with the call. Direct calls are likely to be exceptional until the subject has responded and agreed to this.
- The style and contents of the letter or any written communication needs to be carefully worded to take into account the circumstances of the case, for example, did the birth mother conceal the pregnancy and birth or is there a possibility this may be the case from reading the file?
- Is it known from the records that the subject may have difficulties with reading or reading text in English?
- Check the accuracy of the address before sending to ensure as far as practical it is a residential or known address. It would be exceptional to send a letter to a workplace address.
- Usually, the agency will use its formal headed notepaper. This enables the recipient to check the credentials of the agency. In some circumstances, it may be detrimental to refer specifically to 'adoption'. This may mean it is not appropriate to use headed paper or for the agency worker to refer to their formal job title.
- It is best to use a plain envelope marked private and confidential and not to use franked mail indicating the agency's name. Alternatively, the letter and envelope can be sent inside a plain envelope marked confidential.

- Consider the timing of sending any communication – is this a significant date for either or both the applicant and the subject, for example, near the date of the adoption order, or the adopted person's birthday.
- Approaching an older subject, for example, where the adoption order was made before 1975, requires careful consideration as the recipient may be unaware of the existence of intermediary services and the possibility of, for example, the adopted person seeking to contact the subject.
- Every person approached will respond within different times or may not respond at all. The agency should ensure that the allocated worker will be available if the subject responds, and the agency's manager should always be briefed if the worker is absent on leave to ensure that the subject is not put off or the agency's response is not well informed. Sometimes, a worker will need to be available to respond outside office hours and available times for contact should be included in the letter.
- Offer a range of ways for the person to reply e.g. phone, email, letter. Consider including a return envelope to make it easier for the subject to contact the agency if they wish to give a written reply.
- Consider whether to send the initial letter by track and trace mail or whether by signed for mail. Some people may be anxious about signing for an unmarked envelope.
- If sending a follow up reminder letter, consider carefully the timing of this. Check the accuracy of the address and indicate in the letter whether the agency will have any further communication as a subject may feel a further letter is putting them under undue pressure whilst they are considering if they wish to reply.

If in doubt about the best way forward when making an approach, discuss this with peers and a manager. The agency must also ensure that the subject of the application has the advice and support they may ask for to give 'informed' consent to their personal information being shared.

### **5.8.7 Recording**

Recording is an integral part of intermediary work. It is important to record the work undertaken, actions taken and the decisions made in relation to each case. Whilst some AAAs request feedback from the intermediary agency using their agency specific AAA feedback forms, it is important that all intermediary agencies send feedback to the AAAs on the outcome of the intermediary service and any information that would be important should be recorded on the AAA adoption record.



Below is a checklist of important points to remember.

### **Recording intermediary services work: key points**

- When asking another agency to provide a service, there should be transparent arrangements and agreements about what needs to be recorded and what needs to be fed back to the requesting agency.
- Record a clear account of each person's situation, their expectations and their hopes about any future contact.
- Inform adopted people, birth relatives and people with a prescribed relationship that records will be kept of their contact with the agency; make them aware of the agency's policy in relation to having access to the information held about them and the agency's retention policy.
- Maintain accurate records about work to locate the subject, so that it is apparent what information has been checked and with what results. Care is needed when verifying names and addresses. Record details of any contact with the subject.
- Any personal information should be clearly marked "confidential" and if consent has been given for its disclosure in the future, then this should be recorded.
- Consider how the case records are organised to preserve confidentiality for all parties. For example, it should be clearly recorded if tracing information is obtained through tracing resources available to the public or through the intermediary worker's contact with third parties.
- Information provided by third parties or by the found subject should not be shared without their consent, so the recording must clearly record the source of all information.

## **5.9 Genetic sexual attraction**

The term 'genetic sexual attraction' has been used to describe the sexual attraction that can occur between genetically related adults reunited after being separated by adoption (Greenberg & Littlewood, 1995). There is little research into the prevalence of this in adoption 'reunions', but experienced practitioners report that it is not unusual for people involved in adoption reunions to experience intense emotions, akin to 'falling in love', including feelings of sexual attraction<sup>7</sup>. For some people this may be part of the process of reconnecting in a physical and emotional way after early separation. The possibility of genetic sexual attraction should be talked over in the initial interview with the person seeking intermediary services, and where appropriate with the subject of the search.

Such feelings may cause anxiety and may or may not be reciprocated. The intermediary worker should always be aware that these feelings might arise and be alert to early indications that such feelings may be developing or have already developed. The worker

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<sup>7</sup>For case examples see here: [www.theguardian.com/theguardian/2003/may/17/weekend7.weekend2](http://www.theguardian.com/theguardian/2003/may/17/weekend7.weekend2)

can try to help people to set appropriate boundaries, and to be clear about the risks of allowing a sexual relationship to develop. In such situations, a high level of support may be needed, and the adoption worker may need to consider when to encourage people to seek additional counselling to work through this complex situation. See also [Chapter 2.6.4](#).

## 5.10 Key points

- Intermediary service may be offered to (adult) adopted people, birth relatives and people with a prescribed relationship to an adopted person. They are important in that they provide information and support to both the applicant and the subject of the service. This allows each person to exercise **autonomy in decision making** about the way forward. When the decisions of each party are in conflict with each other, the intermediary should aim work sensitively towards a solution that allows both to achieve their goals as far as possible.
- The agency may decline or terminate an application if it considers it appropriate to do so. This is **a complex decision and should always be discussed with a manager**. The welfare of all concerned must be considered. The key principle of **promoting autonomy in decision making** may need to be balanced with the welfare responsibility, and there should be a careful balancing of risks and benefits for all parties of proceeding with a service.
- People using intermediary services will vary widely in their reasons for doing so, and in their hopes and expectations of what might happen next. **Responding sensitively** to each individual is an important principle for the intermediary worker. It is important to go at the applicant's pace, to listen carefully to what they are saying and to be attuned and responsive to their feelings. The worker should help each person to retain a sense of control and **autonomy in decision making** at each stage, along with undertaking an ongoing assessment of risks and benefits so that each person can be advised and supported accordingly.
- Lengthy delays in providing a service can cause harm, and the need for a speedy response, particularly for pre 1976 adoptions, should be key in professional decision making.

## Chapter 6

# Providing intermediary services for adopted people

### 6.1 Introduction

Intermediary services have been offered to adopted people since the mid-1980s, led by professional practice in various voluntary adoption agencies. They were seen as an integral and important extension of access to birth and adoption records, to be provided by adoption agencies when adopted people wish to trace and contact birth family members. There was no specific legislation to provide these services until the Adoption and Children Act 2002. This is the statutory framework within which services must be developed and delivered (see [Chapter 5.2](#) for details of the legal framework).

Providing intermediary services to adopted adults requires a good understanding of a range of pathways to adoption, as experiences of people using services will be highly varied in terms of when, why and in what circumstances they were adopted. Their adoption processes will also vary. Whilst many adopted people will have been adopted through an adoption agency, intermediary services can also be offered to people who were the subject of 'private' adoptions. These were adoptions arranged by individuals without the involvement of an adoption agency; they were made illegal in 1982<sup>8</sup>. Regulations made under section 98 of the Adoption and Children Act 2002 allow an agency providing intermediary services in relation to a private adoption to apply to the General Registrar Office (GRO) for the information that will link the adopted person's birth and adoptive identity and allow an intermediary service to proceed (ISR R13). There will also be applicants adopted by a stepparent, without an agency's involvement: the local authority (LA) will have been notified of the adoption application and prepared a court report.

Many adopted people have identifying information which can enable them to undertake their own search and, therefore, to contact a birth relative without the assistance of an intermediary service. However, while some people may prefer to undertake an independent search, others will value the opportunity to use an intermediary service to make the initial contact. One of the key benefits is the careful preparation that can be offered to all concerned. This can give the adopted person an insight into the impact of contact not just for themselves but also for their birth relatives and adoptive parents and siblings. It also offers the person being contacted the opportunity to explore key issues before deciding how to respond.

- Flow chart 2 (in [Appendix 2](#)) covers the processes to be followed when supporting

<sup>8</sup>Adoption Agencies Regulations 1976 <https://www.legislation.gov.uk/ukSI/1976/1796/contents/made>  
In force 15/2/1982

an adopted person who has obtained information from the adoption record and who wants an intermediary service to help find and contact birth relatives.

- Flow chart 3 ([Appendix 2](#)) shows the slightly different pathway to be followed when the adopted person has located their birth relative themselves, and wants an intermediary service to help them make contact.

Where an adopted person is seeking contact with a birth relative via an intermediary service, certain protections for birth relatives are in place. Birth relatives can register a wish for contact or no contact on the Adoption Contact Register (ACR) held at the General Register Office (GRO). They can also write to the agency that arranged the adoption to inform them of their wishes. However, birth relatives do not have the right to register a qualified or absolute veto regarding being contacted. When adopted people use an intermediary service, they cannot be given current identifying information about a subject (for example, the address of birth relative) without that person's permission (unless it is already known to the applicant or available through public records).

The options for adopted people to identify and possibly contact birth relatives have widened as searching on social media sites and/or via DNA testing have become available. Traditional tracing and intermediary work may still be undertaken when a connection is made through these methods. However, it is important that adoption workers and intermediaries are given appropriate training so that they have the knowledge to advise and support the adopted person and birth relative when links have been made. The key messages from research regarding the risks and benefits of using social media and DNA testing are summarised in [Chapter 2.5.1](#) and [2.5.2](#).

See [Appendices 10, 11, 12, 13, 14, 14A, 14B, 14C](#) and [15](#) for letters and forms related to providing intermediary services for adopted people.

## 6.2 Who can provide intermediary services?

Who can provide intermediary services is discussed in [Chapter 5](#) and summarised in the box below.

### Who can provide intermediary services

- Adoption agencies (local authorities, regional adoption agencies and voluntary adoption agencies) can provide intermediary services.
- Adoption support agencies can provide intermediary services if they are registered with Ofsted to do so.
- Agencies are not legally obliged to provide intermediary services, and if they do not they should signpost people to an agency that can help.
- Applicants can choose which agency they would like to provide intermediary services.

The Statutory Adoption Guidance (2013) sets out the checks that an agency must make before an intermediary service can be provided. The type of agency will determine the extent of the checks and enquiries that need to be made of other agencies. For example, if the agency providing the intermediary services is not the AAA, they will have to identify the AAA and make additional checks with that agency. The agency dealing with the application should establish which agency was the AAA involved, to obtain information, including:

- Depending on whether the applicant (i.e. the adopted person) has already accessed their adoption records, confirmation of information shared with the adopted person and whether there is any additional information that the intermediary agency should be aware of.
- Whether the birth relative has registered a wish for contact or no contact on the Adoption Contact Register held by the GRO.
- Whether the agency is aware of any views already expressed by the birth relative who is being sought. For example, they may have written to the AAA that arranged the adoption to inform them of their wishes.
- Any views that the agency may have about the application (ISR Regulation 12).
- Information to enable the birth relative to be located.

#### **Factors intermediary agencies must consider before providing a service**

- The welfare of the applicant, the subject and any other persons who may be identified or otherwise affected by the application
- Any views of the appropriate adoption agency
- Any information obtained from the Adoption Contact Register
- All the other circumstances of the case

Any agency providing an intermediary service may decline to take up an application or refuse to continue with an existing application if it concludes that it would be inappropriate to provide the intermediary service requested (ISR R6.1). For example, there may be safeguarding concerns for those involved. In determining whether an application is appropriate or not, the agency must take account of information gathered from various sources and the welfare of everyone affected (ISR R6.2 and 6.3).

It is helpful for the intermediary services agency to have full information about the adoption from the AAA which holds the adoption records, as it enables them to prepare and support the person who is being sought. It may enable the adopted person to make an informed decision regarding approaching the birth relative. If it is the AAA that is providing the intermediary service, the steps outlined above should not be necessary as the information will be available on their case records.

A VAA that assessed and approved the adoptive parents may also hold copies of records from the AAA. They may have been the providers of adoption support services and have records relating to this. Unless the VAA was also the AAA, it must consult the AAA in the

same way as any other agency providing an intermediary service.

## 6.3 Responding to an application for an intermediary service

The application should be acknowledged promptly. Where the adopted person has applied for an intermediary service from an agency they have not previously been in touch with, they should be asked to make a written application either by letter, by email or by completing the agency's online form. The person may need support to make a formal application.

What will be needed in terms of proof of age (the applicant must be 18 years and over) and identity checks can be raised at this stage. See [Chapter 5.8.5](#) for details of verification process.

The agency should email or send information to the adopted person about the intermediary service it provides, and the availability of this service, including if there is a waiting list, and any charges they may make (ISR 10 and Chapter 12, Statutory Adoption Guidance 2013 paras 12.1 – 12.8). It should explain that the next step will be the intermediary consultation meeting, and a brief explanation of the meeting's purpose can be provided. This information could be provided in a leaflet which addresses frequently asked questions. Alternatively, it may be helpful to have a standard letter/ email for this purpose. The information may also be available on the agency's website.

## 6.4 Preparing for the intermediary consultation meeting

This meeting provides an important opportunity for an adopted person to discuss and think through the issues associated with locating and contacting birth relatives before taking further steps.

These issues are often complex and sensitive, and careful preparation can help the worker to establish a positive relationship and facilitate effective communication with the adopted person.

In preparation for the meeting, below are some of the issues to consider in advance:

- If the agency holds the adoption case records, the worker should read the records to enable them to be aware of any issues that may arise in the consultation meeting or of which they should be aware before meeting the adopted person.
- Check that the agency has verified the age and identity of the applicant, or any person acting on the applicant's behalf.
- Before the meeting, ask the applicant to advise of any additional needs they may have and take steps to meet these (see [Chapter 5.8.5](#)).
- In some cases, it may be appropriate to seek permission from the applicant to liaise with other professionals involved in their care or providing support services for them, for example, a community psychiatric nurse. Co-working with another specialist can ensure the applicant gets the best possible service.

- Let the applicant know that they are welcome to bring a supporter whom they may want to be present through all or part of the meeting. However, it may be helpful for the worker to speak to the applicant on their own initially to check that they are comfortable for the supporter to be present throughout, particularly if sensitive information is being shared.
- Ask the applicant to bring any information they already hold about the adoption, as this may help shape the meeting.
- If the applicant shares information in advance of the meeting about birth relatives they have already found, steps should be taken to verify if this information is correct. For example, if an adopted person found someone they thought was their birth mother on Facebook, does this tally with information available in the records?

If a face-to-face meeting is not possible, some agencies may be willing to offer the meeting through a telephone or video discussion. Workers using these methods should be appropriately trained and supervised and it is important to remember age and identity checks.

If the agency providing the intermediary service is not the AAA, it is important to explain to the applicant that the agency is required to find out the AAA's view on the provision of this service. As discussed in Chapter 5 ([section 5.3.3](#)) important considerations here are trying to reduce delay by following up requests with the AAA (including explaining any urgent time constraints such as the age or health status of the adopted person or birth relative), establishing timescales with the AAA. Alongside this it is important to keep the adopted person informed about what is happening and to acknowledge their understandable frustrations and anxieties. Where no response is forthcoming within a reasonable timescale (we suggest 3 months), the risks of delay versus the possibility of harm in proceeding need to be weighed up and discussed with a manager, especially in the case of pre-1976 adoptions and/or when time is critical (e.g. because of serious illness).

## 6.5 The intermediary consultation meeting

### 6.5.1 The role of the intermediary in the meeting

See [Chapter 3.1](#) for discussion of the intermediary's role in the meeting and [Chapter 3.3](#) for key principles for practice. This is an area of work where it is essential to be sensitive to the needs and feelings of each person. Below is a summary of some of the key issues that adopted people may bring to a meeting with the intermediary.



## What adopted people may bring to the meeting

### Messages from research, practice and lived experience

- Adopted people's feelings about adoption are highly varied and can change across the lifespan.
- Feelings of loss and/or rejection are prominent for some. Loss can be felt strongly even when there has not been the opportunity to experience a relationship with birth family members.
- Feelings of loss may relate not just to birth parents, but other members of the birth family. For people who have spent periods of time in foster care, the loss of the foster family may also be significant.
- Many adopted people have felt loved and supported and have a strong sense of belonging in their adoptive family. They may experience adoption as a positive experience but also be curious about their birth family background.
- Other adopted people may have difficult or unhappy experiences in their adoptive family. For example, they may have lacked a sense of belonging, felt unloved and unsupported, and they may have felt that adoptive parents were closed or defensive in terms of thinking and talking about their birth family.
- Some adopted people may additionally be experiencing the impact of early harm.
- Many adopted people have mixed feelings and identify both positives and negatives of being adopted; feelings of loss and/or identity confusion can coexist with positive feelings about adoption and the adoptive family.
- Adoption creates challenges for identity formation due to information gaps and stigma around adoption. Finding answers to questions about their life story and identity are a key motivation for searching for birth relatives.
- People who were transracially adopted may feel different to their adoptive families. They may feel they do not 'fit in' easily with either the (usually white) culture of their adoptive family or the culture of their birth family.
- People who were transracially adopted are likely to have experienced racism. Their white adoptive parents may have been unaware of this or may have found it difficult to fully empathise and support them to cope with this.
- Adopted people asking for intermediary services typically wish for contact with birth relatives to address some of the issues mentioned above. They may or may not be seeking to develop a longer-term relationship with the birth relative.
- Feelings about the prospect of meeting a birth relative are typically mixed; excited anticipation may be accompanied by uncertainty, nervousness, and the fear of being hurt or of hurting someone else.
- Adopted people may also bring difficult feelings about the agency and about adoption services generally, particularly when they may have had negative experiences with professionals in the past.

### 6.5.2 Areas to explore in the meeting

Each meeting will be shaped according to a range of factors, including any previous direct or indirect contact that the adopted person has had with the agency and with birth relatives, their stated wishes for the outcome of the meeting and what feelings come up for them during the meeting. In some cases, especially where there is difficult ground to cover, it may be necessary to offer more than one appointment.

Before beginning the discussion, check that written information about the agency's policy on safeguarding procedures has been shared and clearly explain how the agency will respond if, while providing the service, there are safeguarding concerns about a child or an adult.

As appropriate, the following areas may be explored:

- It may be helpful to begin the meeting by asking the adopted person to share their hopes, fears and expectations regarding contact with their birth relative(s) and what they hope the role of the intermediary will be. This area can be returned to at a later stage in the meeting, but it will set the scene for the worker and guide the ensuing discussion.
- Any information they have about their adoption and the sources of that information. This area of discussion can help the worker to understand the person's experiences and feelings about their adoption, and whether their information is significantly different to that held on the adoption record.
- The current family and social circumstances of the adopted person and who, if anyone, is aware of their current enquiries. This information can help the worker build a picture of the strength or otherwise of the support network available to them.
- Depending on the level of knowledge that the adopted person shows, the worker may judge it helpful to suggest some potential circumstances relating to the birth relative which might affect the adopted person's decision regarding contact. Where up-to-date information is not yet known, it can be helpful to support the adopted person to reflect on a range of possibilities, both positive and negative. The date of the adoption and age of person when adopted provides a general guide to such speculations as these will suggest whether this is a historic baby adoption or an adoption from care.
- The possibility that birth parents stayed together and have had subsequent children who are full siblings should be explored.
- The worker might also ask whether there are any circumstances relating to the adopted person or their family that they may wish or not wish the birth relative to know about at an early stage. For example, adoptive family breakdown, issues of sexuality or gender identity.

Having asked the adopted person to outline their hopes and wishes for contact at the beginning of the meeting, it will usually be necessary to return to this area and, as appropriate, to help the adopted person to explore the range of positive and negative scenarios and outcomes that they may encounter. This can include their thoughts and feelings about how the contact might affect other people who are closely connected to them (for example, their adoptive parents and adoptive siblings) and also to the birth relatives (for example, if there are people in the birth family who may not be aware of the adoption). It is also important to allow space for the adopted person to discuss any anxieties

around the possibility that a birth relative cannot be located or may not respond or that they may have died.

A particular issue to be introduced, as appropriate, is the possibility of people experiencing intense and powerful feelings towards the birth relative. These feelings may be positive (warmth, affection) or negative (anger, resentment) or often a mixture of both. A discussion of these possibilities can help the adopted person to think through ways of managing any strong feelings, whatever they may be. Occasionally, the feelings of either party may involve a level of sexual attraction (see [Chapter 5.9](#)) for a further discussion of this issue).

Towards the end of the meeting, there will be further details to confirm. These include:

- Any further questions that the adopted person may have and a means of contacting the worker if these occur to them after the meeting.
- If the adopted person has already located but not contacted the birth relative, what steps the agency will now take to try and confirm their identity (to make sure they have identified the right person).
- To confirm what the agency can offer in terms of how an approach might be made, and what information can be shared with the person being approached.
- What actions the adoption worker will take after the meeting. This should be confirmed in writing or by email.
- 

### **6.5.3 Support needs**

It is important to consider the support available to the adopted person from family, friends and the agency, as this may be significant through the ups and downs of their next steps. The worker should outline the extent of the support the agency can offer the adopted person and the birth relative before and after contact. In some cases, additional sources of support may need to be discussed, for example, counselling arranged through the health service or other appropriate national or local support or counselling networks. Some people may find it helpful to talk with another adopted person who has experience of contacting a birth relative through an intermediary service. This may be arranged through the agency, if available, or through a support group. Some adopted people may wish to have time to reflect before they feel ready to go ahead with using an intermediary service.

See [Appendix 8](#) for a suggested template for recording the meeting.

## Supporting an adopted person to make an informed decision regarding contacting their birth parent

### Case example: Sunita

*Sunita was adopted with her two younger siblings. The main reason for Sunita and her siblings' adoption was their birth mother's inability to provide safe parenting. Sunita recently received information from the adoption records and located her birth mother. The records stated her birth mother was diagnosed at the time as suffering from schizophrenia.*

*Sunita remembered that her birth mother would become irrational and frightening when she was not taking medication. However, when taking medication, she was caring and fun to be with. Sunita's younger siblings did not share Sunita's fond memories and had no desire to see their birth mother.*

*Sunita was uncertain about what to do next. She would like to contact her birth mother but she was still living with her adoptive family. She wanted to be open about the contact but did not want her younger siblings to be unsettled by it. Her adoptive parents, although understanding, were also anxious. They were particularly concerned that Sunita may give the home address to her birth mother.*

*The intermediary worker suggested that together, they talk through the risks and benefits of contact, primarily for Sunita but also for her family. The worker also suggested two further options – mediated contact, or a meeting with Sunita and her adoptive parents to find a way forward. The worker suggested that Sunita took time to consider each option and reach her decision.*

*Two weeks later, Sunita told the worker she decided not to contact her birth mother for now. Overall, she felt that the disadvantages of making contact at this time outweighed the benefits. She had therefore decided to wait for a few more years when she would have left home and be living a more independent life. The adoption worker took time to check with Sunita whether this was her own decision, as the worker was aware that Sunita may have been swayed by the views of others in her family. She reassured Sunita that she could come back to the agency for support at any time.*

In this case, the worker showed that she understood Sunita's wish to contact her birth mother, but also listened and responded sensitively to her uncertainties. Reflective discussion and the consideration of different options created the opportunity for Sunita to make her own informed decision about the way forward.

## 6.6 Concerns about providing an intermediary service

See [Chapter 5.2.5](#) for the legal framework regarding concerns about providing a service. This framework means that in deciding whether to provide an intermediary service, the worker must consider a range of perspectives/information and consider the potential impact on a range of people.

There may be situations where the agency has significant concerns about providing the intermediary service but deciding whether to provide the service must be pragmatic. For example, the adopted person may have already located the birth relative, and they are likely to contact them, with or without the assistance of an intermediary. Here, the agency needs to weigh the benefits and risks of making an approach against the risk of a direct approach being made without support or assistance being available for either the adopted person or their birth relative. The worker will also need to consider the history of any previous approaches made by the adopted person, the agency or any other agency to either the person now being sought or any other member of the birth family.

### Concerns about providing an intermediary service

#### Case example: Errol

*Errol was taken into care and then placed for adoption at the age of three years. His adoption was contested by his birth mother. There was evidence in the care proceedings that he had been severely emotionally and physically abused in the care of his birth mother.*

*Errol had a troubled life. His adoption broke down when he was 14 years old and he spent several years in young offenders' establishments and prison, for offences related to robbery and violence. Errol obtained a copy of his original birth certificate as his original surname was given in his life story book. He wanted to contact his birth mother.*

*During the meeting with the adoption worker, Errol appeared agitated and expressed great anger towards his birth mother. He blamed her for the difficulties he had in life. The worker was concerned about proceeding with an intermediary service because of possible safety issues for the birth mother. The worker was also concerned about Errol's welfare and support needs, given his history of being abused. After discussion with a manager, it was decided that, on balance, it would be better to offer a tracing and intermediary service than to decline to offer it. Providing a service would enable the agency to safeguard the situation to some degree. In making an approach to the birth mother, the agency could provide sufficient information for her to make an informed decision about whether to have contact with Errol and could offer her advice about protecting her privacy if she wished for that, for example by not sharing her home or email address or phone number until she was ready to do so. If she wished to meet Errol, this could be*

*...arranged at a neutral venue, with safeguards in place for both sides. Providing the service, also ensured Errol had support available to him through this emotionally charged process.*

In this example, the agency decision supported Errol's wish for contact, while at the same time had regard for his welfare and the welfare of his birth mother. This complex decision was shared with a manager, and the outcome was a plan sensitive to both parties' needs.

## 6.7 Co-working when the intermediary agency is not the AAA

Regulation 12 states that an agency that is not the AAA must not make an approach to a birth relative without asking the AAA for its view on the provision of this service. Effective co-working between the agencies is essential at all stages of the process.

In some cases (when supporting an adopted person to find out information in their records) the agency may have already been in touch with the AAA to ask for adoption record information. It may have asked at this earlier stage for the AAA's view about the provision of intermediary services for the adopted person and may have enquired about whether a birth relative had provided any information about their wishes to have contact or otherwise.

If these enquiries have not yet been made, they must be undertaken (see [Appendix 9](#) for a template for a letter or email for this purpose). In this situation, the AAA should reach a view based on the information they already hold. It is not appropriate for the AAA to contact the birth relative or necessary to receive up-to-date information about the adopted person to reach a view.

If any significant information comes to light that the adoption worker and their manager consider may influence the AAA view, this should be shared with the AAA. The responsibility for determining whether an intermediary service provision is appropriate rests with the agency providing the service and not the AAA.

## 6.8 Consent to disclose identifying information

When providing an intermediary service, the adoption agency must not provide identifying information about a subject without the subject's consent (ISR R7.1). This is not the case when providing information from the adoption records to an adopted person.

Whilst acting as an intermediary, due regard must always be given to the issue of confidentiality and the requirement to obtain informed consent. It is important to clarify what information the adopted person gives permission for the intermediary to share, if

contact is made with the birth relative. Similarly, an agency providing an intermediary service must not disclose current identifying information to an adopted person about the birth relative, without first obtaining the birth relative's informed consent (unless it is already known to the applicant or available through public records).

The intermediary may be faced with a situation where the adopted person or the birth relative being sought wishes to keep potentially significant information confidential, for example a long-term imprisonment for a violent offence. This will need to be discussed with a manager and risk assessed before a decision is made about proceeding with a service.

For further discussion of issues of confidentiality and consent, see [Chapter 5.7](#)

### **Supporting a birth mother to share information with the adopted person**

#### **Case example: Carol**

*Carol was adopted in the early 1970s and was keen to contact her birth mother, Ruby. The worker was able to find and contact Ruby to discuss this. Ruby told the intermediary that she had given a made-up name for Carol's birth father to officials at the time. Ruby did this because she wanted to escape an abusive situation with the birth father. She did not want him to know she was pregnant as she felt she had to protect her child from him.*

*The worker checked the information that had been given to Carol from the agency record. This stated that Ruby had named the father as Bert Smith, a neighbour. The information from the record noted that paternity had not been confirmed by Bert Smith nor discussed with him, so may not be reliable.*

*The intermediary reminded Ruby of the name she had given at the time and explained what Carol had been told when accessing her adoption information. They reassured Ruby that they would not tell Carol that Ruby had misinformed the agency but supported Ruby to reflect on what it would mean for Carol to have accurate information about her birth father's identity. The worker suggested to Ruby that she communicate with Carol and decide in her own time what to say about Carol's father. Ruby agreed to this.*

*As the intermediary had got to know Carol quite well she was confident Carol would be delighted that Ruby had agreed to communicate with her, and she felt Carol would be understanding of the situation if Ruby managed to tell her the identity of her father at some stage. She therefore tried to reassure Ruby on this point to encourage her to be open and honest with Carol.*

In this case, the worker respected the birth mother's confidentiality while at the same time, supporting her to be open with Carol about the identity of her birth father. She worked sensitively with Ruby to help her to reach a decision to respond positively to Carol's wish for communication.



## 6.9 Approaching and contacting a birth relative

### 6.9.1 Before the approach to the birth relative is made

The intermediary worker should explain to the adopted person how the initial approach to the birth relative will be made and discuss the various ways of developing contact and communication, depending on how the birth relative responds. This might include writing or receiving an initial letter or card through the intermediary, an exchange of photographs or more direct contact such as a telephone call, text message or e-mail. The preferences of the adopted person should be noted. Adopted people may want to consider ways of protecting their anonymity initially, such as creating a specific e-mail account to avoid divulging any identifying information.

The intermediary should also discuss the agency's procedure should there be no response from the birth relative to an initial letter. For example, some agencies consider it appropriate to send a second letter approximately 4 weeks after the first. Having information about this procedure will help the adopted person to understand that their birth relative should be given sufficient time to respond. The adopted person may be very anxious to receive a reply. Acknowledging their anxieties and explaining the possible reasons why a birth relative may take time to respond can help the adopted person to manage their expectations.

The intermediary should also agree with the adopted person when and how they will keep in touch while they are waiting for the birth relative to respond. Waiting for a response can be a difficult time for the adopted person, so where it is agreed that the intermediary will keep in touch, it is important to do so.

### 6.9.2 Making the initial approach

Intermediaries will need to consider how the initial approach should be made, and there should be agency policy and procedures for this, including consultation with a manager in complex cases. See [Chapter 5.8.6](#) for guidelines for making the initial approach.

Additional care will be needed when approaching a birth mother if it appears the adopted person was or may have been born after a concealed pregnancy (see case example of Yusef below). A plain envelope marked 'private and confidential' will help to maintain the birth mother's privacy when the letter arrives at the address.

Some birth relatives will respond to an approach very quickly whilst others may take some time. If no response is received, consideration should be given to sending a second letter.

## Managing an initial approach when the pregnancy and birth were concealed

### Case example: Yusuf

*Yusuf, an adopted person of Pakistani Muslim/white heritage, was hoping to have contact with his birth mother. He had little information about his background. He learned from his adoption record that his pregnancy and birth had been concealed, so as not to jeopardise his mother's marriage prospects. There was an update on the adoption file made the year after Yusuf's adoption saying his mother had subsequently married and was not planning on telling her husband of Yusuf's existence.*

*Yusuf had given careful thought to the potential negative impact on his birth mother of making contact. At the same time, he felt he needed information about his birth father. His birth mother refused to disclose any information at the time of the adoption.*

*The adoption records mentioned an uncle of the birth mother, who worked as a doctor at a local hospital, had played a significant role in supporting the her wish for Yusuf's adoption. His details were on the records. After discussion with Yusuf the intermediary worker agreed to try and locate the uncle and contact him. The worker was able to find the uncle who was still practising medicine. She made a discreet enquiry, initially contacting him at his place of work. The uncle spoke with the birth mother who was now living abroad and was extremely anxious about any type of contact. She did provide some non-identifying information about the birth father (a Polish student who had attended the same sixth form college as her).*

*The uncle agreed to meet with Yusuf and gave him some information about his birth family including a photograph of his mother and half-siblings. Yusuf felt able to settle for this.*

In this case, the worker respected Yusuf's need for information but considered that approaching the birth mother may involve serious risk to her welfare. The worker found a creative way of making an approach to a birth family member, while also considering the welfare of the birth mother. The worker ensured that the agency did checks to confirm the identity of the uncle.

## Making an initial approach to an elderly and more vulnerable birth mother

### Case example: Helen

*Helen asked the intermediary service to contact her birth mother, Edith. Helen had established that Edith was 82, widowed and now lived in a sheltered housing complex. Helen was concerned that Edith may be very frail and the approach from the intermediary may be distressing. On the other hand, Helen was also concerned that time may be running out for her to have any contact with Edith. It was agreed that the intermediary would contact the warden of the sheltered housing scheme and just explain that she needed to write to Edith but wanted to make sure that Edith did deal with her own letters and that help was on hand if Edith needed it.*

*The warden confirmed to the intermediary that Edith was one of the fittest residents but added that all residents knew that she was there to help them with any problems or concerns and that Edith would ask for help if needed. The intermediary wrote to Edith and she responded positively. When Helen subsequently visited Edith she was introduced to the warden whom Edith described as a very good friend. The warden explained that she was not aware that Edith had a child until Edith received the intermediary's letter, and immediately showed it to her. The warden told Helen that Edith was completely overwhelmed with emotion and had not known whether to laugh or cry because she was so happy.*

In this case the adoption worker supported the adopted person's wish for contact, while at the same time, making sensitive enquiries in order to protect the welfare and confidentiality of the birth mother.

## 6.10 Receiving and managing a response from a birth relative

It is important that the intermediary worker is available to receive the response from the birth relative. For the birth relative, an approach on behalf of the adopted person can be life-changing and unsettling, even when welcomed. Although when a person may respond cannot be predicted, letters should not be sent prior to the intermediary having a planned absence. Colleagues need to cover for each other when away so that responses can be attended to quickly.

If a response to the letter is received, it is important to confirm that this is from the person to whom the letter was sent. If another person responds on behalf of the birth relative, the intermediary should explain that they still need to contact the birth relative in the first instance to confirm that they have agreed to nominate this person to respond on their behalf. The intermediary should not divulge any information about the reason for the approach until this has been done. Once verified they must check the identity of the nominated person.

Responding sensitively to the birth relative is key at this stage. Their feelings may range from shock and distress to joy and relief and ideally there should be an opportunity for the initial impact to settle before decisions are made. The intermediary should offer the opportunity for a full discussion to explore the birth relative's thinking and feelings and to think through the full implications of the enquiry and what this might mean for them and their family. It is important that the birth relative feels fully in control of what happens next and the worker may need to ensure that the birth relative has come to their decision without undue pressure and influence from other people. When a person appears hesitant or uncertain, reassurance can be given that there is no expectation of an immediate decision, and the worker might agree a brief form of words to be shared with the adopted person in the first instance.

There may be challenges for the worker in balancing the needs of the adopted person with the needs of the birth relative; supporting both parties is inherent in intermediary work. Where the needs and wishes of birth relatives and adopted people are at odds, the importance of professional supervision is underlined (See Chapter 3.1 and 5.4 for further discussion of the role of the intermediary).

The intermediary worker must explain to the birth relative about the availability of intermediary consultation, support and advice, (ISR 10) see also [Chapter 5.8.2](#). It may be helpful to receive support from another adoption agency more local to them, or independent of the agency providing intermediary services for the adopted person. In many situations it may be preferable for the intermediary agency working with the adopted person to provide this service directly to the birth relative, through a combination of telephone/virtual/on-line services.

## Impact on birth relatives when an adopted person makes an approach via an intermediary agency

### Messages from research, practice and lived experience

- Many birth relatives will be aware that an adopted person could search for them and make contact. However, some birth parents and relatives may still not be aware of the legislative change in 1975 giving adopted people access to birth information, or that this right extends to those adopted before 1975.
- Birth relatives often anticipate that an adopted person who wants contact will make an approach immediately when 18. They may be taken aback by an approach many years later. They may have presumed their adopted relative was not interested in contact.
- Some birth mothers and birth fathers may feel concerned and worried about the approach, particularly when they have kept the adoption secret from partners, subsequent children, family and friends. They may be anxious about if and how to tell them after so many years.
- Many birth parents worry about what their child might know or feel about them, and about how they can explain the reasons behind the adoption. Parents may still have strong feelings of guilt, grief or anger about the removal of their child or children, combined with a lack of trust of professionals.
- Birth parents whose son or daughter was adopted against their wishes may hope that he or she will want to assume a parent/ child relationship. They may need help to manage their feelings and expectations. They may feel happy that the adopted person has made contact, but it may also reawaken feelings of shame/trauma and /or feelings of loss.
- In situations where the birth parent has died or cannot be located and the initial approach is to be made to another relative, it is important to think about the impact on this person. For example, if they were unaware of the adopted person's existence, there is likely to be range of positive and difficult feelings

## 6.11 When a birth relative does not wish to proceed

If the relative does not wish to proceed with any form of contact it may be helpful to seek their agreement to send them some written information about why adopted people seek contact with birth relatives. Whatever the reaction, it is the responsibility of the intermediary to take account of the wishes of all those involved to try to agree a way forward.

If the birth relative makes a firm decision not to proceed, their decision must be respected. At the same time, however, the worker must be alert to the adopted person's needs for information about their family background. If agreed in advance with the adopted person, the worker might ask the birth relative if they will agree to receive a one-off letter or email and/or photograph from the adopted person. They might also explore whether

the birth relative would be willing to provide information and perhaps a one-off letter or email and a photograph for the adopted person. Before closing an intermediary case it is the responsibility of an intermediary worker to ensure a birth relative who has chosen not to proceed with any contact is aware that whilst the intermediary agency will accept that decision and not initiate further contact, they cannot provide any assurance that the adopted person will not make a direct approach at some point.

In recognition of the possibility of needs and wishes changing over time, it should be made clear to the birth relative that they may come back to the agency at any time in the future, if they feel differently. This information should remain in the agency's records.

## **6.12 When a birth parent does not respond**

If there is no response within four weeks, the intermediary should inform the adopted person and discuss whether to follow up the initial letter. It can be helpful to remind the adopted person about the possible reasons why there has been no response. These may range from the letter being lost in the post, or the relative having been on holiday, through to the possibility that it was received, and the relative has decided not to respond. Some birth relatives may still be undecided about what they want to do. A second letter can be sent if the adopted person requests this. This may be very brief and simply indicate that a previous letter was sent and that, as a reply has not been received, a copy is enclosed, in case it went astray.

The worker may wish to double-check if the address is still a current address for the birth relative. Some agencies may consider sending a third letter, including a statement that no further correspondence will be sent if they do not receive a reply. At this stage agencies may also consider contacting the birth relative by other means if contact details are known e.g. email or social media site, though extra discretion will be needed here particularly when contacting someone on a work email. Other agencies may choose not to send a third letter and presume that the lack of response should be interpreted as a negative response, if they are confident the address is still current for the birth relative.

If a third letter is sent, it can be used to clarify that any communication the recipient may send at any time in the future will be warmly received (and support can be provided) and that there is no time limit to this.

### **6.12.1 Approaching a sibling**

When birth parents cannot be located or a registration of death has been found the adopted person might want an approach to be made to another relative, often a sibling. The worker can help the adopted person to think through the possible impact of an approach (for example a sibling might not know of their existence) and to weigh up the potential benefits and risks.

If an adopted person requests contact is made with a birth sibling, it is important to clarify whether they just wish to obtain information about and/or photos of the deceased parent.

This can help the intermediary to set realistic expectations when working with the sibling. Where there is more than one birth sibling, they may share the news of the adopted person with their other siblings and therefore the intermediary worker needs to be mindful of the differing reactions and needs of the various birth siblings. The adopted person may need additional support and guidance in developing relationships with the different birth siblings.

## 6.13 Preparing for contact

If the birth relative decides to proceed, the intermediary should discuss with both parties the type of contact they want. Some people prefer to have direct contact, such as meeting or speaking on the telephone or videocall, whilst others may prefer to have indirect contact, such as corresponding by letter, email, or text message. There may be a short or longer time before both feel ready to take the next steps.

If the adopted person and the birth relative want to be in direct contact, it can be helpful for them to exchange letters, email messages or mini biographies and perhaps photographs through the intermediary, prior to a meeting or a phone call. It is important to help people consider some of the benefits and drawbacks of the different ways of communicating, for example, sometimes email and other 'instant' forms of communication can come across as more abrupt than intended. On the other hand, the people involved can communicate quickly and directly, without revealing their home address. When using e-mail for correspondence, both parties should be advised to pace their response and allow time for reflection.

The intermediary worker has a significant role in helping both parties to understand that making direct contact is an evolving process. Some relationships progress quickly and smoothly, others are more tentative. Some stop and start, others fizzle out and do not resume. It is impossible to predict how any contact will progress, but the intermediary can help by preparing people for a range of outcomes. Helpful websites and other resources can be signposted (See [Appendix 1](#)). It is common to find that some extra support is needed at some point. The intermediary should ensure that both parties know how to access help if needed in the future. This may be from the intermediary or from another agency or service. Additional support may be needed, for example, by providing a venue/support for an initial meeting.

## 6.14 Following up after contact

The outcome of a meeting can vary from being a positive experience to one that leaves either party feeling frustrated and dissatisfied. In all cases it is likely to have an emotional impact of some sort and this can be unexpectedly intense. It can be helpful if the worker contacts both parties involved soon after the meeting to discuss their initial reactions and to provide an opportunity to talk about how the meeting went and consider further steps.

Intermediaries should let the adopted person and their birth relatives know about the services and support they or another agency can offer following their meeting. Some people may consider that they have sufficient support from families and friends or other people with lived experience to help them through the various reactions and outcomes they may encounter.



## Potential challenges when adopted people and birth relatives contact each other

### Messages from research, practice and lived experience

- When adopted people and their birth relatives contact each other, unresolved issues around the adoption may surface. These issues and the associated feelings can occur at any stage in the process and may be overwhelming. For a birth parent there may be difficult memories and feelings about the other birth parent, their own parents and other family members. Strong feelings about the adoption process and the professionals involved can also resurface.
- Adopted people may have no memories or episodic or confused memories about events around the adoption. They may have experienced multiple losses. Difficult feelings may resurface towards birth family members, the adoption agency and the professionals involved. These feelings may be more intense if the adoption has not worked out well. Each of these feelings may influence how contact develops. Preparation and support before, during and after the contact can help both parties to anticipate, understand and manage their feelings appropriately.
- Over the years birth relatives and adopted people are likely to have built positive or negative narratives about how life has been for each other. They may also have built in their mind a sense of how their 'lost' relatives think and feel about them. Making contact may put them in a position where they face a reality that is very different from what they envisaged or hoped for. Whether the differences are in a positive or negative direction, there is inevitably a period of adjustment and coming to terms with the reality of the situation. This can take time and it is normal for either party to need time and space to reflect and sometimes withdraw from the situation for a time after contact has been made.
- Sometimes the person initiating contact may be disappointed with the level of involvement the 'found' person is able to give to them. If contact is declined, the person who asked for an intermediary service may need support to work through a range of difficult feelings. For birth relatives, who do not have identifying information about the adopted person, the disappointment may be particularly acute since they cannot make their own approach. Where there has been a transracial adoption, there may be additional issues to manage. Birth relatives may be distressed that their son or daughter has not been brought up in a same race placement and been disconnected from their cultural and racial heritage. Both parties may find it hard to relate and connect with each other, especially when there are language and cultural barriers.

- Sometimes one party struggles with the different needs and expectations of the other party involved in the relationship. If still involved, an intermediary may try to help both parties work towards a compromise. Where people can engage with this and accommodate differences, the relationship can evolve to feel relatively settled and secure. However, this may not be possible and there may be a temporary or permanent withdrawal of contact. This can be painful for both, with feelings of anger, loss and rejection. Again, the worker can offer support to help those concerned to understand and come to terms with what has happened.
- However stable the relationship has become, the process of relationship building is not static. It is possible that difficult feelings may surface at different times over the years, and they may need to be addressed. It is, therefore, important that adopted people and birth relatives are advised how and where to seek help and advice when needed.

## 6.15 Recording and record retention

Recording is an integral part of intermediary work. It is important to record the work undertaken, actions and the decisions made in relation to each case. See [Chapter 5.8.7](#) for details.

## 6.16 Key points

- Adopted people who request intermediary services will have had a wide range of experiences of adoption. The desire to search for birth relatives can be associated with both settled and unsettled adoption experiences and is a normative response to unanswered questions and sometimes confusion about their life story and identity.
- People who have been adopted transracially may have additional needs and complexities when tracing and connecting with birth relatives. Intermediary workers should be trained appropriately to support these needs.
- The intermediary worker will need to be agile and attuned to the individual needs and feelings of each person who applies for a service. The variables may include their hopes and expectations of the service, their pre-adoption experiences, their adoptive family relationships, support available to them and the amount and quality of information they already have.
- When an adopted person connects with a birth family member, it is not an isolated event. There may be a positive or negative impact on a range of other people, including adoptive parents, siblings, and other members of the birth family. The intermediary worker must hold the balance between considering the welfare of anyone who might be affected and recognising that the adopted person is an adult and promoting their autonomy in decision making.
- When there are concerns about offering an intermediary service, it is important to hold in mind that the adopted person is likely to have sufficient information about the

birth relative to make an approach without the service being provided, and that this may involve risk for all concerned. Offering a service may mitigate this risk.

## Chapter 7

# Providing intermediary services for birth relatives

This chapter covers the provision of intermediary services for birth relatives of adopted people, where the adoption order was made before 30 December 2005 (pre-commencement adoptions). Where adoptions took place on or after 30 December 2005, practice relating to supporting people in the adoption kinship network who wish to contact each other is covered in [Chapter 9](#).

Intermediary services enable birth parents and other relatives to contact their adopted relative, via an intermediary, to let them know about their wish for information and contact. The intermediary worker can offer practical and emotional support to the birth relative through this process.

The adoption orders covered by these services will have been made through a range of different routes and legal arrangements. [Chapter 6.1](#) provides a summary of these routes to adoption. Numerically, many more historic baby adoptions fall under the scope of these regulations, as opposed to adoptions from care. It is important therefore that workers whose own work experience is confined to more recent adoptions, ensure they familiarise themselves with the social context of adoptions in the past, and the lived experiences of birth parents and adopted people from this era.

An overview of intermediary services and the duties on agencies providing intermediary services is provided in [Chapter 5](#).

See [Appendices 16, 17, 18, 18A, and 19](#) for suggested templates for letters relating to intermediary work with birth relatives

## 7.1 Background

The Children Act 1975 recognised the life-long needs of adopted people when it gave them the right to obtain information about their origins (see [Chapters 4 and 6](#)). They were given the right to obtain a copy of their original birth certificate and the opportunity, if they so wished, to begin a search for birth relatives. However, the Act did not acknowledge the needs of many birth mothers and fathers, who expressed similar desires, wanting to know what had happened to their adopted daughter or son. The stigma and shame of being an unmarried mother was prevalent during the mid 20<sup>th</sup> century and, as is now acknowledged, many people felt that they had no choice but to place their child for adoption. The loss and grief they experienced was enduring and profoundly affected their lives (Joint Committee on Human Rights, 2022).

In the 1990s, birth mothers began to speak out about their need to know if their son or daughter was alive and well, if they had a 'happy', or 'successful' adoption, and if they would like contact. Many just wanted to let their child know that they were loved and had never been forgotten. Self-help organisations representing birth parents such as NORCAP and the Natural Parents Network (NPN), helped amplify the voices of birth parents and began the practice of encouraging adoption agencies to use their discretion to share information. In response to the needs of birth parents, some adoption agencies, particularly voluntary adoption agencies, chose to use the powers under the Adoption Act 1976 and their discretion in regulation 15(2) of under The Adoption Agencies Regulations 1983 to provide an 'intermediary service' for the birth relatives. This enabled the adopted person to be told of the birth relatives' wish for contact and information, so they could make their own informed decision about how they wished to respond. Family Rights Group and other organisations supported birth relatives seeking contact with adopted relatives. Across the sector campaign for legislative change grew which culminated in the Adoption and Children Act 2002 recognising that adoption not only had life-long implications for adopted people, but also for their birth parents and relatives. The Act gave birth relatives the right to request an intermediary service, so that they too could have the opportunity to let their adopted relative know of their wish for contact.

In the latter part of the 20<sup>th</sup> century, there were significant changes in the reasons for and circumstances of children being placed for adoption. In the 1950s, 60s and 70s, most children placed by agencies for adoption were babies of unmarried mothers (historic baby adoptions). Since the 1980s, most children placed have been in some form of state care, after local authority intervention (adoptions from care). This may be with the parent's agreement or through care proceedings, resulting in a court order confirming the child's removal from the birth family. Many of these children have experienced neglect, physical or emotional abuse prior to coming into state care. The child's parents may have contested both the care proceedings and, thereafter, the adoption application. All parents who lose a child to adoption suffer emotional trauma and loss. There may be additional complex issues and challenges for the parents and other relatives of children adopted from care.

The duty of the local authority to consider contact arrangements with birth parents and relatives when the plan for the child was adoption did not come into effect until 2005. Previously, in some cases, some form of indirect contact through letter box arrangements was negotiated and, as a result, some birth parents and other relatives may have had updates about the adopted child. Direct contact was less usual, and the courts were reluctant to make enforceable contact orders, either at the time of making the adoption order or later. Where either indirect or direct contact arrangements were agreed, this may not have included all birth relatives, and many contact plans have not been kept up over time.

The current availability of intermediary services is sparse. There is no statutory requirement for the local authority or Regional Adoption Agencies to provide them. As a result, in most situations, persons seeking an intermediary service will have to be able to self-fund the service through an independent agency.

## 7.2 Providing intermediary services for birth relatives

### Definition of birth relative

“Relative”, in relation to a child, means a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by marriage or civil partnership.

### Section 98(7) Adoption and Children Act 2002

This is the same definition as in the Children Act 1989.

When the agency providing the intermediary service is not the AAA, it is important to explain to the applicant that the agency is required to find out the AAA’s view on the provision of this service. This can be a lengthy process due to the waiting time the intermediary agency often encounters before receiving this information. It is important to both prepare the applicant for this potential delay and to recognise how frustrating this can be. Timescales will vary and the agency should ask the AAA for an indication of how long their reply will take and inform the applicant of this.

Chapter 5 sets out the requirements on the agency providing these services and which agencies can do so. If the agency to which the application is made does not have the capacity to take up all the requests it receives, it must give priority to requests where the adoption took place before 12 November 1975 (R5.2). Priority should also be given to requests from those suffering from life shortening or life-threatening illness. An agency providing an intermediary service cannot pass any identifying information about the adopted person to the birth relative without the adopted person’s permission (R.7.1 & 7.4). This is to protect the privacy of the adopted person.

Some intermediary agencies will not have the resources available to search for the adopted person and may request assistance from another agency or individual that has the resources to do this. The intermediary agency remains responsible for making the approach once the adopted person has been located. It may use the services of an independent researcher or genealogist who is not required to be registered as an adoption support agency, provided their service does not include any element of intermediary work, for example, contacting the adopted person.

Birth relatives can register a wish for contact or no contact on the Adoption Contact Register (ACR) held at the General Register Office (GRO). They can also write to the adoption agency that arranged the adoption (AAA) to inform them of their wishes. However, birth relatives do not have the right to register a qualified or absolute veto regarding being contacted. This provision only applies to adopted people who were adopted before 30 December 2005 and is discussed in Chapter 4.

Flowcharts 4 and 5 (in [Appendix 2](#)) cover the processes to be followed when working with birth relatives seeking an intermediary service to make contact with an adopted person.

## **7.2.2 Where the intermediary agency is not the agency (AAA) that placed the child for adoption**

### **National Minimum Standard 16.3**

The Appropriate Adoption Agency and the Intermediary Agency agree a timescale for responding to an enquiry and keep the Intermediary Agency informed of the progress (or lack of progress) of their enquiry.

Regulation 12 enables the intermediary agency to request information from the AAA to assist with tracing the subject (R12.3.c.i). Regulation 12.4 requires the AAA to take 'reasonable steps' to provide the information (including 'identifying information') to the intermediary to progress the application. Delays in AAAs responding to 'regulation 12' requests need to be minimised – see chapter 5.3.3.

The AAA will need to share more information with the intermediary agency than simply the information that appears on the adoption certificate, for example, the adoptive parent(s) address at the time of the adoption and any post adoption contact arrangements. Providing background and updated information informs the process of tracing the adopted person, avoiding more intrusive search methods.

The AAA should indicate clearly what information is being provided solely to help the intermediary agency to locate the adopted person and is not for use in working with or sharing with the applicant. The AAA may, for example, disclose to the intermediary an up-to-date address of the adopted person to assist the search. Where the AAA is responding to the intermediary agency's request under Regulation 12, there is no requirement on the AAA to seek consent from the adopted person to disclose the information held on the adoption record, and therefore that person should not be contacted. The intermediary must not disclose the address or other identifying information to the birth relative without the adopted person's consent.

Before proceeding, the agency providing intermediary services must take account of the information and views the AAA has provided, including whether the adopted person has been in touch and/or has registered a veto. (N.B. If the adopted person has registered an absolute veto, the agency cannot contact them. See [Chapter 4.4.2](#) for details of registering absolute and qualified vetoes). It must then make its own assessment of the current situation of the birth relative, and any other relevant facts, to determine whether it is appropriate to proceed with providing an intermediary service. It is important that the decision about whether to proceed, and the reasons for this are reported back to the AAA. This will ensure that the AAA can update the adoption record. The intermediary agency should keep the applicant informed of any delays in getting a response from the AAA and should actively pursue their request. There may be situations where the identity of the adopted



person is known to the intermediary, but they cannot get a response from the AAA within a reasonable timescale. Where applicants are elderly or in poor health, or where other reasons mean delay is especially distressing, agencies should balance the risks of delay against the risks of proceeding without waiting for the agency to respond. This decision should be shared with senior colleagues and the agency's reasons for the decision recorded in writing. The AAA should be informed.

Where the birth relative does not know the name of the AAA, the intermediary agency should explain that the General Register Office and the court where the adoption order was made may be able to provide this information, and the costs involved.

Where a third agency was involved in the child's adoption, for example, the adopters were assessed by a different agency to the AAA, the AAA or intermediary agency should also make enquiries of that agency to find out if they have any information that would be helpful for them to be aware of before proceeding with an intermediary service.

### **7.3 Responding to an application for an intermediary service**

Deciding to apply for intermediary services may have come after a long period of consideration and uncertainty for the birth relative and it is important to respond with sensitivity and understanding. When a request for an intermediary service has been received, the application should be acknowledged promptly. Where the birth relative has applied for an intermediary service from an agency they have not previously been in touch with, they should be asked to make the application in writing by letter, email or using the agency's online form. The person may need support to make a formal application.

The agency should send information to the birth relative about the services they provide, and the availability of this service, including if there is a waiting list and any charges they make (ISR 10 and Chapter 12, Statutory Adoption Guidance 2013), as well as information about the Adoption Contact Register and relevant services in their area, including support groups. The information could be provided in a leaflet or standard letter which addresses frequently asked questions and is also on the agency's website. In some situations, it is helpful to offer the opportunity to discuss the enquiry by telephone or through a face to face or online appointment.

What is required by the agency for identity checks, including proof of age as the applicant must be an adult, can be raised at this stage. See [Chapter 5.8.5](#) for details of verification of identity.

The intermediary agency does not have to proceed with the application if it considers the request for a service is 'inappropriate' (R6.1). For example, the agency may have a policy that it usually will not proceed with applications from birth relatives who only want to complete a family tree.

### **7.3.1 When the applicant is not a birth parent**

Where an application is received from a relative other than a birth parent, for example, a sibling or a grandparent, it is important that the intermediary worker clarifies whether one or both birth parents are aware of their request and what the birth parent's views are about getting in touch with the adopted person. Where it seems that the birth parent would welcome news of the adopted person, all efforts should be made to involve them from the outset, before an approach is made.

If it appears that the birth parent would not want contact, the effect this might have on the adopted person needs to be considered. The approach to the adopted person in these circumstances would give both a positive message from the sibling/other relative and a negative message from the birth parent. It is important that birth relatives understand the profound impact that such conflicting messages may have on an adopted person.

Where birth parents have not been informed of the application for an intermediary service, the worker should advise the sibling/relative that where possible they should talk to them about it before proceeding with their application. There may be exceptional circumstances where the applicant does not wish the birth parent to know of their application (for example, where there has been abuse by a parent, or where family members are estranged from each other). In such complex situations, it is important to consider all the possible options with the person making the application. It would also be helpful to discuss benefits and disadvantages with colleagues and a manager about the way forward and it may be judged appropriate to continue with the intermediary application without the birth parents' involvement.

### **7.3.2 Where the intermediary agency does not know the name of the AAA**

If the intermediary agency does not know the name of the AAA, it can apply to the GRO, using Form AF3, to obtain the following information:

- The name of the Appropriate Adoption Agency (if held by GRO)
- Details of the court that made the adoption order
- The information required to obtain a certificate from the Adopted Children Register
- Information from the Adoption Contact Register.

Quite often, the GRO does not hold the name of the AAA. However, the local authority in the area where the court was, or the court itself may have records which indicate which AAA was involved. It may be that there was no other agency involved, in which case, if the local authority in the area where the court was situated has any records, it would then be regarded as the AAA.

It is worth noting that there is a single fee payable to the GRO for the above information, so it is worthwhile applying for all the information at the same time.

### **7.3.4 When a birth relative is living abroad**

See [Chapter 5.8.3](#) for details.

## 7.4 The Intermediary Consultation Meeting

### 7.4.1 Preparing for the meeting

This meeting provides an important opportunity for a birth relative to discuss and think through the issues associated with trying to locate and contact an adopted person before taking the next steps. These issues are complex and sensitive, and careful preparation can help the meeting to be supportive and facilitate effective communication with the applicant.

In preparation for the meeting, below are some of the issues to consider in advance:

- Check that the agency has verified the age and identity of the applicant, or any person acting on the applicant's behalf and that they are 18 years old or over.
- Before the meeting, ask the applicant to advise of any additional needs and take steps to meet these (see [Chapter 5.6](#)).
- It may be appropriate to seek permission from the applicant to liaise with other professionals involved in their care or providing support services for them, for example, a community psychiatric nurse. Co-working with another specialist can ensure the applicant gets the best possible service.
- Let the applicant know that they are welcome to bring a supporter whom they may want to be present through all or part of the meeting. However, it might be helpful for the worker to speak to the applicant on their own initially to check that they are comfortable for the supporter to be present throughout, particularly if sensitive information is being shared.
- Ask the applicant before the meeting to bring any information they already hold about the adoption, as this may help shape the meeting.
- Provide written information and an explanation about the agency's policy if, while providing the service, there are safeguarding concerns about a child or an adult.

If the birth relative has chosen the AAA to provide an intermediary service, there may be sensitive issues which require consideration, such as whether there is a choice about the venue of the initial meeting, particularly if the applicant is a birth parent and is anxious about returning to a building that brings back difficult memories in relation to the adoption. If the agency can provide a choice of worker, there should be consideration of the relevant knowledge and skills needed, and any preferences expressed by the applicant. The birth relative may choose to use another agency, but they should be informed that this may cause delay as that agency is required to contact the AAA for a view about providing intermediary services before deciding to go forward with the application.

If a face-to-face meeting is not possible, some agencies may be willing to offer the meeting through a telephone or video discussion. Adoption workers working in this way should be appropriately trained and supervised. The sensitive nature of the meeting means that in all cases, care should be taken to confirm the birth relative's identity through a range of documents, including those with photo identification if possible.

### 7.4.2 Reading the adoption records

Where adoption records are available, the intermediary worker should read them before

meeting the birth relative to be familiar with what was recorded about the circumstances of the adoption, the placement details, and any information gathered after the adoption. The worker will need to bear in mind the period and context in which they were written, the possibility they may include inaccuracies and may not reflect the perception and experience of the birth relative. The records may contain personal opinions and value judgements which would not be acceptable today in professional case recording. This is likely to be distressing for the birth relative.

Sometimes the intermediary worker may decide to meet the birth relative without any prior knowledge of information held on record. However, reading the record before the meeting may highlight significant areas that need to be addressed. For example, if the information recorded states that the adopted person has died and that has been confirmed, the worker would need to consider how to share this information with sensitivity. Having information before the meeting also enables the worker to identify any aspects where the recollection of the birth relative varies from the agency record. They can then consider with the birth relative why the events as recorded on the file might differ from the relative's account, and how best to address this.

Sometimes, if the worker knows there will be a delay in getting the record from the archives, it may, on balance, be helpful to have an initial meeting with the relative to explore their recollections and wishes and to prepare for disclosing information.

### **7.4.3 Using the adoption records in the consultation process**

#### ***Sharing information with birth parents***

An intermediary (if not the AAA) may have received background information from the AAA in response to the request under Regulation 12. The intermediary must note what background information the AAA has agreed may be shared with the applicant and what information is only for the agency to use to inform the search for the adopted person. When sharing non-identifying information, the intermediary needs to take care that the AAA has specified that this information can be shared.

If the AAA is providing the intermediary service and it becomes apparent that the applicant did not receive or retain information received at the time of the adoption, the worker can offer to provide non-identifying information about the adoption and about the adoptive family, which would have been available at the time of the adoption. For example, a non-identifying description of the adoptive parent's situation at the time, such as they already had an older child who was also adopted. Care must be taken not to share information about other people which may not have been known to the applicant at the time of the adoption. For example, the agency may have recorded information shared confidentially by the birth father which was not known to the birth mother. Whilst the agency could share information recorded about the birth mother with her, this personal information about the birth father should remain confidential.

The intermediary worker must be mindful that one piece of information on its own or together with another piece of information already known to the applicant or shared previously may enable the birth relative to identify the adopted person or members of their

family (R7.4), and that no identifying information may be given to the birth relative without the adopted person's permission (R7.1 & R7.3).

Some identifying information is easy to determine, e.g. an individual's name, address and occupation are all clearly identifying. The names of the adoptive parents, their address or their occupation is also identifying information. Adoption workers may not disclose the adopted person's name if it is different to the name that they were given at birth, as it can become identifying information when combined with the date of birth and the name of the area where the adoption order was made. Where there is uncertainty as to whether information could identify the subject, the worker should consult their manager and, if necessary, the agency's legal adviser. Decision making about identifying information should not be left to an individual worker: it is for the agency to decide.

Even where a veto applies under Regulation 8 or the person does not consent to their identifying information being shared or consent cannot be obtained [R7], the intermediary agency may still disclose some background information to the applicant; that is, any information about the adopted person that is not identifying information and that the agency considers it appropriate to disclose. This is subject to assessing what is known already to ensure that inadvertently the new information does not enable the adopted person to be identified [R9].

Informing an applicant that the subject is married may not be identifying information. However, if the birth relative knows, for example, that their adopted relative was adopted by an Italian couple who were engineers, this could enable a birth relative to search the marriage indexes looking for marriages with an Italian surname. Purchasing copies of these certificates could narrow the search even further by looking for the adoptive father's or adoptive mother's occupation. In this example, it would be important to determine, before giving any information, what the birth relative knows about the adopted person and their adoptive parents, so that any information given cannot be put together with information already held by the applicant to identify the subject (R7.4).

There may be circumstances where there is sad and distressing information about the adopted person and, if it is appropriate to disclose, the worker should share this carefully and sensitively and suggest a range of available support.

Care needs to be taken when indicating where the adopted person was brought up or is now living. There may be no problem in saying that the adopted person grew up in the UK, or in the North of England; but identifying a small county or community as a place of residence could reveal identity. This may be particularly relevant for transracial placements.

Paying attention to the presentation of material shared with a birth parent is important. A neatly presented folder including a full written summary of information on the record related to the circumstances of the adoption (but excluding identifying information about the adopted person or adoptive parents) may help a birth parent feel that their experiences are valid. This may be painful for a birth parent to receive but can also act as confirmation that they are important. It also gives them some control to make changes to the records-as discussed below.

It is important that a written record is kept of what information, identifying and non-identifying, has been shared. Where identifying information is shared, the worker must also evidence that this was with the adopted person's permission

### **Summary of information from the records which CAN be shared with a birth parent**

Unless it is recorded that information should be withheld for a specific reason, the following may be shared with a birth parent but not usually with other relatives:

- Notification of date of placement of the child with the adoptive family.
- Non-identifying information about the adoptive family.
- Notification of the adoption hearing.
- Name of the court where the adoption order was made.
- Copies of correspondence written between the birth parent and the agency.
- Any documentation provided by or previously given to the birth parent at the time of the adoption.

### **Summary of information from the records which CANNOT be shared with a birth parent without consent**

Identifying information about the adopted person may NOT be shared. For example:

- Any change of given names made at the time of adoption. The adopted person should always be referred to by the name that is on their birth certificate, unless the birth relative is already aware of the adoptive name
- The name of the adoptive family.
- Other information which taken on its own or together with other information already known to the birth relative is sufficiently identifying to enable the applicant to trace the adopted person and/or adoptive family, for example "the adoptive parents lived in the Midlands and ran their own craft shop" (ISR 7.4).

### ***Offering the opportunity to birth parents to place a statement on the adoption record***

It is often helpful for birth parents to be offered an opportunity to read what was written about them and the birth family, including what has been recorded about the circumstances of the adoption. It may give them some indication of what information was given to the adoptive parents, which may have been shared with the adopted person. For some birth relatives, this may be their first opportunity to receive information about themselves written on the case record.

Sharing information from records may be a distressing and emotional experience for many birth parents, as it can bring back the feelings and emotions they experienced at the time of the adoption. The records may have been written in a way that reflects the norms of the time, but which now appears judgmental or lacking in compassion for the birth parents and their family. Sharing information thus places particular demands on the intermediary worker to attend to the key principle of 'responding sensitively' to each individual (see Chapter 3.3.2).

If the birth parent considers there is inaccurate information recorded, they should be invited to write their own account that can be kept on the adoption record. If the adopted person subsequently asks for access to the adoption record services (See [Chapter 4](#)), the worker involved in providing this service will need to explain the reasons for the two varying accounts.

### **Supporting a birth mother to place a revised statement on the adoption record**

#### **Case example: Barbara**

*The records about the circumstances leading to the adoption of Barbara's daughter stated that her baby was conceived at a party and that Barbara only knew the birth father's first name. She gave no other information about him at that time. However, during the consultation meeting, Barbara revealed that the birth father was a man she had known for many months. As he was a married man with children, she had not revealed his name to protect him and his family. After discussion, Barbara decided to write a revised statement including details of the father, to be added to the record.*

### **Sharing information received after the making of the adoption order**

Adoption records may contain information received since the adoption, such as news of progress at school, health problems, achievements, or requests for adoption support. Occasionally, photographs may be received. Careful consideration needs to be given to the reason this information was provided to the agency and whether it should be passed on to the birth relative.

If the information was provided with the clear expectation that it should be passed on to the birth relative, a different view may be formed from information that was clearly provided just for the agency. Under ISR 7, the adopted person must consent to any identifying information about them being disclosed. However, if the adopted person does not consent, the agency has a discretion under ISR 9 to disclose non-identifying background information.

Any information received after the adoption order was made should be considered by the intermediary in deciding whether a direct approach to the adopted person is appropriate.

When an AAA is not providing an intermediary service themselves but has commissioned another agency to do this on their behalf, the AAA will need to decide what information from its post adoption records is appropriate to share with the other agency or intermediary worker. It is important to be clear with the agency undertaking the intermediary work what information can be shared and what must remain confidential. For example, if the adoption agency had been contacted by the adoptive parents because of difficulties of the adopted person in the teenage years, the AAA may share this with the worker undertaking the work so they can take account of this during the consultation meeting. However, they must make it clear that the information should not be disclosed.



### ***Sharing information with relatives who are not birth parents***

When the applicant is not the birth parent and was not involved in the adoption at the time, and when the birth parents are still living, they should not receive any information from the records. If the birth parents are deceased, some background information may be shared after considering the impact of this on everyone concerned. If the birth relative had some involvement at the time of the adoption (for example, a birth mother's sister who helped her when she was going through the pregnancy and adoption), and they provided some information at that time, this information may be shared with them. In such cases, care should be taken not to reveal details and information about the birth parents or other people involved, without their agreement. Both the worker and manager need to carefully consider what if any non-identifying information can be shared and how this may impact on other persons affected by this request (R6).

#### **7.4.4 The Adoption Contact Register**

All birth relatives seeking contact with an adopted person should be encouraged to register their wish for contact on the Adoption Contact Register (ACR), set up in 1991 and held by the General Register Office (GRO). There is an option of naming the agency as an intermediary. Registering on the ACR means that providing there is a match, the birth relative will be informed if the adopted person has registered a wish for contact or no contact (Section 80, ACA02).

If the birth relative chooses not to register, the intermediary agency should request the GRO to check the ACR to establish if the adopted person has registered a wish for contact or no contact, using the relevant GRO form. There is a fee to register on the ACR and for a one-off check to be made. It is worth noting that a one-off check by an intermediary agency without the birth relative having registered means that if the adopted person registers after the check had been made, neither the birth relative nor the intermediary agency would be informed. Therefore, the intermediary worker should encourage registration.

The intermediary worker should also explain that the GRO does not provide a reliable mechanism for informing the adopted person and their relative that a match has been made. For example, it does not have the resources to check that the address on the ACR is current or that the letter has been received by the recipient.

### **7.5 The role of the intermediary in the consultation meeting**

See Chapter [3.1](#) and [5.4](#) for discussion of the intermediary's role in the meeting and key principles for practice.

## What birth relatives may bring to the meeting

### Messages from research, practice and lived experience

- Each situation will have its unique complexity. All adoptions involve issues of loss and identity, and the impact of losing a child to adoption may be lifelong.
- Birth parents may need to talk at length about the events surrounding the adoption and may re-live the intense emotions experienced at that time and in the intervening years. This may also be true for closely involved grandparents, siblings or other relatives who have painful memories of the events before and after the adoption.
- Details of the events surrounding the adoption may have been lost amidst the strong emotions of their separation from their child and it is not unusual for people to be unsure of dates of birth, the sequence of events and other details.
- Some birth parents may appear to have cut themselves off from the trauma of separation and may appear to be less emotional. Others describe having buried their distress at parting with their baby/child to cope with everyday life. They may need to grieve the loss of their baby, before being ready to move on to consider contact with the person that child has become.
- A sibling may have vivid memories of losing their brother and sister through adoption, or they may have suppressed these memories. They may continue to feel the impact of this loss.
- In each situation, it is essential that the intermediary worker provides the opportunity for birth parents and relatives to acknowledge and express past and present feelings about the adoption. This will help to prepare them for a range of emotions that may arise should contact be made with the adopted person in the future.

## 7.6 Areas for exploration in the consultation meeting

Each meeting will be shaped according to a range of factors, including the birth relative's knowledge of the circumstances of the adoption, their stated wishes for the outcome of the meeting and how they are feeling during the meeting. In some cases, especially where there is difficult ground to cover, it may be necessary to offer more than one appointment.

Before beginning the discussion, check that written information about the agency's policy on safeguarding procedures has been shared and briefly explain how the agency will respond if, while providing the service, safeguarding concerns about a child or an adult are raised.

As appropriate, the following areas may be explored:

- It may be helpful to begin the meeting by asking the birth relative to share their hopes, fears and expectations regarding contact with their adopted relative and

what they hope the role of the intermediary will be. This area can be returned to at a later stage in the meeting, but it will set the scene for the worker and guide the ensuing discussion.

- How they have coped with the impact of the child's adoption over the years.
- Any information they have about the adopted person (for example through indirect contact or contact with siblings) and the sources of that information.
- The knowledge, attitude and feelings of other birth family members about the adoption and current enquiry, and how these may change if contact is made.
- What they may be thinking and feeling about how the adopted person and their adoptive family might react to the approach.
- Depending on the level of knowledge that the birth relative shows, the worker may judge it helpful to suggest some potential circumstances relating to the adopted person which might affect the prospects of future contact. For example, an adopted person may have had a stable life, or they may have had or continue to have difficulties such as mental health problems or a range of difficult life experiences.
- Any circumstances relating to the birth relative or their family that they may wish or not wish the adopted person to know about at an early stage. For example, subsequent partnerships and children, issues of sexuality or gender identity.
- Towards the end of the meeting, if not already covered, the worker may explore who is aware of the birth relative's current enquiries or whether they plan to talk things over with anyone. This information can help the worker build a picture of the strength or otherwise of the support network available to them.
- Having asked the birth relative to outline their hopes for contact at the beginning of the meeting, it will usually be necessary to return to this and, as appropriate, to help them to explore the range of positive and negative scenarios and outcomes that they may encounter. This can include their thoughts and feelings about how the contact might affect other people who are closely connected to them or to the adopted person. It is also important to sensitively introduce the idea (and allow space for discussion) that an adopted person may not be traceable or may chose not to respond or that they may have died.
- A particular issue to be introduced, as appropriate, is the possibility of people experiencing intense and powerful feelings towards the adopted person. These feelings may be positive (warmth, affection) or negative (anger, resentment) or often a mixture of both. A discussion of these possibilities can help the birth relative to think through ways of managing their feelings, whatever they may be. Occasionally, the feelings of either party may involve a level of sexual attraction (see [Chapter 5.8](#) for a further discussion of this issue).
- Towards the end of the meeting, there will be various details to confirm. These include:
  - Any questions the birth relative may have and a means of contacting the worker if these occur to them after the meeting.
  - What the agency can offer in terms of how an approach may be made, what personal information can be shared with the applicant.
  - There is need to be transparent about any costs that may be incurred for the birth relative. Applicants should be informed about any sources of help with these costs and/or any alternative provisions which may be more affordable. Costs will create barriers for many birth parents, yet without an intermediary services birth parents have no other route to contacting the adopted person.

- What actions the worker will take after the meeting. This should be confirmed in writing or by email.

### **7.6.1 Support needs**

It is important to consider the support available to the birth relative from family, friends and the agency, as this may be significant through the ups and downs of their next steps. Some birth parents will have kept the fact that they had a child placed for adoption secret from family members, subsequent partners and other children. While pressure should not be put on birth parents to tell close relatives, the implications of maintaining a secret if there is contact and reunion need to be fully explored. Birth parents need to consider how they are going to maintain the secret if the reunion is ongoing, and how the adopted person might feel if their existence is kept secret from other family members. Birth parents are often very worried about telling their other children as they feel it will cause distress and perhaps disrupt their relationships with them. In some cases, this is a valid concern, but in many cases, siblings are pleased that the information has been shared and show concern and understanding for the birth mother's experience.

Workers should outline the extent of the support the agency can offer the birth relative and the adopted person they seek before and after contact. In some cases, additional sources of support may need to be discussed. For example, therapeutic counselling arranged through the health service or other appropriate national or local support or counselling networks. Some people may find it helpful to talk with another birth relative who has experience of contacting an adopted person through an intermediary service. This may be arranged through the agency or a support group.

See [Appendix 19](#) for a suggested format for recording the interview.

### **7.6.2 When a birth relative decides to proceed with an intermediary service**

If the birth relative wishes to use the intermediary service to proceed with a search, the agency should confirm in writing the actions it will take on their behalf. The agency should explain how much contact the birth relative can expect to have with the intermediary agency whilst the search for the adopted person is taking place, and that, while the agency will take all reasonable steps to locate the adopted person, there is no guarantee that the person will be located. The agency takes responsibility for locating the adopted person since no identifying information can be given to the applicant.

As the search progresses, the worker will need to be careful not to reveal information that, on its own or together with other information in the birth relative's possession, becomes information that could identify the adopted person as this is an offence [R17].

Where the agency does not have the resources to locate the adopted person, they may use other agencies or the services of a researcher to carry out this task, which may incur extra costs and charges; the applicant should be made aware of this. In these situations, it is important that there are terms of reference and agreements set up to ensure that the locating agency acts within an agreed remit. See [Appendix 21](#) for an example of an agreement.

### **7.6.3 When a birth relative decides not to proceed with an intermediary service**

A birth relative may decide not to proceed with direct contact. Some may choose instead to leave a letter, photographs, their current address, or other information on the AAA's records, in case the adopted person initiates an enquiry in the future. Some may wish to leave a letter or information to the effect that they do not wish to have contact at the present time, or they may have decided they do not want contact at any future time.

The agency must store this information securely, and originals should be retained, with a clear record of their existence in the records. If the intermediary agency is not the AAA, then the intermediary needs to advise and assist the birth relative to contact the AAA or ask for their consent to pass their details to the AAA, to be retained on the adoption record.

A birth relative may wish to make provision for the adopted person in their will. They should be advised to consult a solicitor, giving clear details in the will of the birth name of the child/person who was placed for adoption, their date of birth and the name of the AAA, if known.

All birth relatives who decide not to proceed should be given information about services that may be available from other organisations. The content of the discussion and contact details should be recorded for all enquiries for future reference. If the AAA has already been informed of the birth relative's application and the birth relative decides not to proceed further, the agency should inform the AAA of this outcome, in case of future enquiries.

## **7.7 Concerns about offering an intermediary service**

See [Chapter 5.2](#) for the legal framework regarding concerns about providing a service.

When processing the application, the intermediary agency must have regard to the welfare of the adopted person, birth relatives and other persons who may be affected by the application (R6.2.a). There is no obligation to proceed with the application if the agency considers it is not appropriate to do so (R6.1).

In some situations, there may be concerns when a birth relative does not want certain information to be passed to the adopted person. The intermediary worker should consider how crucial this information is for the adopted person to make an informed decision and consent for their information to be shared (R7.3). The impact on the adopted person and their family of the birth relative withholding information, particularly in relation to the welfare and safety of everyone involved (R6.2 & 6.3), must be considered. If the birth relative will not agree to sharing information that the worker considers the adopted person needs to know to decide about contact and/or to ensure their safety, the agency may decide that it is not appropriate to proceed. This should be carefully explained to the birth relative and the reasons for the decision recorded.

Where the intermediary agency is not the AAA, concerns should also be reported to and discussed with the AAA and their view must be ascertained as to whether the application is appropriate. This will ensure that the AAA can update the adoption record.

## **A decision not to proceed with an intermediary service because significant information cannot be shared with an adopted person**

### **Case example: Cathy**

*Cathy's daughter Sophie was adopted against Cathy's wishes 28 years ago because of neglect. Cathy was just 16 years old and was not able to cope with the needs of a baby. Cathy would now like to make contact with her.*

*When discussing her current situation with the intermediary worker Cathy explained that she had remarried but could not have any more children. She told the worker that her husband has a police record including a conviction 12 years previously, which indicated he poses a risk of harm to children. The worker talked to Cathy about what information should be passed to Sophie to enable her daughter to make an informed decision about contact. Cathy said that she did not want Sophie to be informed of her husband's police record and convictions as they happened a long time ago. The worker explained that the conviction was for a very serious offence and it was important that Sophie be told so she could make an informed decision about whether to consent to an approach. Cathy remained adamant that her husband's record should not be passed on. She assured the worker that she would inform her once they had met. Following consultation with her manager, the agency decided not to proceed with the application because of the potential risks involved. The AAA was informed.*

The agency understood Cathy's anxiety that Sophie might be deterred from meeting with her if she knew in advance of her husband's offence. However, on balance, it was felt that the responsibility to safeguard the welfare of Sophie and her family was paramount, and that the agency would be failing in its duty if it could not support Sophie to make an informed decision about whether to proceed with contact.

## **7.8 Locating adopted people**

Agencies providing an intermediary service to birth relatives, including locating the adopted person, should always undertake this task with proper regard to the privacy of the adopted person and their family. Identifying information should not be passed to the birth relative unless the agency has confirmed they are deceased or do not have capacity to consent.

If the agency is unable to undertake the work needed to locate the adopted person and requests another agency to do so, it must take responsibility for checking and confirming identified addresses.

It is usually possible to obtain a current address for a person through research in various public records. These include birth, marriage, civil partnership and death records, wills, electoral registers, and telephone directories. Where adoptions were arranged through a

faith-based agency, it may be possible to locate people through these networks. There are also many online resources available that give information about how to locate people.

The most effective resources are fee based and include TracelQ which combines data from different sources (not all of which is available to the public). Genealogical sites such as Ancestry and FindmyPast are also fee based. It may also be helpful to check other online sources such as social media websites and LinkedIn to see if there is any indication of the location of the adopted person. See [Appendix 7](#) for list of resources for tracing.

### **7.8.1 Approaching someone other than the adopted person**

Because the autonomy of the adopted person in deciding whether they want contact with the birth relative should be the key guiding principle, we suggest there are only a very small number of exceptional circumstances where an initial approach should be made to someone else:

- where all other avenues to trace the adopted person have been exhausted or
- where there is information from the adoption records or from the AAA which indicates that the adopted person may lack capacity to understand/respond to the request and/or that a direct approach may be particularly harmful (see for example the case study of David below)



## Approaching someone other than the adopted person

### Case Example: David

*Alison requested an intermediary service so that she could let her birth son, David (24yrs), know of her interest in having contact with him. The agency agreed to provide a service and approached the AAA for their views. The AAA informed the intermediary agency that David's adoptive parents had contacted them 6 years ago after he had been in a motor accident. He had sustained a brain injury which had affected his behaviour and cognition and he needed constant care. Although David was an adult and in normal circumstances a direct approach would be made to let him know of his birth mother's wish for contact, the AAA thought that, in this case, an initial approach should be made via the adoptive parents to find out David's current circumstances.*

*After some discussion, the agency decided that it should contact David's adoptive parents in the first instance, because of the potential risks that a direct approach to David would be unsuccessful (because he may be unable to understand or respond) or detrimental to his welfare (as it is known that he has some serious vulnerabilities). The agency explained this to Alison who was very concerned and upset to learn of David's accident and agreed that contacting the adoptive parents first was the best way forward.*

This case also raised the difficult issue for the agency about how much they should tell Alison about the reason for their decision to contact the adopters. This is complex, as the adopted person may not wish that information be shared with the birth mother. However, the low risk of harm to the adopted person (in passing on non-identifying information) must be weighed up against the harm to the birth mother (of possibly never knowing anything).

When considering contacting the adoptive parents as a last resort attempt to reach the adopted person, it is important to consider potential risks. For example, if, after failing to find any contact details for the adopted person, it was decided to ask adoptive parents for help in locating them, there is a risk that the neither the adopted person nor the birth relative would want adopters to be involved.. However, such a possibility needs to be balanced against the risks of abandoning the search, bearing in mind that this gives the adopted person no opportunity to respond to the birth parent's request. The worker should ensure that they have discussed the situation fully with the birth relative requesting the intermediary service. Some birth relatives may be pleased that the agency is able to seek assistance from the adoptive parents or other adoptive relatives, but others may not wish this route to be used, preferring to place the enquiry 'on hold' until or unless the adopted person can be contacted directly.

If all efforts fail to locate the adopted person, the adoption worker should seek specialist

advice and/or consult with their manager about any further steps that might be taken.

When an adoptive parent responds to an initial enquiry, more general information may be given about the enquiry if this has been agreed with the birth relative, bearing in mind issues relating to the confidentiality of the adopted person. Where adoptive parents are reluctant to put the intermediary in touch with the adopted person, it is often helpful to talk with the adoptive parents to better understand their views and feelings. The adoption worker should offer support and reassurance, try to agree the best way forward, and decide how best to inform the adopted person of the birth relative's enquiry.

In situations where adoptive parents are not in agreement with forwarding communication or telling their adopted son or daughter about the enquiry, it is important to let them know that they do not have a right to prohibit an approach now or in the future. Where the worker knows the contact details of the adopted person, the adoption worker will need to discuss with their manager how to balance the welfare needs of all the people affected by the application, including the adoptive parents. However, the adopted person's rights and needs should be central when making decisions about how to proceed. Agencies should consider this area when drawing up policy and practice guidelines.

When the way forward is not clear, it is often helpful to consult other experienced intermediary workers. It is important that the intermediary is not working in isolation within their agency and making important decisions without their manager being consulted and involved.

## **7.9 Making an approach to an adopted person**

When the adopted person has been located, the agency should have a further discussion with the birth relative by telephone or a further appointment about whether they are ready for contact to be made, timing, steps that need to happen (for example, telling children, partner), or any changes in their situation since their initial interview. It is important that the birth relative is aware that the adopted person will be given as much time as they need to respond to the birth relative's request for contact. Some adopted people will decide immediately or in a relatively short time, whilst others may need months or even years to feel ready for the next stage.

Factors to consider when approaching the subject of an intermediary request are covered in [Chapter 5.8.6](#).

Some adopted people may not expect an approach, particularly if they are not aware of the existence of intermediary services and especially if they do not know that they are adopted. Caution needs to be exercised particularly when approaching people adopted before 1975.

When the letter is sent, the worker should ensure that they are available to deal with the response. It is important to remember not to post letters to arrive at a time when the intermediary worker is not available, for example, at weekends or annual leave. Workers

may want to ensure that they avoid the letter arriving at possibly sensitive times, for example, the adopted person's birthday or the adoption day.

## 7.10 Managing a response from an adopted person

Some adopted people will respond very quickly whilst others may take some time. A judgement will need to be made about when to make a further approach to confirm that the letter has been received and to seek to clarify the position. It is usually appropriate to send a second letter after 4 weeks or so. Where letters are unsuccessful in getting a response, consideration can also be given to contacting the adopted person through other routes such as via social media sites or email.

When an adopted person responds to an initial enquiry, it is important to verify that they are the person sought.

### When the adopted person appears to not know they are adopted

- While most adopted people will know of their adoptive status, there will be occasions where this knowledge has been kept secret from them.
- If it is suggested from an adopted person's response that they may not know of their adoption, the worker will need to handle this sensitively and consider how best to clarify the situation. For example, the worker might ask if the adopted person is aware of any connection with the agency or if they are aware of their family history.
- The worker may need to decide whether to withdraw from the conversation (by perhaps suggesting they need to check their information), or whether to disclose the information there and then. Withdrawing will allow the adoption worker time to check their facts and consider the most appropriate way forward with the support of their manager.
- Workers need to give priority and time to supporting people who discover in this way that they are adopted. Some people who have discovered later in life that they are adopted have said that whilst the initial discovery came as a shock and led to a period of confusion and feeling unsettled, in time they came to terms with this knowledge. For many, it may answer questions and doubts they have been unable to resolve over the years.
- Other adopted people may be very angry about having lived a 'lie' all their lives and more intensive counselling and support may be necessary.
- In the rare situations when the approach has been made through the adoptive parents, they may reveal that they have not told their son or daughter. Work will need to be undertaken to help the adoptive parents consider how best to tell the adopted person about their adoption and about the enquiry from their birth relative. This is likely to be a stressful and emotional time for the adoptive parents. The initial task will be to understand the adoptive parents' reasons for keeping the adoption a secret. Ultimately, however, the adopted person needs to be informed of their adoptive status.

When it is established that the adopted person is aware of being adopted, the main task is to tell them that there has been an enquiry from a birth relative. The worker should provide further details according to the adopted person's wish to know more. It is important to go at the adopted person's pace, giving them enough time to consider the enquiry's full implications and what this might mean for them and their families. The worker should offer to help the adopted person explore their thinking and feeling and encourage them to see an adoption worker for a face to face or telephone discussion.

If the enquiry has been initiated by someone other than the birth parent and if the birth parent is already known to be deceased, this information should be shared sensitively. The worker should be mindful that this may be the first time that the adopted person finds out that their birth parent has died. Equally, if the enquiry has been initiated by someone other than the birth parent and if the birth parent is still alive, the reasons why the enquiry has not come from the birth parent also needs to be shared in a sensitive manner.

Responses to an enquiry vary tremendously. Some adopted people may wish to have full details of the enquiry immediately and quickly establish direct contact with the birth relative. Some people are more cautious, while others are clear they do not want information. Whatever the reaction, it is the responsibility of the intermediary worker with the support of their manager to balance the wishes and feelings of those involved to try to agree a way forward.

It is important to stress that it is up to the adopted person to decide whether and how they wish to respond to the birth relative's enquiry and wish for contact and it is the role of the intermediary worker to try to support the adopted person to make informed decisions about their response. Although the intermediary worker is making contact on behalf of the birth relative, it is not appropriate to put pressure on the adopted person by emphasising the birth relative's needs. It is important to reassure the adopted person that they are in control and that they are under no obligation to agree to anything. Any decision they reach must be respected by the agency, including when the adopted person declines the offer of further support in contacting a birth relative (see the following case example).

## Respecting an adopted person's right to decline support

### Case example: Anna

*Diane's daughter, Anna, was adopted 32 years ago. Diane asked for an intermediary service to help her find and make contact with Anna.*

*Anna was located and responded immediately on receiving the letter from the agency. She was curious about the enquiry and, on hearing it was her birth mother who wanted contact, responded positively. Anna knew little about the circumstances of her adoption. The worker suggested that it would be helpful to meet, not only to discuss the implications of the contact, but also to share the information the agency held relating to her birth and adoption. Anna declined – she had made her decision to have contact with her birth mother and felt there was no need to talk about it.*

*Anna did not want to exchange letters but decided to have a face-to-face meeting with Diane. The worker set the meeting up but was not present. The meeting went well. Two years later Diane contacted the agency to let the adoption worker know that her relationship with Anna had continued to develop and that she 'fits in' with her half-brothers.*

This case illustrates how whilst Anna was given information about the support that the intermediary could offer during the initial contact phase and subsequently, the worker respected Anna's autonomy in declining further help.

### 7.10.1 When the adopted person does not wish for contact

If the adopted person does not want contact, the intermediary worker may explore whether the adopted person would consent to a letter and possibly a photograph being provided for the birth relative, bearing in mind that a photograph could be identifying given the availability of facial recognition software.

Regulation 9 recognises how providing non-identifying information can often be helpful to the birth relative if there is to be no contact. The adopted person should also be advised of the option of placing a qualified or absolute veto with the AAA (see [Chapter 4.4.2](#)) and/or a wish for no contact on the Adoption Contact Register if they do not wish to be approached at the request of other relatives or by other intermediary agencies.

Sometimes it can take weeks, months or years for adopted people to feel ready for the next stage after the initial contact. It is important to allow them to reach decisions in their own time and without pressure. It should be made clear to the adopted person that they are welcome to contact the agency at any time in the future, should they later wish to pursue the possibility of contact, or to request more information.

## 7.11 Making contact: preparing and following up afterwards

The practice tasks and considerations when supporting contact initiated by a birth relative mirror those of when the contact is initiated by the adopted person. See [Chapter 6.13](#) and [6.14](#) for further guidance. A brief summary is provided in the box below:

- Help people think through the various ways of being in touch with each other (phone, letters, meeting in person etc) and the pros and cons of these.
- When people want to meet in person, suggest whether they would like to exchange some information in advance to help prepare for this meeting.
- Help people to understand that making direct contact is an evolving process, and a range of outcomes are possible.
- Signpost people to helpful websites and other resources.
- Meetings can work out in a range of ways but are likely to be emotionally intense for both parties. After people have met up, offer opportunities for each party to discuss how the meeting went and think about further steps.
- Make sure people know how to access support in the future.
- It is important to understand the potential challenges that can arise when adopted people and birth relatives contact each other.

## 7.12 Recording and record retention

Recording is an integral part of intermediary work. It is important to record the work undertaken, actions and the decisions made in relation to each case. See [Chapter 5.8.7](#) for details.

## 7.13 Key points

- Birth relatives who seek intermediary services may be connected to historic baby adoptions in the mid-20th Century, when social norms and values and professional practice in adoption were very different. It is important for intermediary workers to understand the social context of these adoptions, so that they can respond sensitively and offer appropriate support to these birth relatives.
- Most birth relatives seeking an intermediary service have feelings of grief connected to the loss of the child who has been adopted. For some, these may be intense and lifelong. While the intermediary worker should not make assumptions about the feelings that a birth relative brings to the meeting, they should always bear in mind that difficult feelings may be managed by a range of behaviours including denial and repression. Careful, reflective listening may help the birth relative to feel heard and more able to engage in the meeting.

- Birth relatives may not receive any information from the record that could identify the adopted person. This means that if the adopted person does not wish to pursue contact, the birth relative is powerless to proceed with a search. There is likely to be deep sadness and a renewed sense of loss associated with this. All available support should be offered or signposted.



## Chapter 8

# Intermediary services for people with a prescribed relationship to an adopted person

This chapter covers the provision of intermediary services to persons who are defined as having a 'prescribed relationship' with an adopted person. They are described by some professionals as a person 'related to' an adopted person, distinguishing them from 'birth relatives'. The definition, created by an amendment in 2014 to the regulations for intermediary services, is wider than 'descendants' of an adopted person. The core practice principles and approaches are similar to those when providing intermediary services for adopted people and birth relatives.

There is no statutory guidance explaining to agencies the application of these amendments. To date, there is no collected data about how the extension of intermediary services to this wider group is managed by agencies in practice and no data about the profile of such applicants. Some RAAs may have protocols and procedures in place to support intermediary workers and to ensure clarity in working with other intermediary agencies, when an application is made to an agency which does not hold the case records.

### 8.1 Introduction and definition of 'prescribed relationships'

Prior to 2014, there was growing pressure, particularly from direct descendants and partners of an adopted person, together with intermediary workers, to allow, direct descendants of an adopted person to be able to use intermediary services to assist them, for example, to find out about their family or health history or to trace birth relatives of the adopted person. Some AAAs had used their discretion under regulation 15 of The Adoption Agencies Regulations 1983 to provide information to a descendant, when it had confirmed that both the adopted person and their birth parent[s] were dead. It seemed an anomaly that, for example, direct descendants of the adopted person, were not able to access intermediary services to support them to trace the adopted person's birth relatives. A House of Lords Committee recommended in 2013 that the definition of who could apply for intermediary services should be widened and the government committed to doing so, when the Children and Families Bill 2014 was passing through Parliament.

The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 [ISR] were amended and implemented on 31 October 2014 to allow an

intermediary service provider to offer a service to a person with a 'prescribed relationship' to an adopted person.

### **Definition of 'prescribed relationship'**

#### Regulation 2A

For the purposes of section 98(1A) of the Act, a prescribed relationship is a relationship whereby a person (who is not a relative of the adopted person) is related to an adopted person—

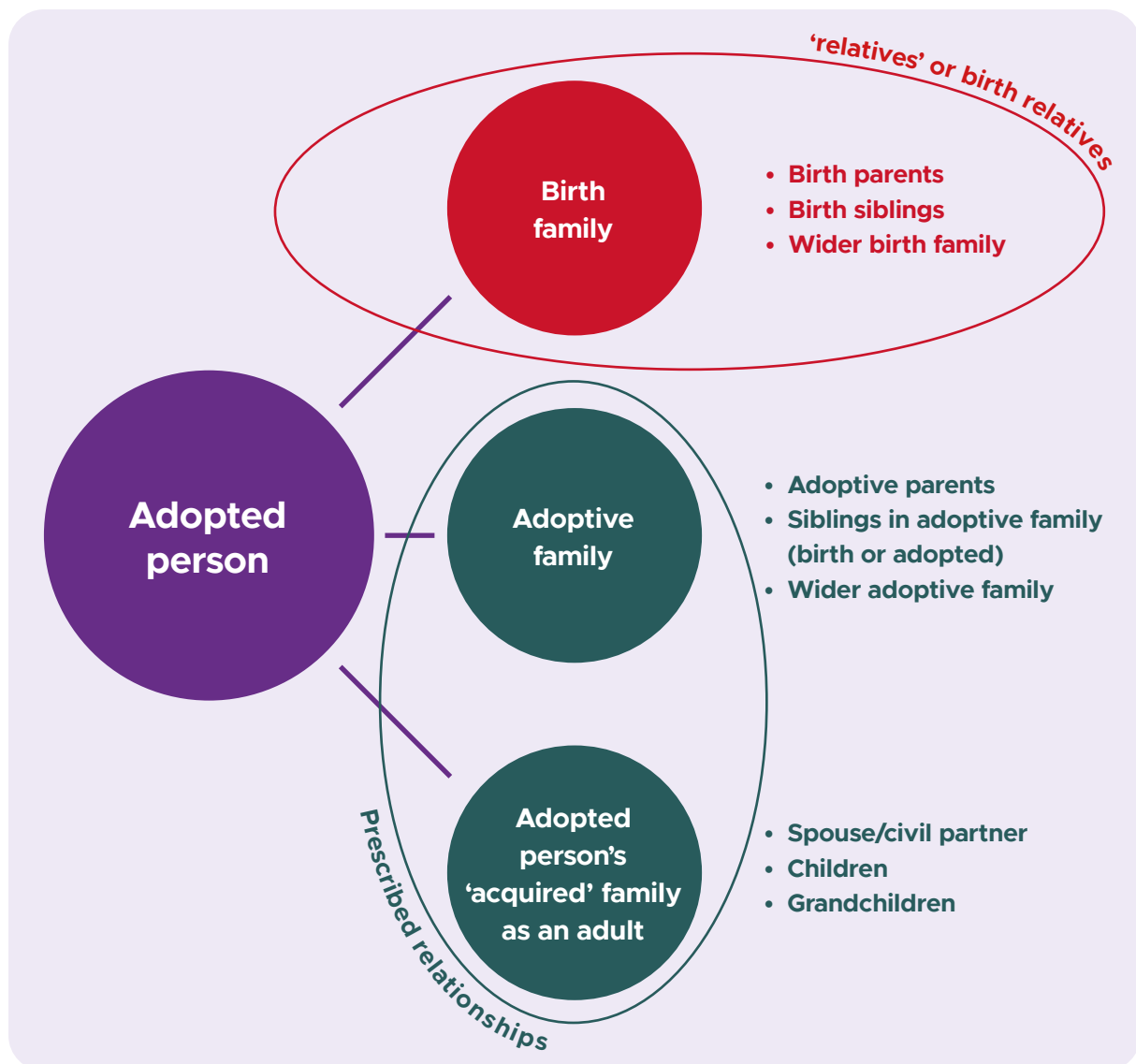
- (a) by blood (including half-blood), marriage or civil partnership; or
- (b) by virtue of the adopted person's adoption

Under the Adoption and Children Act 2002, the term 'relative' means those persons whose legal relationship with the adopted person, but not their blood relationship, ended when the adoption order was made. In practice, these persons are usually referred to as 'birth relatives'; intermediary services for them are considered in Chapter 7. The 2014 amendments did not change the term 'relative' in the Act; instead, in the Regulations, an additional group of persons were defined as persons with a 'prescribed relationship' to the adopted person. This group of persons, 'related' to an adopted person, have the right, like an adopted person or a birth relative, to apply for intermediary services.

### **Who is included in the term prescribed relationship?**

In practice, there are three groups of people who come within the definition:

- Direct descendants of an adopted person — for example, children, grandchildren, and great grandchildren who may wish to know about their adopted parent's or grandparent's history and reasons for their adoption and, potentially, to be in contact with the birth relatives of the adopted person.
- A spouse or civil partner of an adopted person, who may have a reason to contact, for example, birth relatives of their partner, who was adopted.
- A group of persons 'related' through the adoption order—for example, a sibling of an adopted person (who may or may not also have been adopted). This definition also includes an adoptive parent wanting to trace birth relatives of their adopted son or daughter.



## 8.2 What requests are practitioners likely to receive?

The primary reason for the change in law was to enable the descendants of a deceased adopted person to find out background information about their origins, and sometimes to make contact with a birth relative, if this was also their wish. This was extended to include the rights of others who became relatives by the adoption.

At the time this change in law was discussed in 2013, it was not envisaged that it would be used in situations where the adopted person (the subject) was still alive except in exceptional circumstances, for example, where the adopted person did not have the capacity to give consent or when there was an urgent need for more medical information.

### 8.2.1. Requests from descendants or others related to the adopted person, where the adopted person has died

Although data are not routinely collected about which groups under the prescribed

relationships category have sought to use these provisions, feedback from those working in the field suggests that in the majority of cases the person requesting a service is likely to be the descendant of an adopted person who has died.

In some cases, the person requesting a service may already have identifying information that would enable them to independently trace birth relatives e.g. they may know the adopted person's birth name and could therefore apply for a copy of the birth certificate, which would contain identifying information about the birth parents, place of birth et cetera. Examples of reasons why descendants, who already know the adopted person's birth name, might come forward for a service include: wanting additional background information from the adoption records, for example about the reason why their relative was adopted; wanting to find out if there is any relevant medical information on the adoption records; wanting help to trace and connect with surviving members of the birth family.

Other people requesting a service may have no identifying information about the adopted person's birth identity. Again, their reasons for requesting more information are varied, and, in some cases, the motivation will include wanting to trace birth relatives by themselves, or to be supported by an intermediary to contact members of the birth family.

In any of these scenarios above, although the adopted person has died and therefore their consent cannot be obtained, the intermediary agency has a duty to check the adoption record (or to ask the AAA to check the adoption record) to ascertain if the adopted person had registered a veto. The procedures that need to be followed are discussed in detail in sections 8.3, 8.4 and 8.5.

The case examples of Carly and Roger below illustrate some of the considerations of intermediary work when supporting descendants of an adopted person who is deceased. These include decision-making about whether or not to provide identifying information from the adoption record and considering the impact of providing an intermediary service on everyone likely to be affected. Providing identifying information from an adoption record obviously has implications in terms of revealing the identity of birth parents. Thus, whether birth parents are likely to be alive is an important consideration, as their consent will be needed to share identifying information about them.

## **Providing non identifying information and offering an intermediary service**

### **Case example: Carly**

*Carly was 23 years old when she approached the adoption agency that was involved in her mother's adoption, following her mother's death. Her mother Susie died 18 months ago from leukaemia when she was just 44 years old. Susie had often spoken about finding her birth parents but just never got around to it. Carly therefore wanted to contact her maternal birth grandmother (Susie's birth mother) to let her know that her daughter had died, and also to find out if she would like to have contact.*

*The adoption records showed that that Susie's birth mother was 16 years old when she gave birth. The worker at the AAA considered that the birth mother was probably still alive (she would now be in her early 60s). As the birth mother's current circumstances were unknown, the agency's decision was that only non-identifying information should be disclosed. However, they offered to support Carly to access an intermediary service, to find out if the maternal birth grandmother would like to have contact.*

## **Where the birth parent of the adopted person is likely to have died: using discretion to provide identifying information**

### **Case Example: Roger**

*Roger (aged 55) had always known that his late father, Trevor, was adopted. Roger was keen to find out more about his father's origins and family background, but his father had been reluctant to talk about his adoption and had no interest in seeking information about his adoption or his birth name.*

*Following his father's death at the age of 88 years, Roger contacted his local Regional Adoption Agency to discuss how he could find out more about his father's adoption to begin a search for birth relatives. They gave him information about how he could apply for an intermediary service and explained that the intermediary worker would be able to apply to the General Register Office for a copy of Trevor's original birth certificate and any additional information.*

*The RAA accepted Roger's application for an intermediary service. The worker applied to the General Register Office using the AF5 form (Application for adoption information on behalf of a person with a prescribed relationship to an adopted adult), enabling the agency to obtain a copy of Trevor's birth certificate. The intermediary agency was not able to find out whether an agency was involved in the adoption or if his adoption had been arranged privately.*

*The worker, in consultation with her manager, considered whether they should pass on identifying information from the original birth certificate, using the agency's discretion under regulation 7. They considered all the facts, including the likelihood that Trevor's birth mother (Roger's grandmother) would be dead. They also thought about the potential impact of disclosing identifying information, for example, on any other children of Trevor's birth mother. On balance, taking account of the factors in regulation 6 and the fact that the Intermediary Agency can use its discretion, if the subject of the application is deceased, a decision was made to share with Roger details of Trevor's mother (Roger's birth grandmother), whom the agency had confirmed was deceased by a check of the death register. This identifying information would enable Roger to conduct his own search using public records to locate members of his late father's birth family. The intermediary worker also helped Roger to think about how any members of his father's birth family might feel about him making approach, including the possibility that they may not be aware of Trevor's existence.*

### **8.2.2 Applications where the adopted person is still alive**

Feedback from practitioners suggests that applications from those related to a living adopted person are unusual. Some people may come forward in situations where the adopted person lacks capacity to make a request themselves. For example, the son or daughter of an adopted person, who is now very elderly and has dementia, may be seeking information from the adoption record and/or contact with birth relatives. Section 8.5 outlines how to approach the work in this type of scenario – the key issue being establishing the capacity or lack of capacity of the adopted person to decide about the specific request.

It is possible that people in a prescribed relationship to the adopted person may wish to ask for non-identifying or identifying information from the adoption records, and/or an intermediary service, when the adopted person is alive and agrees with the application going ahead. Providing the informed consent of the adopted person can be established, a service may be provided in this scenario. For example, an adopted person may have no interest in their background or birth family, but they do not object to their son or daughter finding out more about their adoption if this feels important to their sense of identity.

## **8.3 General practice requirements and principles**

### **8.3.1 Provision of services**

Who can provide intermediary services for persons with a prescribed relationship is the same as for other groups, as set out in Chapter 5. As noted in Chapter 5, whilst the law allows agencies to provide intermediary services, it does not oblige them to do so. When agencies are not able to provide intermediary services for any or all groups, they must signpost the applicant to an agency that can help (R10.1 & 10.2). Some agencies may provide a service to descendants – for example, to children and grandchildren but perhaps not great grandchildren – and partners of an adopted person but not for other persons who

come within the definition. This should be clear in the agency's statement of purpose and information on their website.

### **8.3.2 Verifying the applicant's relationship with an adopted person**

If the agency provides this kind of intermediary service, it must verify the identity of the applicant and their 'relationship' to the adopted person. It must check the necessary documents provided by the applicant to confirm they have a 'prescribed relationship' with the adopted person, e.g. by requesting certified copies of birth and marriage/civil partnership certificates or any other relevant certificates. If the applicant states that the adopted person is deceased, the applicant should provide a certified copy of the death certificate. The agency must confirm the age of the applicant to ensure they are an adult. Where a person states they are acting on behalf of the applicant, the agency must satisfy itself that the person is authorised to do so by the applicant and the applicant has capacity to give such authority.

### **8.3.3 Initial considerations**

As when providing intermediary services to other groups, the steps the agency and intermediary worker need to follow depends on whether the application is to an Appropriate Adoption Agency (AAA) or an Intermediary Agency (IA). The AAA will hold the case records and has powers which the IA does not have. If the application is received by an IA, it must find out the views of the AAA about providing the intermediary service and the other necessary checks under regulation 12 such as whether the adopted person has recorded a veto (see section 5.3.3). Ascertaining if the adopted person is alive is a key initial consideration and this fact, plus the adopted person's views, will determine the possible next steps.



## Considering applications from people with a prescribed relationship to an adopted person – how this varies by status of the adopted person

| Status of adopted person  | Can proceed to help person in prescribed relationship  | Can use discretion to share non identifying information<br>(care must be taken that information given cannot be triangulated with other information already know, leading to identification) | Can use discretion to share identifying information about adopted person (e.g. birth name)   | Can proceed to provide intermediary service to make contact with birth relatives of adopted person (after relevant checks and considering factors set out in R6 – see section 8.4.1) |
|---|--|--|--|--|
| Deceased  | YES (proof person has died needed, and any veto recorded by adopted person is considered and given weight) | YES  | YES, but...<br>- views of people who would be identified (e.g. birth parent/s) must be considered and their consent gained.<br>- if person who would be identified (e.g. birth parent) has died, information can be shared using discretion.   | YES  |
| Alive – refuses consent   | NO   | YES  | NO   | NO   |
| Alive – lacks capacity to decide  | YES (mental capacity must be checked)  | YES  | YES, but...<br>- views of people who would be identified (e.g. birth parent/s) should be considered and their consent gained.<br>- if person who would be identified (e.g. birth parent) has died, information can be shared using discretion. | YES  |
| Alive – gives informed consent  | YES  | YES  | NO   | NO   |
| Alive – but has placed veto on the adoption records expressing wish not to be contacted | NO   | YES  | NO   | NO   |
| Cannot be found   | YES (providing 'reasonable steps' have been taken to find them)  | YES  | YES, but...<br>- views of people who would be identified (e.g. birth parent/s) must be considered and their consent gained.<br>- if person who would be identified (e.g. birth parent) has died, information can be shared using discretion.   | YES  |

Where more than one agency is involved, they need to work in collaboration to protect the rights of the applicant and the subject, whilst also protecting the privacy rights of the adopted person. The IA needs to know what information it must provide to the AAA before going ahead with an application. The AAA must ensure that it has systems in place to respond to the referrals made under Regulation 12 within a reasonable time. To avoid undue delay, it is likely to assist all concerned if there are clear protocols to ensure that each agency is clear at the outset what preliminary actions and information is required to comply with their respective duties under the regulations.

#### **8.3.4. Sharing information from the adoption records with people in the prescribed relationship category**

If the applicant is asking for identifying information (for example, an adopted person's daughter would like to know her mother's birth name) or wants to trace and possibly connect with birth relatives of the adopted person, the agency must, if it provides intermediary services, respond to the application as a request for intermediary services and comply with the requirements in the amended regulations. The agency has a duty to consider the impact on all persons affected by sharing information (R6) and, if it is not the AAA, the IA must consider the views of the AAA (see section 5.2.6).

Providing the applicant with identifying information, such as the birth name of the adopted person, effectively enables them to carry out their own search for birth relatives of the adopted person and to make contact without the support of an intermediary for either party. This is often an appropriate way forward. However, when deciding whether or not to disclose identifying information when the adopted person has died, it is important to examine all the factors, e.g. the age of the adopted person when they died, particularly if they were young, as well as whether the birth parent(s) are deceased. In some circumstances, as in Clara's application, it may be more appropriate to offer non-identifying information alongside the provision of an intermediary service to contact birth relatives of the adopted person.

Where the applicant is not asking for an intermediary service but is asking for general information about the adopted person with whom they have a prescribed relationship, the agency has a discretion to provide such non identifying information as it considers appropriate [R9]. The agency must ensure that non identifying information will not result in a birth relative being identified by information already known to the applicant.

### **The adopted person has died: decision to provide only non-identifying information to their spouse**

#### **Case example: Clara – spouse of the adopted person (Liam, now deceased)**

*Clara's husband Liam died of a heart attack 12 months previously, aged 40. Liam was adopted from care when he was 8 years old. He had found it difficult to talk to Clara about his time in care and his adoption, but she knew that his adoption had been arranged by the local authority where he lived as a child. Clara contacted the local authority's adoption team as she wanted to obtain information about Liam's family background and to understand why he was placed for adoption. She explained that she would then decide whether to contact Liam's birth family. After consultation with the manager, the adoption worker gave Clara non-identifying background information, including the circumstances of the adoption. She also explained to Clara that if she did want to contact the birth family, she would need to apply for an intermediary service to do so. The worker gave Clara an information leaflet about intermediary services for people with a prescribed relationship to an adopted person.*

*In this case, although the adopted person had died, the worker considered that Liam's birth parent/s may well still be alive, and that releasing identifying information also had implications for them and their consent would be needed. Offering an intermediary service meant that the consent of Liam's birth parents and family for the release of any identifying information would be sought, and support could be offered to both parties.*

## **8.4 Responding to an application for intermediary services from a person who has a prescribed relationship to the adopted person – where the adopted person has died**

### **8.4.1 Where the application is made to the AAA**

The intermediary worker on behalf of the AAA must:

- Make all necessary identity checks to confirm that the applicant is a person within the definition of 'prescribed relationship' [R11.e] and that the adopted person has died. This will include ensuring that identity documents and relevant birth, marriage and death certificates are properly verified.
- If the person states that they wish to act on behalf of the applicant, the agency must satisfy itself that this person is authorised to do so by the applicant, and the applicant has capacity to give such authority.
- Establish whether the applicant just wants non-identifying background information (see section 8.3.4) or whether they want identifying information from the records and/

or help to trace and possibly make contact with birth relatives of the adopted person.

- Check that the birth relative they may be seeking identifying information about or to make contact with is an adult (the agency cannot proceed if the subject is a child).
- Check the records for a veto or qualified veto made by the adopted person or any information they requested about an approach being made to be placed on the records. If the adopted person is deceased, the veto does not endure. However the adopted person's wishes as stated in the veto should be considered.
- Provide information in writing about the availability and costs of consultation (advice and support) (see [Chapter 5.8.2](#)).

In situations where the agency decides to go ahead with providing an intermediary service they then should:

- If necessary, apply in writing to the General Register Office for information from the Adopted Children Register and the Adoption Contact Register [R13.1.c & d]. This may be needed to obtain information that the applicant requires to obtain a certified copy of the adopted person's birth certificate [R13.2]. The application is made using the AF5 form.
- Take reasonable steps to locate the subject of the application (e.g. the birth parent or other birth relative of the adopted person); if the person is located, the agency must offer advice and support to enable them to make an informed response to the application.
- Consider and weigh up the factors specified in regulation 6 (see box).

#### **Factors intermediary agencies must consider before sharing identifying information (ISR R6)**

- The welfare of the applicant, the subject and any other persons who may be identified or otherwise affected by the application (having particular regard to any children)
- Any views of the Appropriate Adoption Agency
- Any information obtained from the Adoption Contact Register
- All the other circumstances of the case

### **8.4.2 Recording any decision**

The AAA must record its reasons for its decision to proceed with the application and record what identifying information it has shared with the applicant. Likewise, if the agency decides not to either accept or proceed with the application, the reasons for this must also be recorded.

### **8.4.3 AAA exercising discretion to share identifying information**

The AAA retains its regulation 15 discretion (to share information held on the adoption record), but it must first go through the process set out in the amended regulations. When exercising its discretion to disclose information from adoption records, it must have regard to data protection principles. By following the steps above to inform its discretion,

it is likely that the agency, if challenged by persons affected by the adoption, will be able to justify its decision.

#### **8.4.4 When the application is made to an intermediary agency which is not the AAA**

When the applicant already knows the name of the agency involved in the adoption, the intermediary worker should advise them to contact that agency. If records still exist, the AAA may be able to provide non-identifying background information and also explain the process of an intermediary service.

When an intermediary agency does not have the adoption records and if it accepts an application, it will need to do the preliminary work of checks and interviewing the applicant to ascertain what information they have already about any birth relatives of the adopted person. The IA does not have the discretion the AAA is given under regulation 15.

The intermediary agency will need to work in partnership with the AAA holding the adoption records. The steps include:

- Making diligent identity checks and also verify, if a person is acting on behalf of the applicant, that they are authorised to do so.
- Taking 'reasonable steps' to find out if an adoption agency was involved with the adoption and therefore is likely to hold the adoption records [R12.1].
- If necessary, applying to the General Register Office (using the AF5 Form) or to the court which made the adoption order, if that is known, to request this information or to the local authority where the adoption took place [R12.2 and R13] to establish the details of the AAA.
- If the Appropriate Adoption Agency is established, the intermediary agency 'must take all reasonable steps' [R12.3] to contact that agency to find out if an absolute or qualified veto is on the adoption record and/or whether the adopted person expressed any views about any future contact between people with a prescribed relationship to them and their birth relatives.
- Request information from the AAA to enable the intermediary worker to support and advise the subject (e.g. the birth relative being sought) 'to make an informed decision' as to whether they consent to their identifying information being shared with the applicant, including information to enable contact with the applicant, if this is the wish of both parties.
- Ask the AAA for information relevant to inform 'counselling' (the term used in R10 and meaning consultation) for both the applicant and the subject of the application.
- Find out the AAA's views about whether it is appropriate to proceed with the application having regard to the matters set out in regulation 6. In deciding whether it is appropriate to offer an intermediary service to a person within the 'prescribed relationship' definition, as in the situation of all other applicants for intermediary services, the agency may decline to accept an application or decide not to continue with an application if it 'considers that it would not be appropriate to do so' (R6.1). The case of Ryan below is an example of how the interests of different parties need to be balanced.

### Case study: Ryan

*Ryan and Tim were brothers by adoption; they were both adopted into the same family and were not related by blood. Sadly, Tim committed suicide aged 21. Ryan wanted to contact Tim's birth mother to tell her about Tim's death. He believed his adoptive parents would be upset and would oppose this plan and so decided not to tell them. Ryan contacted the Appropriate Adoption Agency to find out how to trace Tim's birth mother and whether he was eligible for an intermediary service.*

*A team discussion was held about this application as it was a complex situation. The team considered the welfare of all concerned and the potential risks and benefits for each person in this adoption kinship network if an intermediary service was to be provided.*

#### For the birth mother

- *If the application were to proceed the impact on Tim's birth mother of learning about his untimely death by suicide needed careful consideration.*
- *The birth mother may have hoped for contact with Tim and although she would find the information distressing, she may be thankful to know the truth and be supported to grieve for him and adjust her hopes about future contact.*
- *However, without any current information about Tim's birth mother, there is no way of knowing whether learning this troubling information at this time would be inappropriate or harmful.*
- *The birth mother may wish to communicate with the adoptive parents but would be unable to do this if they were unaware of the application.*

#### For Ryan

- If Ryan were supported to have some contact with Tim's birth mother, it is possible that she would want to have more information about Tim's life and his adoptive family relationships, to have some contact with the adoptive parents, and/or to receive photographs of Tim. She may wish to visit Tim's grave. It would be understandable for the birth mother to inform other birth family members who might also wish to connect with Ryan. All of these things would be difficult for Ryan to manage if his adoptive parents were not made aware of the contact.
- If the adoptive parents were to find out about the contact, this could jeopardise Ryan's relationship with them.
- On the other hand, Ryan was hoping to fulfil what he felt to be a duty and a responsibility to his late brother and being unable to do this may weigh heavily on him.

### For the adoptive parents

*If the application proceeded, the team considered that the adoptive parents could feel hurt, angry or betrayed if they found that they had not been informed that an intermediary service had contacted their son's birth family.*

- *They may feel that their privacy rights had been breached by distressing personal information being shared without their consent.*
- *Alternatively, they could feel an element of relief that Ryan had paved the way for them to have some communication with Tim's birth mother.*

*The team suggested the following ways forward for the intermediary worker:*

- *Carefully talk through the above with Ryan.*
- *Support Ryan to think about how he could raise the subject of his wish to contact Tim's birth mother with his adoptive parents. This might give Ryan a greater understanding of the reasons for his adoptive parents' current position which may influence his next steps.*
- *If Ryan could not find a way forward involving his adoptive parents, discuss the option of leaving a letter with his contact details on Tim's adoption record so this could be passed on if a birth relative contacted the agency.*

### 8.4.5 Collaboration between the AAA and the IA

The AAA must take reasonable steps to provide the information requested by an intermediary agency. The AAA is permitted to share identifying information so that the IA can meet its responsibilities to the applicant and the subject. The AAA must be clear with the IA what identifying information is for the sole use of the IA to enable it to locate the subject and what can be shared with applicant and the subject.

The intermediary agency should inform the AAA about what information the applicant already holds (e.g. from their own search or documents) and what their wishes and intentions are. The IA needs to provide sufficient information for the AAA to reach a properly informed view about whether any identifying information should be shared with the applicant or the subject, what information should be restricted for the intermediary's use in locating the subject of the application or other birth relatives, and its view on whether the IA should proceed with the application.

## 8.5 Dealing with applications where the adopted person is alive

The practice guidance in this section is in addition to the points made about procedure set out in sections 8.3 and 8.4 above. The key additional issue to manage is establishing the adopted person's consent.



### 8.5.1 Principles of confidentiality and consent of the adopted person if alive

Because there is now a wider group of people entitled to apply for intermediary services, the agency must ensure that the privacy rights of the adopted person are properly respected, consistent with data protection principles. Essentially, the adopted person can control any requests coming from people with a prescribed relationship to them.

#### Consent of the adopted person – legal framework

- Before proceeding, the agency must establish for itself whether the adopted person is alive, deceased or any issues about their capacity to consent to their personal information being shared. [R5A.3-6]
- The agency must take 'all reasonable steps to locate the adopted person', unless it is satisfied that the adopted person is no longer living [R5A.4].
- If the adopted person is alive, the agency must have their informed consent to share their identifying information or to set up contact between a person related to the adopted person and that person's birth relatives (R5A.3). This duty enables the adopted person to retain control over sharing their personal information and their history or to control with whom and how much information will be shared.
- The intermediary provider must take 'all reasonable steps to ensure that the adopted person has sufficient information to make an informed decision' about whether to consent or not (R5A.7).
- Where the IA is not the AAA, the IA must ask the AAA for information from the records to enable the adopted person to make an informed decision about consenting to identifying information about them being shared with the applicant.
- The agency retains its discretion to share non-identifying information with the applicant (R9) without the adopted person's consent (e.g. if they refuse, have died or lack capacity to decide). If sharing non-identifying information the worker should bear in mind any information already known to the applicant, and the potential for information to be triangulated resulting in the possibility of a person becoming identifiable.
- If the adopted person is living but lacks capacity to give an informed consent, the agency must follow its procedures to satisfy itself that this is the case and not rely on the view of the applicant.

Given the centrality of the adopted person's consent in this area of practice, where the adopted person is living and refuses consent, neither identifying information nor intermediary services can be provided to people in the 'prescribed relationship' category – see case example of Sarah.

## **Decision not to provide an intermediary service because the adopted person has not consented to sharing personal information**

### **Case Example: Sarah**

*Sarah wanted to find out about her heritage on her father's side. Her father, Derek (age 70), was adopted as a baby. Derek had never wanted to find out about his birth family or background. Sarah knew the name of the agency involved in her father's adoption and contacted them to find out if they could offer her an intermediary service. Sarah revealed that she had not been in touch with her mother or father for 15 years after a serious family disagreement. The worker explained that the agency would not be able to provide an intermediary service without her father's permission. Sarah did not want the agency to contact him or to do so herself. The worker explained that the agency would not be able to provide an intermediary service or any identifying information from the adoption records because they could not proceed without Derek's consent.*

### **8.5.2 Where the adopted person is alive but lacks capacity to give their informed consent**

If the worker has established that the adopted person or the subject 'is incapable of giving informed consent' to their information being shared (R5A.6), the agency must decide whether it is appropriate to proceed with an application. As in other cases, the agency must consider the applicant's welfare, the welfare of the subject of the application and any other person, including the adopted person, who may be identified or otherwise affected by their information being shared. Making a judgement about a person's capability to give consent for this particular decision is a responsibility of the agency, not the individual worker, and must be properly informed by appropriate medical information and verified documents. The relevant documents relied on must be noted and the reasons for the decision recorded.

## **The adopted person is not capable of consenting to information being shared**

### **Case Example: Eric**

*Eric is the son of Mavis, who was adopted as a baby. Mavis is now 90; she lives in a care home and has dementia. The intermediary worker in a voluntary adoption agency was helping Eric (aged 65 years) to find out information about his birth maternal grandmother (Mavis's birth mother). The worker discussed with her supervisor whether she should give Eric identifying information, such as Mavis's birth name and other identifying information, from the agency's adoption records. She did not think that giving identifying information would do any harm, given the age and circumstances of Mavis and the fact that the birth grandmother would be deceased. After receiving written confirmation from the care home's medical supervisor that Mavis was incapable of giving consent, and ascertaining that Mavis's birth mother was indeed deceased, it was agreed that identifying information would be disclosed.*

The case of Harry illustrates the importance of independently establishing a person's capacity to give consent before deciding whether to offer a service, as opposed to relying on the view of the applicant.

## **Agency duty to establish lack of capacity to consent**

### **Case Example: Harry**

*Harry's mother Ethel was adopted. He asked for help in accessing Ethel's adoption records and tracing birth relatives. He explained Ethel (aged 85) was living in a care home and had been diagnosed with dementia. Harry said he had lasting power of attorney for his mother's finances and for health and welfare decisions once Ethel was no longer able to make her own decisions. He provided the necessary documents as evidence. He explained that although his mother had no interest in accessing information from the adoption records or searching for birth relatives, he felt this information about origins was important for him and his children. He considered that because Ethel had dementia, she was not able to make a decision about this anymore and that he could decide on her behalf.*

*The intermediary worker's first step was to arrange to see Ethel herself. On visiting Ethel, in the presence of Harry, the worker was surprised how alert and coherent she was. Ethel was clear that she did not want contact made with any birth relatives whilst she was alive. The medical information the worker obtained stated that Ethel had early dementia and could still decide whether she wanted her son to act on her behalf.*

*In view of this, the worker and the manager explained to Harry that the agency was not able to offer an intermediary service because his mother objected to this.*

## 8.6 Limited intermediary service: prescribed relatives of adopted person seeking to obtain medical history of adopted person's (birth) relatives

There are now provisions in the regulations to assist certain persons 'with a prescribed relationship' to seek out non-identifying medical information from a birth relative of the adopted person.

### Regulation 5A.4

- (4) An intermediary agency may proceed with an application under paragraph (3)—
- (a) if the intermediary agency has taken all reasonable steps to locate the adopted person but has been unable to do so; or
  - (b) where –
    - (i) the applicant is either the spouse, civil partner, child, grandchild or great grandchild of the adopted person; and
    - (ii) the applicant is seeking to contact the relative of the adopted person only to obtain information about the medical history of the adopted person's relatives.

The intermediary agency has a limited discretion to proceed with the application in order to share essential information about the medical history of the adopted person and birth relatives, if this can be done without disclosing or risking disclosing identifying information about the adopted person [R5A.5]. The intention was that this provision would apply while the adopted person is alive. The applicant must be '... the spouse, civil partner, child, grandchild or great grandchild of the adopted person' (R5A.4.b.i). The agency may, if it proceeds, trace and contact a birth relative, without the consent of the adopted person, provided it is for the sole purpose of obtaining '...a medical history of the adopted person's relatives' (R5A.4.b.ii). The agency must take particular care not to share any personal information identifying the adopted person, any birth relative or any other person 'related' to the adopted person. The agency is responsible for ensuring that any information given, when put together with information the applicant already knows, does not enable the subject to be identified (R5A.4).

The decision to proceed should be made by the agency at senior management level, not by an individual worker. The agency must consider the impact on the adopted person: the principle underpinning this discretion is that the adopted person retains control of information about them and their adoption and data protection principles apply. This power should be used sparingly by the agency.

The agency must take particular care to:

- Verify the identity of the applicant to confirm they are within the definition of the persons permitted to make an application (R5A.4.b.i), their relationship with the adopted person and their reasons for their application.
- Assess and validate the specific nature of the medical information being sought by the applicant and consider what certified medical documents need to be provided to inform the agency's decision to proceed.
- Be clear what information the applicant already knows about the adopted person or any birth relative and assess the risk of the adopted person or any birth relatives being identified and potentially approached directly by the applicant.
- Give very thoughtful and careful consideration to the likely distress caused by an approach to the birth relative concerned and other members of the birth family, weighing up the potential benefits and risks.
- Consider taking legal advice, advice from an appropriate health professional and advice from the agency's data governance officer before proceeding.
- Record the reasons, including an analysis of the risk of identification through 'triangulation of known data' and the justification for the agency's decision.

## 8.7 Key points

- For the purposes of providing intermediary services, people with a prescribed relationship to an adopted person are described as those 'related' to the adopted person
  - by blood (referred to in practice as a descendant of an adopted person), marriage or civil partnership; or
  - a relationship by virtue of the adopted person's adoption.
- In practice, this definition may include a wide range of diverse relationships and the agency will need to assess applications carefully to ensure that no applicants are included or excluded inappropriately.
- The intermediary services regulations set out when and how intermediary services can be provided to people with a prescribed relationship to the adopted person, and many processes are similar to working with other groups.
- The regulations also set out the circumstances in which identifying and non-identifying information may be shared with an applicant.
- The agency has discretion to share identifying information if the adopted person is deceased or lacks capacity to consent, but it must consider the impact on others likely to be affected, if identifying information is shared. In some circumstances, when a decision is made not to share identifying information, the agency may share non identifying information.
- The privacy rights of the adopted person are key when deciding what information from the adoption records, if any, to share with a person with a prescribed relationship or whether an approach to a birth relative might be made. The adopted person if alive must give their consent to this.
- The welfare and privacy rights of all concerned must be considered when deciding whether to exercise this discretion. In some cases, it may be necessary to consider the

needs and feelings of a range of people and the decision may be finely balanced. It is important for workers to have access to peer discussion, reflective supervision and legal advice if needed.

## Chapter 9

# Post-commencement adoption legislation: background and introduction to the legal framework

This chapter focuses on sharing information from the adoption record in relation to people adopted on or after 30 December 2005. At the time of writing there is a lack of research into the characteristics, needs and experiences of people who have applied for these services under the post commencement regulations. Most children adopted since 2005 were placed in early childhood and it is only in the last few years that they will have reached adulthood. There is, however, much research we can draw on to understand the reasons why children have been adopted since 2005, the circumstances of their birth parents leading to adoption, and their development and support needs following adoption. The chapter begins with key messages from this research and summarises ways in which the key principles for practice are applicable in this area of work. The legal framework for providing services for adopted people, birth relatives and connected persons is then introduced.

Chapter 10 focuses on providing a service and considers some of the challenges that practitioners may encounter when supporting adopted people, birth relatives and connected people under the post commencement regulations.

Chapters 9 and 10 are best read in conjunction with chapters 1-3. Chapter 1 provides an overview of The Adoption and Children Act 2002 [ACA02] and the regulations setting out more detailed duties on the agency when sharing information from an adopted child's case records. It also discusses the Human Rights Act 1998 and privacy rights of persons together with a broad overview of the General Data Protection Regulation 2016 (GDPR) and Data Protection Act 2018 (DPA). Chapter 2 has a detailed discussion of messages from research which should be read together with the section at 9.1 in this chapter. The complexities of the professional role when sharing information with an adopted person or others is explored in Chapter 3.

## 9.1 The childhood experiences of people adopted since 2005

### 9.1.1 Adverse childhood experiences

Children adopted since 2005 in England and Wales will mostly have been removed from their birth families through compulsory child protection proceedings. Many will have experienced significant harm. For example, in the Wales cohort study (Anthony *et al*, 2019) following children adopted in 2014 to 15, over half the sample (54%) had experienced



neglect, 37% were exposed to domestic violence, and one third (34%) to a parent who was abusing drugs. A substantial minority of adopted children (approximately 30 to 40%) will have been removed from their families at birth because of likely future harm (these judgements being based on the care of previous children and/or parental incapacity). Although early removal will have protected children from maltreatment in the birth family, many of these children will still have experienced harm in utero due to maternal stress and/or exposure to drugs or alcohol. For example, Neil *et al* (2018) found that 52% of adopted children had been exposed to alcohol in utero.

Many adopted children will have experienced the disruption of attachment relationships due to a range of reasons including moving between different carers in the birth family, separation from the birth family on care entry, moves between different foster carers, and the move from foster care to adoptive parents (Neil *et al* 2018). Both the disruption of attachment relationships and poor quality attachment relationships, are likely to affect children's trust in other people and their feelings of self-worth, creating challenges for development of parent-child relationships within the adoptive family, as well as affecting children's wider development (Raby & Dozier, 2019). Reparative experiences in the adoptive family, however, can provide opportunities for children to catch up developmentally and build trust in relationships (Raby & Dozier, 2019).

Alongside risks already described, children adopted in the post commencement era may have elevated risks related to inherited characteristics. One in three birth parents are likely to have learning difficulties or disabilities, most of which will be undiagnosed (Burch *et al*, 2024). Relatively small proportions of parents may have heritable mental health problems such as schizophrenia or bipolar disorder, with a much larger group experiencing anxiety and depression (Neil *et al*, 2018).

### **9.1.2 Life story work and birth family contact**

Arguably people adopted since 2005 should have had a much more 'open' experience of adoption than those adopted in the past. The Adoption and Children Act of 2002 introduced a new duty to *consider* whether the adopted child should have contact with birth family members. Children's contact plans after adoption are not automatically tracked in any government or adoption agency statistics. Even prior to the 2002 Act, the majority of adopted children had a plan for birth family contact; for example, in Neil's study of children adopted in the late 1990s, just one in 10 children were planned to have no contact with anyone in their birth family (Neil *et al*, 2015). Asking what birth family contact has occurred, as opposed to what was planned, gives a different picture as planned contact may not have been sustained after the adoption order. The box below summarises responses of adoptive parents who were asked about birth family contact that had actually occurred (even if just once) for their child after adoption. This is based on a sample of 319 adoptive parents surveyed in 2017. The mean age of their adopted children was seven, hence most would have been adopted since 2005.

### **Adoptive parents' reports of birth family contact after adoption (Neil *et al*, 2018)**

#### **Contact with siblings (based only on children with siblings):**

- 25% had direct contact with one or more siblings
- 10% had letterbox contact with siblings, but no replies had been received
- 16% had two-way letterbox contact with siblings
- 49% had no contact with any siblings

#### **Contact with birth parents:**

- 3% had direct contact with one or both birth parents
- 41% had two-way letterbox contact with one or both parents
- 25% had letterbox contact with parents, but no replies had been received
- 31% had no contact with either birth parent

These data illustrate that although the era of severance of birth family relationships typical of the past has changed, many children adopted since 2005 may still have had no birth family contact or erratic birth family contact. Gaps in contact are particularly likely to occur with birth fathers and other members of the paternal birth family, and with siblings who are not adopted (Neil, 2018). Attitudes towards face-to-face birth family contact have tended to be risk-averse over the past 20 years (Neil, 2024). A common example of this is that direct contact with siblings has often been considered 'too risky' if a sibling is in contact with a birth parent (Monk & Macvarish, 2018). The survey by Neil *et al* (2018) did not gather the views of children, but adoptive parents frequently expressed frustration about gaps in birth family contact and the lack of contact support services, findings that are echoed in recent 'Adoption Barometer' reports (AUK 2022). Gaps in birth family contact raise questions for the adopted person not just about "who am I and where do I come from" but also "why have I had contact with some people in my family but not others?" and "why did the plan for contact with my birth family not happen?". Through adolescence and into adulthood adopted young people may want to take action to find the answers to their identity questions, and possibly to reconnect with their family members. Whilst some may search independently, others may seek services from agencies.

The adopted person's need to develop an understanding of identity is addressed in national Adoption Minimum Standards 2014 and the values underpinning these, particularly Standard 2 – "Promoting a positive identity, potential and valuing diversity". These standards outline the need for practitioners to make positive efforts to involve birth parents in providing and updating information for their child, to make sure the adoptive parents have information about the child's background and are encouraged to share this with the child. Also to prepare a life story book for the child and a letter for later life that is "*realistic and sufficiently detailed so that the young adult fully understands their life before adoption, why they could not remain with their birth parents and why they were adopted*" (DfE, 2014, Standard 2.8, p 14). Although these national minimum standards were first published in 2011 (and revised in 2014), the preparation of life story books and later life letters should have been standard practice for many years prior to this.

Despite the identity needs of adopted people being explicitly addressed in national minimum standards, the reality of what children experience can fall short of best practice. Adoptive parents highlight that life story books are often of poor quality in terms of content and/or presentation, and they can feel inadequately prepared in how to use and update them with their child (Watson *et al*, 2015a). Life story books must perform “a difficult balancing act” in trying to provide an honest narrative about birth parents without leaving children feeling responsible for their birth parents’ unhappy lives (Watson *et al*, 2015b, p. 92).

Children themselves have reported feeling that their book often lacks a coherent story about their adoption, and they can find engaging with the content emotionally difficult. However, family photographs and special objects can be highly valued (Watson *et al*, 2015b).

Practitioners currently working with adults adopted since 2005 report that it is common for people seeking services to have had poor experiences in terms of life story materials being available and/or shared with them, and some may not have been aware of letterbox contact that was planned or has taken place.

### 9.1.3 Key principles for practice

The key principles for working with people under post-commencement regulations are the same as for pre-commencement work: supporting openness, responding sensitively, supporting sense making, promoting autonomy, recognising that needs can change, and sharing complex decisions. In the box below we highlight some specific challenges that may arise in practice in implementing key principles with the post-commencement group; the challenges are linked to the fact that most children since 2005 will have been adopted because of safeguarding concerns.

#### Principles for practice – key issues in post-commencement work

##### Promoting the autonomy of the adopted person

- Adopted people seeking services will vary in terms of the personal and interpersonal resources they possess to help them cope with challenges they may meet in their search. It is important not to presume that adults who were adopted as children from care will be vulnerable or have poor outcomes, indeed adoption can be strong protective factor, and many young people thrive after being adopted (Neil *et al*, 2015, Neil *et al*, 2018).
- However, those adopted with higher levels of adverse experiences are at risk of developmental difficulties after adoption - common issues being emotional and behavioural problems, attachment difficulties, neurodevelopmental difficulties (Neil *et al*, 2018).
- Where the adopted adult has a high level of need and lacks a support network, professionals may feel a particularly sharp sense of challenge in being fully open about information on the adoption record due to concerns about risks to the adopted person themselves, or occasionally to others whose personal information may be revealed.

- Difficulties for adopted people may intensify in adolescence, often persisting into adulthood (Neil *et al*, 2023) and needs such as emotional difficulties, mental health problems, learning difficulties, and substance misuse will need to be considered when working with adults who were adopted as children.
- Some young adults may be temporarily or permanently estranged from their adoptive parents in late adolescence/early adulthood and/or without other supportive relationships in their lives.
- Where agencies have been providing post adoption support to the adoptive family, professionals may be acutely aware of the vulnerabilities of the adopted person, even though they are now an adult. However, it is important to aim to support the adopted person to make their own decisions, even when they have additional needs. Withholding information for fear of upsetting the adopted person may carry its own risks. For example, research with care leavers who have accessed their records suggests that the redaction of information from files can lead to feelings of disempowerment (Murray, 2017).

### Supporting sense making

- Building a coherent narrative about their life story is made more complex when adopted people have had difficult early life experiences. Information held in the adoption record is likely to include details of painful and traumatic experiences – not just of the adopted person themselves but their birth brothers, sisters and parents. Absorbing information contained within adoption records may be distressing.
- Adopted people's memories of early childhood experiences may be incomplete, absent or distorted due to the traumatic nature of life events and the early age at which events occurred.
- Information from the adoption record may present versions of their life story which conflict with the adopted person's own memories or ideas, or narratives that have been shared by professionals, birth relatives or adoptive parents.
- Adopted people may have questions about how and why their adoptive parents have or have not shared information about their background and their family over the years.
- The Adoption and Children Act 2002 entitles the adopted person to receive a copy of information given to their adoptive parents at the time of the adoption. Clearly the ideal situation is for adoptive parents to have shared this information with their child, together with any post-adoption correspondence with birth relatives, but in some cases this will not have happened.
- Making sense of what their adoptive parents may have shared or withheld may therefore be an additional sense making challenge for the adopted adult.
- Adoptive parents vary widely in their willingness and capacity to help their child talk and think about the meaning of adoption and their birth family. Some parents may have withheld information because of concerns about the impact on their child, worries about when and how to raise certain topics (especially when parents feel their child's emotional age is younger than their chronological age), and/or their own defensiveness in thinking about the birth family (Neil *et al*, 2015).

- There is a particular need for therapeutic support for some adopted adults to make sense of their life story. Life story work for the child is a key service desired by adoptive parents, but one that is often not available (Neil *et al*, 2018). The Adoption and Special Guardianship Support Fund can be used to provide therapeutic support for adopted adults, but only up to age 21, or aged 25 if they have an education, health and care plan.

### **Supporting openness – considering risks in the birth family**

- For adopted people who wish to reconnect with their birth family, there will be additional considerations related to risks or vulnerabilities of birth family members.
- Some children may have been severely abused by members of their birth family. In a wider range of cases children may have been neglected or unintentionally harmed by parents who were struggling with levels of social and psychological deprivation.
- Birth parents whose children were adopted from care have high levels of need that precede the adoption, are exacerbated by the adoption (Neil *et al*, 2010) and may often still be affecting them many years after the adoption (Neil *et al*, 2015).
- Parents/birth family members may have unresolved feelings of loss, anger, shame, guilt, anxiety. They may have lacked support to come to terms with the loss of their child or to process their understanding of why their child was adopted, including their own responsibility.
- Some birth parents may have improved their life situation (again it is important not to presume that all birth parents will be in a difficult situation), whilst for others little may have changed in the years since the adoption.
- Managing the complexities of 'reunion' in the context of birth parents and adopted adults who both have a high level of need and complex trauma histories can be challenging for both parties.

## **9.2 The Legal Framework**

### **9.2.1 Overview**

#### **Key legislation, regulations and statutory guidance governing post-commencement work**

- Adoption and Children Act 2002 (the Act): Sections 56 – 65
- The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005 (AIR)
- Adoption Agencies Regulations 2005 (part 7) (AAR) (as amended)
- The Adoption Support Services Regulations 2005 (as amended)
- Statutory Guidance on Adoption (2013), Chapter 11

When an agency is considering disclosing information it must follow the duties in the Act and regulations which set out the process for sharing information from adoption case records, and the principles of data protection law (see Chapter 1.3.6.)

The presumptions underpinning the legal framework are broadly:

- Transparency and 'openness': an expectation that information about the child's origins and reasons for their adoption would be shared with the child over time: adoption to be understood as a lifelong lived experience – section 1(2), Adoption and Children Act 2002.
- Information in the Child Permanence Report (CPR), life story book documents and later life letters, their birth certificate and the adoption order would provide accurate information to give the child a narrative about their origins and reasons for their adoption: birth parents would be involved in the creation of these documents, consistent with the principles of partnership in the Children Act 1989.
- Connections with the child's birth family would be maintained through direct or indirect contact, if consistent with the child's interests and welfare– section 1(4)(f), Adoption and Children Act 2002.
- Adoptive parents would understand the need for openness and be supported, after the adoption order, to value the child's birth family connections, and to share the birth family history and a narrative of the adoption with the child.

### 9.2.2 Summary of legal requirements

- The agency, when it decides the plan for the child should be adoption, is required to open a 'child's case record' and the information in this record is confidential – R12 and R41 of The Adoption Agencies Regulations 2005.
- The information which agencies are required to keep about a person's adoption is set out in R4 AIR – this is termed 'Section 56 information'.
- Section 56 information can be either *identifying* (protected information) or *non-identifying* (background) and the Act and AIR make it clear that disclosure of protected information is restricted.
- Section 56 information must be kept securely and confidentially for at least 100 years from the date of the adoption order.
- Adopted people no longer apply to the General Register Office for the information they need to obtain a copy of their original birth certificate. The AAA is now the single gateway for adopted adults to obtain this information.
- Adopted people have a right, on reaching the age of 18, to receive a copy of the documents that the adoption agency was required to give to their adoptive parents at the time they were placed for adoption – referred to as Section 54 information.
- Adopted people cannot be charged a fee for the service when they make applications for information from the adoption case record under sections 60, 61 and 62. The agency must cover the cost of processing these applications including, where required to do so, tracing and contacting the subject of the application and providing consultation, information, advice and support.



- There is no legal requirement for an adopted person to meet with an adoption worker for consultation, information, support and advice (described as 'counselling' in the regulations) before information is disclosed, but a meeting or meetings should be offered and provided if requested.
- Those adopted on or after 30 December 2005 do not have a right to register a veto to prevent or restrict contact but can register a wish for contact, no contact, or some form of specified contact (for example, with siblings but not birth parents) on the Adoption Contact Register.
- Any person may apply to the AAA for disclosure of protected information about any person involved in an adoption (Section 61 and 62 of the Act). Adopted people, birth relatives and any other connected person (persons with a connection to the adopted child, such as former foster carers, teacher) can make a Section 61 application to the AAA for disclosure of 'protected information'. The AAA must consider all the circumstances relevant to the application, including the impact on all those affected when making a decision about providing or not information.
- The subject of a s61 application must give consent for their information to be shared, unless they lack capacity to consent or the agency, after taking 'reasonable steps', cannot locate them.
- Adoption agencies are required to consider the adopted person's welfare before making any decision about whether to disclose protected information under sections 61 and 62.
- If the agency considers that a section 61 application should not go ahead and information should not be shared, the Agency Decision Maker (ADM) must make a 'Qualifying Determination' (QD) and the applicant is entitled to apply to the Independent Review Mechanism for a review of that decision.
- There is no longer provision for an intermediary service, unlike adoptions that took place before 30 December 2005.
- Adopted people can apply to the court for copies of documents relating to their adoption. See Family Procedure Rules, Rule 14.18(1)(d) and Practice Direction 14F.

The Act and the Regulations read together set out the rights and process for receiving and responding to applications from:

- **the adopted person** to obtain information so they can apply for their birth certificate, their CPR and other documents given to the adoptive parents (**section 60**).
- **'other' persons**, for information about an adopted person from the case records. This application is made under **section 61** and the term 'other person' includes an adopted person who may be seeking additional information from the records which is not in the CPR or the other documents given to the adoptive parent or other information on the records. In practice, this group is often described as a person with an 'interest' in the adopted child or a 'connected' person, as the applicant's connection to the adopted person is likely to be a factor when considering a s61 application
- **'other' persons**, (connected person) including adopted persons, seeking information from the records about an adopted child. These applications are made under **section 62**.



- For applications under sections 60 and 61, the applicant and the subject must be an adult. When the application is made under section 62, the applicant must be an adult and the subject will be a child. Applications for information must be made in writing to the AAA.

### 9.2.3 Information the agency must keep and retention of adoption records

The Statutory Guidance (2013) provides a useful account of the relevant sections in the Act and The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005 (AIR). Whilst the process for sharing information from the adoption case record is exempt from the Data Protection Act 2018, (Schedule 4, para 3) the agency must take into account data protection principles and the rights and welfare of all persons affected by their identifying personal information being shared. The agency must comply with its duties to provide prescribed (legally required) information to the adopted person, whilst protecting the privacy rights of other persons whose information is also in these documents (see Chapter 1 for a discussion about Article 8 of the Human Rights Act 1998 and also ACA02 sections 61(3) & (5) and 62(3) to (7)). Workers will benefit from peer discussion and supervision to make this judgement and may wish to take legal advice.

The adoption agency holding the adoption records – either because it arranged the child's adoption or adoption records were transferred when an adoption agency closed - is responsible for their security, archiving and integrity (AIR R3). The records must be retained for 'at least 100 years from the date of the adoption order'. The agency must keep on these records both identifying and background information and memorabilia or items provided by a birth parent or relative, unless it is not 'reasonably practicable' to do so or the agency considers the material provided is 'prejudicial' to the welfare of the adopted person (AIR R4.4). A decision not to store an item or place material on the adopted person's case records is for the agency to make, not an individual worker, and the nature of the item or information and an explanation for that decision should be noted clearly on the records. The agency should have protocols for workers about these provisions so that documents and memorabilia are securely retained as part of the records retention policy. If documents or items are passed to the adopted child or parents, a record should be kept on the adoption records. If it is not possible to pass original documents on to the intended recipient (such as a handwritten letter from a birth relative that adoptive parents are not willing to receive, possibly because it is outside of the contact agreement) it should be kept in its original form and not solely as a digital record.

"Documents that are likely to be significant to the adopted person, such as reports, cards or letters handwritten or signed by the birth parents or other birth relatives, should always be preserved in their original format so that the adopted person can see and handle them." [SG para 11.13]

### Terms used to describe different types of information

- **Section 56 information** – information which the agency must keep on the adoption case records – see AIR R4 which sets out what information must be held on the child's adoption case record. This may include identifying and non-identifying personal information about the persons involved in the child's adoption [AIR R4.2 & 3]. Identifying information about the adopted person and any other person held on the child's adoption record under section 56 is described as 'protected information' [s57(3)]. All section 56 information must be kept for a minimum of 100 years [AIR R6]: it is confidential, and the agency must ensure that its archive systems are secure and reviewed regularly to check the integrity of the records, whether on or off site. The format in which the records are kept must ensure that the data can be retrieved during the next 100 years.
- **Identifying information** – "information which, whether taken on its own or together with other information disclosed by an adoption agency, identifies the person or enables the person to be identified" – see s57(4). The identifying information may be about the adopted person or any other person – s57(1). For example, there will usually be information in the record about members of the birth or foster family and professionals connected to the case. It also includes information the agency has received from the GRO to enable an adopted person to obtain a 'certified copy of the record of their birth' and 'information about an entry relating to the adopted person in the Adoption Contact Register' [s57(2)].
- **Non identifying information** – sometimes referred to as 'background information' – it does not identify any person nor enables them to be identified. The agency needs to be aware that background information can be 'put together' with information already known to the applicant which may, particularly through social media, enable a subject of the application to be identified.

See also SG 11.7-11.11 which gives an account of the type of information held on the records.

Regulation 8.1 gives the AAA discretion to disclose background/non identifying information. The adoption worker must take care to ensure this information, when added to other information already known, does not risk the subject being identified. This is increasingly difficult to 'risk judge' given the development of social media and the data trails created in everyday activities. A worker is likely to find it helpful to consult with peers and managers to consider risks of inadvertent identification, especially if there are issues about social media risks. (See also Statutory Guidance para 11.24.)

Breaches of confidentiality resulting in disclosure of identifying (protected) information may put individuals, including children, at risk of harm and create distress. Managers need to ensure that their systems and processes for holding adoption records and sharing information are robust and reviewed systematically. Regulation 21 (AIR) makes it a criminal

offence for a registered adoption agency to disclose any information in contravention of section 57 of the Act.

## 9.3 Information to be kept on the child's adoption case record

Professional practice around the time of planning and making the adoption order is vital to consider, as the nature, accuracy and balance of what is recorded on the child's adoption record will be of great importance to the adopted adult in the future. It is essential that practitioners hold in mind that certain documents on the record must be shared with the adopted adult, for example the Child's Permanence Report, if desired in the future. Practice at the time of producing these documents therefore needs to consider carefully what information should be included, what is not relevant and what it is appropriate to exclude, particularly in relation to the privacy of third parties. Because this practice guide focuses on work with adults affected by adoption, we do not aim to comprehensively cover this topic here.

### 9.3.1 Types of information to be kept on the adoption record

The box below summarises the different types of information that must be kept on a child's adoption record, as set out in AAR (2005), regulation 12.

#### Information to be kept on the adoption record

- Identifying information about the child, the birth parents, other birth relatives, adoptive parents and any other people involved in the adoption such as foster carers and professionals.
- Background information including the child's birth and medical history, education, and development.
- Information supplied by the birth parent and other birth relatives, including photographs and letters: and a record of their intention that this should be passed to the adopted person, should they wish to have this information. This may include information provided after the adoption order was made.
- Information supplied by the adoptive parent(s) after the adoption.
- Information supplied by any foster carer or other significant person.
- Information that the adopted person has asked to be kept; this would include their views on any contact.
- A copy of the Child Permanence Report.
- Information on any prospective adopters who may be suitable to adopt the child.
- The written record of the proceedings of the adoption panel and the agency decision.
- Any consent to placement and placement orders and any withdrawal of consent.
- Statutory reviews of the child once placed with adopters and before the adoption order is made.
- The Adoption Placement Report.
- The Adoption Support Plan.
- The Adoption Placement Plan.
- Any other information the agency considers necessary to keep. The agency has a discretion to include additional relevant documents on the adoption file.

Any information provided by the adopters, after the adoption order is made, should also be kept (AIR R4.3.b). If the adopted person has requested that information should be kept on adoption record, for example, their wishes about contact or no contact with particular persons, that too should be retained (AIR R4.2.c). Agencies are not expected to keep bulky items that it is not 'reasonably practicable' for them to keep. If agencies have a separate letterbox contact file or post adoption file this must be referenced on the child's adoption record enabling the agency to have comprehensive information.

### **Information held about the adopted person**

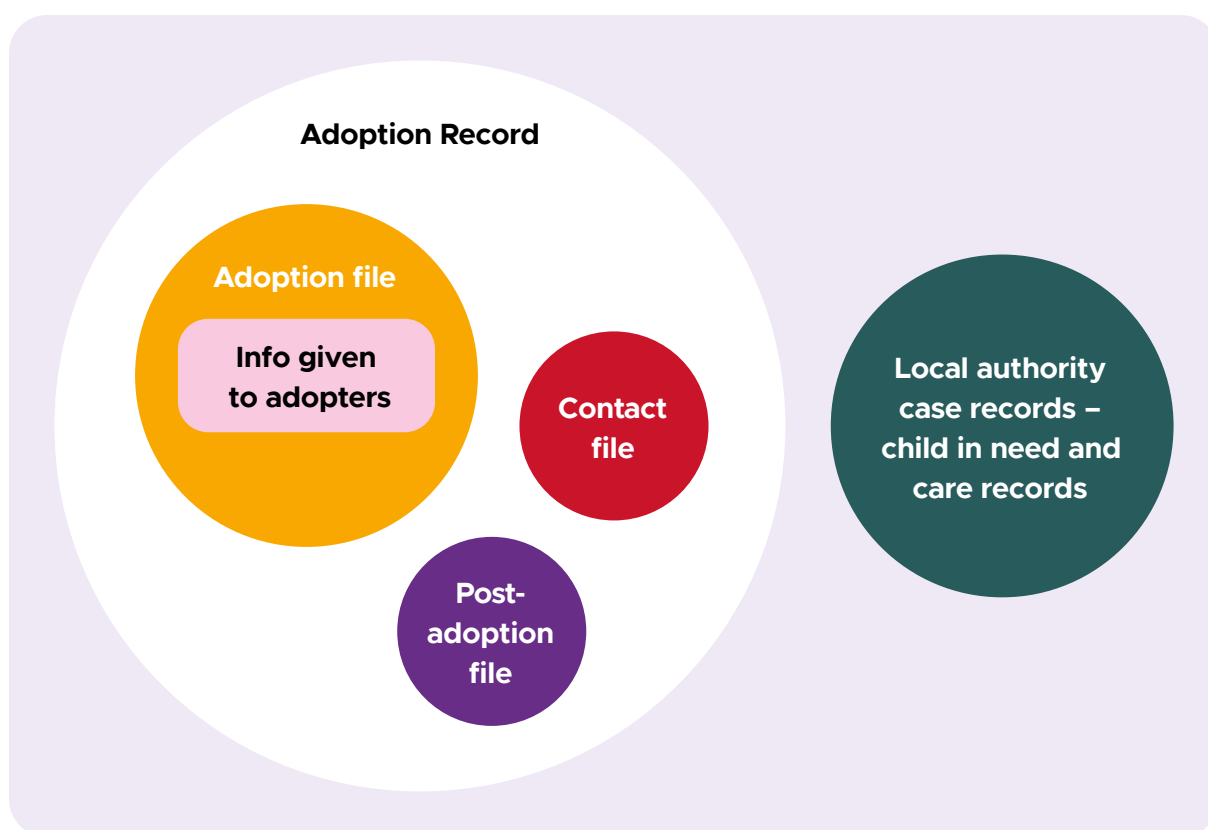
For most adults who were adopted since 2005, multiple types of records are likely to be available. These are held and described differently in different agencies. They are likely to include:

**Local authority case records** – local authority records of involvement with the child and family when services were provided under section 17 of Children Act 1989 and/or when child was 'looked after' by the local authority.

**The adoption case record** – this is the record that is created once adoption is agreed as the plan for the child and until the adoption order is made. The required contents of this record are set out in AAR 2005, R12 where it is described as the 'child's case record'. In practice, this record is often referred to as the 'adoption file' or 'adoption record' and disclosure of information from this is dealt with in under sections 56 to 65, ACA 2002 and associated regulations and guidance. In this practice guide, when we say 'adoption record' we mean this file/set of files.

**The 'contact file'** – agencies typically open a new file to keep a record of any contact between the adoptive family and important people in the child's life (birth family, foster family, parents/carers of birth siblings). This will contain copies of written correspondence, such as that exchanged through letterbox systems, and associated case notes e.g. relating to support provided for direct or indirect contact. Some correspondence may be specifically between the agency and the birth or adoptive family or just between adults (i.e. not contact information intended for child).

**The post-adoption file** – this will contain details of any contact with the adoptive family after adoption order was made, for example, requests for adoption support including applications to the Adoption and Special Guardianship Support Fund (ASGSF), assessments, case records of services provided etc.



### 9.3.2 Information that should be given to prospective adoptive parents

Prospective adoptive parents should be given an up-to-date copy of the CPR; the Adoption Placement Report; the Adoption Support Plan and the Adoption Placement Plan (AAR R31 and R35). It is good practice for agencies to ask for a signed undertaking from prospective adopters to return any information they have received about the child should the placement not go ahead or disrupt at a later stage before the adoption order is made.

The agency may give other documents which it considers relevant such as such as medical reports, educational reports and psychological assessments about the child. The agency should obtain the author's written permission [see SG 4.23 and 4.24].

When a child has been placed for adoption, and when subsequent Section 56 information relates to a member of the birth family, it is good practice to ascertain what information the birth relative agrees to being passed on to the adoptive family, or to the adopted child at the time or to the adopted person should they seek information at a later date. It is important to allow each individual to feel in control of the information being passed to another party. However, members of the birth family may be reluctant to agree to their information being shared, particularly where the family opposes the adoption plan. If the information is in the public domain, such as a birth father convicted and imprisoned for indecent assault on a child, and the agency considers this should be given to the adoptive parent(s), this can be passed on.

It is important that the child's adoption record contains the detail of what written information has been given to the adoptive parent(s) during the adoption process. This will help later in identifying the information which the adopted person has a right to see once they reach the age of 18.

Key documents given to adoptive parents that should be shared with the child by adopters and which the adopted person may wish to see include a copy of the CPR, the life story book and letters for later life. There may be circumstances where the adopted person is seeking information because these key documents have not been shared and the worker will need to reflect on how best to manage sharing these documents.

### ***The Child's Permanence Report***

AAR R17 prescribes the content of CPR and Schedule 1, Parts 1 and 3 specify that the CPR should include identifying information about the birth parents, siblings and other relevant family members. The consent of birth relatives is not required in order to include this information in the CPR. The legal basis for processing the data under the Data Protection Act 2018 (DPA) and the General Data Protection Regulation (GDPR) is the agency's "legal obligation" to gather such information and its processing is necessary to comply with the law (CoramBAAF, 2024).

Adoption workers must consider carefully what information the child and their adoptive family will need to know to understand their life story and history and limit the report to such information. For example, very personal information about a birth parent that is not relevant to the child's adoption, and which the parent does not wish to be shared (e.g. information about a sexual assault before the child in question was conceived), should not be included. Adoption workers writing such reports must always be mindful that the adopted person will be able to read the report at a later date, and care therefore should be taken to ensure accuracy and sensitivity. Detailed guidance on writing CPRs is beyond the scope of this practice guide. CoramBAAF however have recently revised the forms and accompanying guidance for writing CPRs and we refer the reader to these resources which have been widely consulted on and which are compliant with relevant law, regulations and statutory guidance (<https://corambaaf.org.uk/updates/new-cpr-childs-permanence-report-importance-planning-childs-future>).

Birth family members should be given the opportunity to see the parts of the CPR that contain factual information about them, and which record their wishes and views about the child's plan. However, this may not be possible if individuals are unwilling to do so. The purpose of sharing this section of the CPR is to enable family members to confirm the accuracy the information, record their views, including their views about information being passed on to the child in due course (CoramBAAF, 2024).

### ***The child's life story book***

All children who are placed for adoption should have a life story book, which is a clear, accurate, sequential story of their life containing photographs, certificates, pictures, maps and a short narrative. The adoption agency is required to state in the child's Adoption Placement Plan the date by which the life story book will be passed to the prospective adopters (AAR, Schedule 5, para 8). The life story book needs to be written in an "age-appropriate style" and should not contain "explicit and distressing details" (Statutory Guidance, 5.48).

Experience tells us that the Life Story Book may, at times, provoke strong feelings in a child and could result in them destroying it, an act that may be bitterly regretted afterwards. A

book may also be mislaid. It is, therefore, sound practice to make a good colour copy of the Life Story Book before it is passed on to the child or their adoptive parent(s). This copy should be retained on the adoption record. Adoption workers could also consider providing a second, smaller photograph album, containing copies of some of the Life Story Book photographs. This would enable the child to share these with friends and family who do not need to know full details of the child's background.

If a memory box was collated, this too should go with the child to their adoptive placement. It is good practice for photographs to be taken of the contents and these, along with a list of its contents, should be placed on the child's adoption record, in case such items were to be lost or destroyed in the future. The list of contents should explain why the items are significant and who bought or gave them, and a copy of this should be included with the memory box for the child.

When compiling Life Story Books birth family members and foster carers have a great deal to contribute and are often in possession of information, photographs, and certificates that would provide a child with valuable information about their history and heritage. Adoption workers must be sensitive when asking for such information as birth parents may feel that these items are their last tangible link to their child. Wherever possible copies should be made and given to the birth parents.

### ***Later life letters (Letters of origin)***

The adoption agency must draw up a later life letter; this is sometimes also called a letter of origin. The agency is required to state in the Child's Permanence Plan the date by which the later life letter should be passed to the prospective adopters (AAR, R35 and Schedule 5, para 8). A copy must be kept on the adoption record. CoramBAAF have published a useful guide to writing later life letters (Moffat, 2020). Adoptive parents may benefit from advice about when and how to share the agency letter and any later life letter from birth parents with the child.

This letter, preferably prepared by the child's social worker, is written directly to the child for them to read when they are considered old enough by their adoptive parent(s). The letter should, as set out in the SG (5.51) "explain the child's history from birth and be sufficiently detailed so that in the future the adolescent child, or young adult, will have factual details about their birth family and their life before adoption, and so be able to understand why they could not live with their birth family, and why they were adopted."

Birth family members can also be encouraged to write their own letter for later life for the child or to contribute to the agency's letter. The birth family member or other person such as a foster carer may want to put a letter on the adoption record for the child to have if, as an adult, they ask for information from their adoption record. Some family members may agree that their letter to the child be given to the adoptive parents to share. Others may not want their letter to be given to the adoptive parents.



## 9.4 Impact of regionalisation: the role of the role of the RAA, VAA and Adoption Support Agencies

The role and responsibility of the adoption agency and how this responsibility is managed under Regional Adoption Agencies (RAAs) arrangements, which came into existence after the Act and regulations were implemented in 2005, creates some degree of uncertainty in the sector. RAAs should have protocols in place to ensure that adopted persons and other people seeking information from adoption records know how and where to make their application and to find sources of support. Adoption workers also need clarity about sharing tasks within the RAA and with the relevant local authority which may hold the adoption case records and any other agency involved.

There remains a role for adoption support agencies. These agencies, however, are likely to charge fees when applicants other than the adopted person who has been referred to them by the AAA, are seeking information about the adopted person from the records: some have a sliding scale of fees depending on the services provided. The IASA Project has reported to government that the lack of and costs of services for adults are serious barriers for most people making an application for information from the adoption records. Specifically in relation to post commencement adoptions, adopted adults cannot be charged fees for work related to accessing their adoption records. How costs are managed when an AAA asks another agency to provide services on their behalf is an area where greater clarity is needed as many practitioners are confused about this and the legal framework does not offer clear guidance.

### *Interagency working*

An AAA may ask another agency or adoption support agency to undertake the section 60 or section 61 or section 62 work on its behalf, for example, an agency local to where the applicant is living (see SG 11.25 and 11.26). It must be confident that the agency has the skills and resources to undertake the work. It is permitted to share protected information with that agency (AIR R8.2.a) and must make clear what information is for that agency's use, for example, to trace the subject of the application to obtain their views about their personal information being shared and ensure that there is an undertaking by that agency not to make any further disclosure in respect of that information (R8.1.a) and, likewise, what information can be shared with the applicant or the subject. There should be protocols to ensure such arrangements and expectations are clear. The AAA retains responsibility for making a determination about deciding to disclose the information being sought (SG 11.26).

#### **Agreement between AAA and local agency to respond to a s60(2) request from an adopted person**

##### **Case example: Amber**

Amber was placed for adoption by a LA in Merseyside with a family living in London. As a teenager, she needed support as she was struggling with anxiety and challenges in making friends with young people in her school. Her local RAA in London provided Amber with support services. Now Amber is aged 20 and

she wants to learn more about her background and possibly reconnect with birth relatives. She wishes to have information from the adoption case record as a starting point. She has asked her local (London) RAA for help, as she is familiar with the service and had a good relationship with one of the adoption support workers.

The London RAA helped Amber to make an application in writing to the AAA in Merseyside for the CPR and other information on the adoption record. The London RAA came to an agreement with the AAA in Merseyside that they would offer a series of meetings with Amber to support her in the process of looking through the s54 information shared with her adoptive parents. Amber was happy with this; she did not have the resources to travel to Merseyside, she wanted to meet with a support worker face-to-face and she preferred to work with the agency she knew and trusted.

The Merseyside RAA agreed to share securely with the London RAA section 56 information including the CPR shared with the adoptive parents. It was agreed that if the London agency had concerns about any information in the CPR and other documents this would be discussed with the Merseyside agency. Both agencies were clear that Amber had the right to receive a copy of the CPR without redactions and other s54 documents.

The AAA in Merseyside agreed that should Amber want help with contacting birth family members in Merseyside, it would make the first approach. The two agencies drew up a written agreement so that each agency knew who was responsible for which aspects of the work. The agreement was placed on the adoption case record.

In this case example, the two agencies put Amber's needs at the centre of their approach to find a shared and pragmatic solution, congruent with Amber's wishes. A rigid approach where the adopted person is directed only to work with the AAA, or are encouraged to use their local RAA, does not put the adopted person's needs first. The circumstances of each adopted person exercising their right under section 60(2) will vary, for example:

- Like Amber, some people would prefer to work with their local adoption agency or an ASA. For example, this could be because they have an existing relationship with that agency, it is more convenient geographically, and/or they are unhappy about working with the adoption agency that placed them.
- Some adopted people may be happy to work with the AAA even if they live at a distance. For example, they may not want a support service but just want to be sent copies of information from the adoption record and would be happy to meet with the worker from the AAA online, or through telephone calls.
- Others may be living in a different area to the AAA, but at a manageable distance. They may have no pre-existing links with their local RAA and may be happy to work with the AAA.
- Some adopted people may prefer not to work with their local RAA, possibly because they've received an unsatisfactory service from them in the past.

## 9.5 Chapter summary – key points

- Post-commencement adoptions are those made on or after 30 December 2005. There is a different legal framework for this group of adopted people and their birth relatives and other connected people. The key principles outlined in this practice guide however still apply in post-commencement work, and Chapters 1 to 3 of the practice guide are relevant to read in conjunction with this chapter and Chapter 10.
- Most post-commencement adoptions are adoptions from care. Adopted people are likely to have experienced a range of adversities prior to adoption, and in some cases this will have affected their subsequent well-being and development, including into adulthood. Some adopted people and their birth relatives may have additional needs pre-dating and stemming from the adoption; it is vital to support adopted people to exercise their autonomy and respond to their request for help sensitively even when additional risks need to be taken into account.
- The Adoption and Children Act 2002 introduced a new duty to consider birth family contact, and provisions to ensure that information about the child's background was held on record and passed on to adoptive parents to share with the child. In practice, some adopted individuals are likely to have experienced minimal birth family contact and/or lack of openness in communication with adoptive parents, and will be seeking services to gain missing information, make sense of their life story and/or reconnect with 'lost' people.
- This chapter outlines the legal framework governing accessing information from adoption records in post-commencement adoptions as covered in law, regulations and statutory guidance.
- The chapter also outlines information that must be kept on the adoption record, and the adopted person's entitlement to information shared with their adoptive parents at the time of adoption.

## Chapter 10

# Working with adults under post-commencement regulations

This chapter outlines practice guidance and further details of the legal framework in the three main areas of work under post-commencement regulations: section 60 applications sharing information such as the Child Permanence Report (CPR) with adopted adults; section 61 applications for protected information from the adoption record in relation to adults; and section 62 applications for protected information from the adoption record in relation to children. The chapter also covers the role of the agency decision maker and the Independent Review Mechanism.

There is a range of practice challenges in this area of work, including situations when the adopted person or birth family members may be disinclined to trust the agency that planned the adoption. Workers need time to reflect, time to build a relationship with the applicant, the opportunity to have peer support and informed supervision and when necessary, access to legal advice. Workers must record the rationale for decisions or action the agency has taken. The practice principles of active listening, reflection and seeking mediated and negotiated solutions will be useful when working with the applicant and the subject of the application.

## 10.1 Providing information to adopted adults from the adoption record

### 10.1.1 The legal rights of adopted people in accessing their records

The Adoption and Children Act 2002 gives an adopted person the right to information to enable them to apply for a copy of their birth certificate and documents related to their adoption. The responsibility for providing this information is placed on the AAA; in other words, the agency holding the records about the adoption. Usually, this is the agency which made the adoption plan. However, if that adoption agency has closed, for example, a voluntary adoption agency which is no longer operating, then the agency where the records were transferred to becomes the holding adoption agency.

Section 3(1)(c) places a general duty on local authorities to provide services to meet the needs of adopted people. The legal rights of adopted people in terms of accessing adoption records are set out below:

- To ask for an assessment of their needs for adoption support services (s4(1) ACA02) -

local authorities/RAAs must undertake this assessment if requested. This applies to all adopted adults.

- To have information to apply for a certified copy of their birth certificate: if they need information to make an application, it is for the AAA (s65(1) and AIR (R20) not the GRO to provide that information. The AAA can ask the GRO for the necessary information. The intention is that “...the adoption agency is considered best placed to disclose sensitive information, to consult interested parties and to arrange for the provision of counselling and support.” [SG 11.2 and section 60(2)]. If they are unsure who the AAA is, the adopted person can apply to the GRO for information to identify which AAA to make their application to – AIR R20.1.a.
- To be given by the AAA the information provided to their prospective adopters during the adoption process (section 54 ACA02): this will include the child permanence report (CPR) (see The Adoption Agencies Regulations 2005, R31) which contains identifying information about the child (now an adult), the birth parents and any birth siblings and possibly other birth family members. It will have information about the child’s early life and family history, their social, emotional and behavioural development and other matters. There is no provision in the legal framework for information in the CPR to be redacted.
- To apply to the court which made the adoption order (or which now holds the court records) for documents relating to their adoption. This will include the application form for an adoption order, the adoption order and reports made to the court by a local authority, an adoption agency or children’s guardian, if appointed. The child is not usually a party to the adoption proceedings, unlike in care proceedings: and the adopted adult is not entitled to have all the documents which were filed in the proceedings. The court will redact identifying personal information about other persons because the court must comply with data protection laws. Unless an agency or adoption support agency is already involved, the adopted person is unlikely to have any advice or support if they make an application in their own right to the court. (See Rule 14.18 of the Family Procedure Rules 2010 and Public Law Working Group Guidance on adoption – Ministry of Justice, 2025.)
- The right to make an application under s61, ACA02 for protected information from an adoption record. The LA/AAA is not required to proceed with such an application if it does not consider it ‘appropriate’ - s61(2). Section 61(5) sets out the matters which the LA/AAA must take into account when considering whether to proceed with an application: this does not include lack of resources. The agency decision maker (ADM) must make a ‘qualifying determination’ (QD) if the agency decides not to go ahead with an application. (R15 AIR 2005). This qualifying determination must include the reasons why it would not be ‘appropriate’ to proceed.
- The right to challenge the ADM’s ‘qualifying determination’ using the Independent Review Mechanism.
- The right to be provided with ‘counselling’ (this is the term used under AIR, Regulation 17). In the Guide we consider this to mean a consultation to provide information, advice and support: it does not mean therapeutic counselling.

It is important to note that AAAs cannot charge adopted persons a fee for exercising the rights set out above – see box below:

### **Fees for providing a service to an applicant: Regulation 22 AIR**

- An adoption agency has the discretion to charge a fee to any person to cover any 'reasonable' costs incurred in processing an application for the disclosure of information and the provision of 'counselling' (information, advice and support), or to waive its fees in whole or in part where, for example, the person seeking the disclosure of information has a limited ability to pay (SG 11.75).
- The agency **cannot charge the adopted person a fee** if it responds to an application for information that the individual has the right to (i.e. information on their CPR and other information given to their adoptive parents under s54 or when making an application for information under sections 61 or 62). Nor can it charge a fee to the adopted person for any consultation to give information, advice and support when providing the service, including costs involved for tracing and contacting the subject of a section 61 application when seeking information (S64(5) and R22.2).
- The agency may charge other applicants for the costs of processing their application which may include the costs of locating a person to obtain their views, gathering additional information to do this tracing and to provide information, support and advice to those affected by the application.
- The fee charged must be 'reasonable' and made known to the individual before providing the service.

### **10.1.2 Providing information to enable an adopted person to apply for a certified copy of their birth certificate: practice issues including the role and duties of the General Register Office (GRO): Regulation 20**

#### **How people adopted since 30 December 2005 can obtain a copy of their original birth certificate**

- The majority of people adopted since 30 December 2005 are likely to know their birth name, as this information will have been given to adoptive parents when they were placed for adoption. It is included in the CPR, it may be part of the child's life story book, and the adoptive parents should have been given a copy of the child's birth certificate. Where the adopted person knows their birth name, they can apply to the General Register Office for a copy of their birth certificate.
- In the less likely situation where the adopted person does **not** know their birth name (for example they may have only recently found out they were adopted), they need to go to the AAA to get the information required to obtain a certified copy of their birth certificate.
- In the unusual event that the AAA does not have the information which the adopted person needs on the adoption case record to request a copy of their birth certificate, the AAA (not the adopted person) must apply to the GRO on their behalf for the information needed. The GRO must give this information to the agency to then pass on to the adopted adult (ACA02 s79(5)).

- If the adopted person or other applicant does not know the name of the appropriate adoption agency to which to make their application, they can apply to the GRO who is under a duty to provide the name of the relevant agency from the records (AIR 20.1.a).
- Where the AAA is seeking information from the Adoption Contact Register to enable it to process any application by an adopted person under section 60 or by the adopted person or other persons under sections 61 or 62, the GRO is entitled to charge a fee.
- In the rare instance that the GRO is unable to supply the name of the AAA, the court could be contacted for this information.

### **10.1.3 Practice issues where there are concerns about the adopted person receiving information on their birth certificate**

Situations may arise where the adopted person does not know the information on their birth certificate, and there are concerns about passing on this information to them. The aim of the legislation in requiring the adopted person to go via the AAA to obtain their birth information is to enable that information to be provided through a supportive process delivered by skilled workers. Support may be needed when unknown information on the birth certificate may be distressing for the adopted person to learn about. For example, the adopted person may not know that their birth father was a close relative of the birth mother (i.e. a case of incest), or that a parent named on the birth certificate could pose a serious risk to them. In such circumstances, it is particularly important to remember the key principle of ‘responding sensitively’ and to give the adopted person an opportunity to talk through feelings, and to offer them support with any steps they may wish to take in the future (for example, to make or restrict contact with birth family members using the Adoption Contact Register). The advice in Chapter 4 regarding preparing for and delivering services to people accessing their birth or adoption record should be consulted.

The legal framework allows for ‘exceptional’ circumstances where the agency will need to consider not to provide the adopted person with information they need to apply for their birth certificate. The mechanism to ‘block’ the adopted adult is not finely tuned. If, for ‘exceptional’ reasons, the agency considers that it should not provide the adopted person with information to which they have a legal right, the agency must apply to the High Court or family court for an order authorising it to withhold the information. To date, there are no reported cases of court decisions in post-commencement adoptions and the threshold of ‘exceptional’ is a high bar. The agency would need to demonstrate very significant and persuasive reasons to deny the adopted person their right to their birth certificate information - s60(2) & (3) ACA02. Any such decision should only be made after involving a suitably qualified and informed senior manager and possibly the agency decision maker, alongside taking specialist legal advice.



## A decision that it is unsafe to proceed with an application

### Case Example: Warren

Warren is now 19 years old and was adopted at the age of 12 months. His adoption broke down when he was aged 14 years and his adoptive parents asked for him to be accommodated by the local authority. He is no longer in touch with them. Warren wants information to get his birth certificate so he can try and find his birth mother. The information on the local authority case record indicates that Warren has a history of severe mental health problems and violent behaviour. He had previously been held in a secure setting under the Deprivation of Liberty process. Warren had expressed extreme anger about being 'given away' (as he saw it) for adoption and had angry and paranoid thoughts about his birth mother, saying she 'deserved to die' for what she had done to him.

In the initial meeting with the adoption worker, Warren became angry and aggressive and swore constantly, smashing his fists on the table when talking about his adoption and his birth mother. The worker realised that Warren had not known he was adopted until his parents asked for him to be accommodated. The worker offered Warren some support sessions to explore the reasons for his adoption and his birth mother's circumstances at the time. Warren refused and insisted that he wanted the information without delay.

The agency senior manager and worker took legal advice to review their concerns about the risks in providing Warren with the information he was requesting. They took into account his history of violent behaviours, his current unstable mental state and lack of current support, and the very angry feelings he was expressing towards his birth mother (who their checks indicated was still alive and living in the area). It was agreed that it was unsafe to proceed with Warren's application at the current time, and that the agency should apply to court to withhold this information from him.

Warren's case illustrates the tension in balancing the principle of supporting openness and the autonomy of the adopted person whilst also considering the welfare of both Warren and his birth mother. Whilst risks were considered exceptionally high in Warren's case, angry feelings about birth parents and/or about being adopted may often be present and are valid, particularly where children have been abused or neglected. It is important that expressing these feelings, sometimes forcibly, is not per se viewed as a reason to deny a person access to their birth information. Learning more about their history and having the possibility of an opportunity to have contact with birth relatives could be an important part of the process of the adopted person gaining a different perspective on their life story. But in Warren's case the agency felt there was a real threat of physical harm to the birth mother.

It is essential that in a situation such as this, the adopted person's support is also addressed e.g. via a referral to mental health support services. Therapeutic support to understand his life story may help Warren to work through his angry feelings. Given how important it can be for adopted people to know their birth information, if Warren is in more stable position in the future, it may be possible to share this information with him.

## **10.2 Sharing information in the CPR and other documents which the adoptive parents received under section 54**

### **10.2.1 Introduction to sharing CPR information**

As covered in chapter 9, adopted people have rights to receive the information given to their adoptive parents (Section 60(2) of the Adoption & Children Act). Practitioners report a variety of overlapping reasons why adopted people may wish to see their CPR. Sometimes adoptive parents may not have given them the document or shared only parts of the information. The detail in the CPR may not necessarily align with the account in their life story book or later life letter, given that each document has a different focus. Sometimes, these documents have been mislaid, and, for a number of reasons, the adopted person does not want to ask their parents for copies.

### **10.2.2 Preparation before sharing the CPR**

In advance of meeting with the adopted person to share the CPR, it is important for the worker to prepare by spending time familiarising themselves with information on the adoption record and considering the accuracy and consistency of information across different sources. Below are suggestions for factors to consider in preparing to share the CPR.

- Clarify if there is more than one version of the CPR on the adoption records: which version was given to the adoptive parents and whether any information was redacted, for example names of an older or younger sibling. Practitioners have reported that it is not always possible to identify exactly which version was shared with adopters. Hence a pragmatic approach sometimes needs to be taken, drawing in information from more than one copy in order that the adopted person has a full account as possible of their background.
- Read the CPR (and any other versions of the CPR) to be clear about the contents and information about third persons: and the sensitivity and accuracy of that information. Be aware that for the adopted person who has not seen the CPR, it can be distressing to know that the worker accessed this information in advance of the meeting. It may be helpful to acknowledge this power imbalance, and information should always be passed on sensitively and respectfully.
- Clarify and read through carefully what other information was given to the adoptive parents under section 54.
- Check and cross reference for accuracy information in the Life Story Book or Later Life Letter with versions of the CPR.
- Clarify whether the birth parents and other family members were offered and took

up the opportunity to comment on the CPR and what information they wanted to be shared with the child, including their views about the adoption plan.

- Check if family members have provided any other information to share with the adopted person after the adoption order was made.
- Clarify if other persons such as foster carers named in the CPR gave their consent to their personal information being included.
- Check the records to establish whether the adopted person and their family has had post adoption support services including any support through the Adoption and Special Guardianship Support Fund and its purpose and outcome.
- Whilst it will not be practical to undertake any extensive review of care records, if needed to check for accuracy or to clarify important points on the CPR, the care records could be consulted.
- Check to establish if family members have expressed wishes regarding being traced and contacted by or on behalf of the adopted adult.
- Check if there are known risks to any person identified in the CPR (supported by relevant facts) if that individual's information or that of other persons is shared with the adopted person and, if so, the evidence for and seriousness of these risks.

As with practice in pre-commencement adoptions, it is likely to be helpful to explore the hopes and expectations of the adopted person in an initial meeting (see Chapter 4.2.6). This provides the opportunity for the adopted person to talk about their adoption experience, and their hopes and expectations about receiving information. It also enables the adoption worker to establish what information the adopted person already knows about their background and the circumstances of their adoption, and whether information they are not aware of may be distressing and upsetting. This may help the adoption worker when considering how best to share the information and the support the adopted person. It may be helpful to make a summary of information to share but this is not a substitute for the CPR and other section 54 information.

### **10.2.3 Challenges that can arise in sharing information with an adopted person**

CPRs should have been written holding in mind the adult adopted person as a potential reader. However, feedback from professionals suggests that in some cases the content of CPRs (or lack of content) is proving challenging to share. The adopted person is entitled to the complete document and there is no power given to the adoption agency to redact personal data of others, including sensitive personal data, unless the agency can reach an agreement with the adopted person about this.

The worker and their manager will need to consider the possible options and an approach which balances the right of the adopted person to have the information in the CPR and the privacy rights of individuals whose information is contained in the CPR. There is no right answer and the agency must consider the impact on the adopted person of withholding all or any information, the potential risk to the adopted person of either having or not having the information and the impact and risks to others whose information is contained in the CPR. If necessary, the agency should consider taking legal advice.

### **Challenges in sharing unredacted information in the CPR**

- Some CPRs have been written to support the adoption plan and the application for a placement order in the context of care proceedings. There may be an emphasis on inadequate care or abusive behaviour of one or both birth parents or family members. The report may lack balancing information about positive qualities of the birth family.
- Descriptions of birth family members may appear to be negative, judgemental and disrespectful.
- The report may include details about birth parents or siblings which are highly personal and sensitive and which, having regard to the privacy rights of those individuals, cannot in any other situation be shared without the subject's consent; this information may not necessarily be relevant to the plan for adoption. This leads to a perceived conflict between the adopted person's right to the unredacted information in the CPR and the privacy rights under Article 8 of the Human Rights Act 1998 of other persons referred to in the document.
- Important information that is key to the adopted person understanding their identity may be missing from the CPR (though it may be contained elsewhere in the adoption record).

### **10.2.4 Sharing difficult information sensitively**

Where the adopted person has not been supported to understand their life story gradually through their childhood, receiving detailed new and potentially difficult information is likely to be overwhelming. The statutory guidance recognises this and suggests taking this into account when considering how to share such information.

#### **Sharing difficult adoption information – statutory guidance**

“On receipt of such an application, the agency will need to consider carefully how best to disclose it (documents) since it will contain information about their early life and some of this may be upsetting or distressing. Prior to disclosure the agency should consider whether it would be best for the information to be disclosed in parts over time accompanied by appropriate counselling and support. This may help lessen the impact for the adopted person of receiving potentially distressing information about their early life while still enabling them to fulfil their right to receive the information” (SG para 11.4).

### **Sharing difficult information with a vulnerable young person**

#### **Case Example: Leon**

Leon's birth mother Chantelle was 16 years old when she gave birth to Leon and shortly afterwards had her first mental health episode, spending 6 months in a mother and baby unit with Leon. Over the next 3 years attempts were made to

support Chantelle to parent, but her mental health continued to be unstable. At age 3, Leon was undernourished and not reaching his developmental milestones. The local authority applied for a care order and a placement order, against his mother's wishes, and at age 5 he was adopted. Letter box contact was set up but did not last beyond one initial exchange of letters.

Leon, now aged 20, contacted the AAA as he wanted to know more about his history and to have contact with his birth mother. His adoption had broken down when he was 14 following his use of drugs and outbursts of challenging behaviour; he was no longer in contact with his adoptive parents.

When Leon met with the adoption worker, he was living in a hostel for the homeless, he was unemployed and described himself as a loner. He had little information about the reasons for his adoption and only fragmented memories.

His CPR included a very negative description of his birth mother and the neglect he endured. It did not include any positive aspects about her and the fact that, although she was not capable of meeting his physical and emotional needs, she loved him and was against the adoption decision. The adoption worker considered that the CPR had largely been written to justify why Leon needed to be adopted.

The worker considered that Leon was a vulnerable young man and that handing over the information in the CPR in its entirety could have a detrimental impact. Following discussion with her manager, she suggested to Leon a short series of meetings to share the information in the CPR in stages. She hoped this would give Leon the opportunity to think in a more balanced way about his background and the reasons why he came into care and to talk through his feelings and experiences. She also advised Leon about how to access his care records, and what this process might be like for him. She discussed whether he had a safe place to keep copies of documents. She gave Leon time to consider her proposal, and she recorded his agreement to this. Finally, she made sure Leon was aware of local support services and discussed with him whether he would like to be assessed for a therapeutic support service to work through his difficult life experiences.

In this case the agency wanted to respond sensitively and support Leon's sense making through a series of meetings, and he agreed to this. Some adopted people may have strong feelings about working with professional agencies, particularly the agency that placed them for adoption, and they may reject such suggestions. Another option would be to suggest that the individual is supported by an independent adoption support agency instead of the LA or RAA. The AAA can arrange this and can share with that agency information, including protected information to assist the support work [R18.1]. Ultimately if the adopted person insisted they just wanted the information to which they are entitled without any advice or support, the worker should respect their autonomy. Details of support services should be provided should the adopted person want this.

### 10.2.5 Managing issues related to the privacy of third parties

Sharing the complete CPR should be the starting point in practice. However, there may be exceptional situations whereby a different approach could be considered to protect the privacy of third parties in relation to information that is not relevant to the adopted person's life history. Suggestions for managing privacy issues in the CPR are discussed in the box below. These approaches are based on the principle of working in partnership with the adopted person and the third party. Any agreement reached about the way forward should be recorded in language the individual concerned agrees with and understands. An agency may wish to use a form tailored to meet the needs of the individual and the situation. However, some individuals because of their experiences may be reluctant to sign a form: in this situation the agency should reassure the individual that the shared agreement will be noted on the record and this can be confirmed by email or another suitable way with the individual.

#### **Approaches to consider when there are concerns about the privacy of others mentioned in the CPR**

##### **Try to negotiate a solution with the adopted person**

Explore with the adopted person whether they can get the information they are looking for directly from their adoptive parents. The worker will need to approach this sensitively and with empathy as the relationship between the adopted person and their parents may be difficult.

Discuss and explain to the adopted person that information has been put into the CPR in error and seek their agreement to certain information (e.g. sensitive personal information about a sibling) not being shared. If the adopted person agrees, identify what information about another person should not have been put into the CPR and correct these errors by removing such information and share with the adopted person only what is related directly to them.

The adopted person may want some form of reciprocal undertaking that the agency will not share their information or aspects of their information with other persons applying for information about them from the adoption records.

The agency will need to provide support and advice to the adopted person (if they are willing to receive this) to ensure that they have understood what they are agreeing to. The reason for this is because this approach could be interpreted as restricting or denying them their legal rights under section 60(2) to their CPR without redaction of any kind and putting them under unfair pressure to agree.

Any such decision should be made not by the individual worker but by an agency manager and the reasons for redacting should be recorded. To date, there is no data about whether or how agencies are taking this approach and its consequences.

Any steps to redact or restrict the information shared must take into account whether the agency's actions and decisions are unfair to the adopted adult given the power imbalance between the agency holding the records and the adopted person who may be in difficult, isolated and challenging circumstances. The adopted person should not be 'pushed' into making an application under section 61 for information from the adoption records to which they are lawfully entitled. See below discussion about section 61 applications.

If the agency decides not to share certain information on the CPR, it must record its reasons on the adoption record and explain the reasons for the decision to the adopted person.

**Consider gaining consent of others to share their identifying information.**

Consider whether an approach should be made to the individuals whose sensitive information is inappropriately in the CPR and, where there is no indication of their prior consent, to obtain their informed consent to their identifying information being shared. This is not a straightforward solution however – it risks adversely impacting not only on the adopted person, but also the well-being of the individuals approached. This should be considered very carefully if the adopted person wants information about birth relatives or others and does not want at this stage any form of contact or identifying information about themselves being shared. They may not want their birth relative to know they are seeing information from their adoption record and their wishes should be respected.

**Redacting third party data with consent of the adopted person**

**Case Example: Alfie**

Alfie found out that he was adopted when he was aged 17 during his parents' acrimonious divorce proceedings. He wanted to know more about his family and the reasons for his adoption. His parents told him that they no longer had copies of any documents given to them at the time he was adopted nor had they kept any information about his birth family. Alfie is now 18 and has requested from the AAA a copy of the CPR.

The agency records show that his sister Janine aged 20 was also adopted through the same agency but is not related to him by birth. There is no record of her asking for information about her birth family or the circumstances of her adoption. Alfie says she too found out she was adopted during their parents' divorce and that she is not interested in asking for a copy of her CPR.

The CPR contained the birth name of Janine. The adoption worker was uncomfortable about sharing this information as she considered this was Janine's



information, not Alfie's, and that this should not have been included as this detail was not relevant to Alfie's adoption. She is aware that she has no power to redact information from the CPR so discussed this with her manager. They considered the circumstances including that Janine did not appear to have a copy of her CPR; was unlikely to be aware of her birth name; appeared to have expressed no desire to receive information about her birth origins.

The worker and manager agreed to discuss with Alfie their view about redacting Janine's birth name before sharing the rest of his CPR. Alfie said he accepted that this was not his information and understood the reasons for the agency's proposal as he was focused on learning about his own history. He agreed that the fact that Janine's information was redacted should be recorded on the adoption record. He also requested that if any persons related to him asked for information about him in the future, he would want the agency to contact him.

In this case the worker and manager did not want to restrict Alfie's rights to have information about his own history – they wanted to follow the principle of promoting openness. But sharing the unredacted CPR would have infringed Janine's rights to privacy, so they involved Alfie in the decision to redact. This case is clear cut in the sense that Janine was not a birth sibling, and therefore her information could not be argued to be relevant to the reasons for Alfie's adoption. The situation is more complicated when information is included about birth siblings or birth parents as this may be really important to the adopted person in understanding their life story. The balance in such situation should be in favour of sharing information in CPR, as the law requires.

## **Managing very sensitive information about a birth sibling included in the CPR**

### **Case Example: Jamal**

Jamal (19yrs) wanted to locate information about his adoption and family background. He was made the subject of care proceedings when he was 4 weeks old because his mother's circumstances created a serious risk of child abuse and neglect. In the CPR there was information that his sister then aged 8 had been removed from the family because of long standing sexual abuse by the mother's partner, who was named in the CPR. He had subsequently received a custodial sentence. The CPR contains detailed and graphic information about the abuse Jamal's sister had suffered and extracts from child protection conferences and police 'best evidence' interviews. Jamal's sister had grown up in foster care. There is no information available to the worker about whether she has asked for information from her care records.

The adoption worker was aware that she could not redact this information from the CPR. Whilst the abuse that his sister had suffered, and the role of Jamal's birth

mother in protecting/not protecting her daughter was clearly relevant to the decision that Jamal should be taken into care and adopted, the worker considered that the intimate detail of what his sister had experienced should not have been included as these experiences were so sensitive. She wanted to protect the sister's privacy whilst also allowing Jamal to know the information necessary for him to answer the important question 'why was I adopted'. She felt a clear statement that his sister had been seriously sexually abused by her mother's partner (who was convicted of very serious sexual assault and this was a matter of public record) was necessary for Jamal to know, but the intimate details of what she was subjected to should not be shared.

The worker discussed this with her manager and agreed that Jamal should be told that the CPR had sensitive confidential information about his sister. She explained to Jamal his right to have the CPR information but worked with him to reflect on what it may mean for his sister if this information was shared without her knowledge. The avenue of suggesting Jamal ask his adoptive parents for the copy of the CPR that they were given was explored, but Jamal said he had already asked, and they said they had lost it.

After giving Jamal time to think this through, the worker suggested that his sister's detailed information should not be shared with him and that he could begin to understand the reasons why he was adopted without having these details. Jamal agreed to this and they recorded a shared understanding of that arrangement. The worker also discussed with Jamal his wishes and feelings about making contact with his birth mother and/or sister and offered support if he wanted to take the steps to find them.

This case reached a successful conclusion because Jamal was in agreement with the proposed plan. Were Jamal to insist on receiving the unredacted CPR, the worker should seek legal advice about next steps. Jamal's sister could be contacted to seek her consent to share information – but this is not an easy solution as such a request could be very difficult for the sister given her traumatic past. This approach should not be made without consulting Jamal (who may not wish his sister to know he is looking into his records) and considering his sister's likely support needs. There may be rare and complex situations where no clear way forward is evident in terms of balancing the adopted person's rights with the privacy rights of others. Practitioners and their agencies will be left to carefully discuss, evidence and record the factors they have weighed up in concluding what is likely to be most beneficial and do the least harm. There may be situations where decisions will be legally challenged by either the adopted person or the third party and courts will need to decide.

## **10.2.6 Other documents given to the adoptive parents under section 54**

### ***Life story book and later life letter***

Both these documents are created for the child and given to the adoptive parents for safe keeping and sharing. They should be shared fully with the adopted person on request to the AAA. The agency should have a record on the adoption records about which documents were shared. If necessary, the adoption worker should ensure that information in these documents is accurate and may wish to cross reference their contents with the information in the CPR.

### ***Letterbox contact letters***

Accessing copies of letterbox contact may be very important to some adopted people in making sense of their adoption and deciding about any future contact with birth relatives – especially when letters may not have been shared with them during childhood. In practice, therefore, letterbox correspondence should typically be shared with adopted people who request this, as the primary goal of letterbox contact is to meet the future identity needs of the adopted child. There may be exceptions with certain pieces of correspondence, such as where a birth parent or relative has written a letter to the adoptive parent or contact worker stating clearly they did not want at any time the information shared with the adopted person. Where there have been gaps in planned contact (as is very often the case) there may be information on the contact file that can be summarised to help the adopted person understand what had happened. For example, the worker may be able to summarise that birth parents were reminded about sending letters but they were unable to reply due to their mental health at the time, or that adoptive parents informed the agency that they no longer wanted to send letters to the birth parent because they felt it was pointless without receiving a reply.

In sharing all the above documents, the support needs of the adopted person should be considered when receiving copies of this information. This is especially so when the adopted person has not previously been given the information by their adoptive parents. It can be overwhelming to receive all this information in one go. In addition, managing feelings about adoptive parents not having shared information over the years is another challenge for the adopted person. As set out in the statutory guidance (11.4 - see Box at 10.2.4 above) the agency should consider the best way to release information to the adopted person. Where the individual lacks personal support from friends or family it is particularly important to offer a supportive service to help the adopted person process the information received, and their feelings about this.

## **10.2.7 When key information is missing from the CPR**

When relevant identifying information is absent from the CPR but is on the agency's records, it is necessary to check whether the subject has given permission for their identifying information being shared with the adopted person. If there is no permission, section 61 applies, and the subject of the application must be contacted to ask their permission for their identifying information to be disclosed. This can create a serious dilemma for the adopted person who may not be ready to make a section 61 application. They may not want the subject to be contacted as they do not wish to have direct contact but want to know the last known address in case they would like to locate and contact

the birth relative in the future. Strictly speaking unless the identifying information is in the public domain, the agency no longer has discretion in relation to disclosing identifying information from the agency's adoption records. However, the intention of the law was that identifying information about important people in the child's life would be available to them via the CPR. Where such information has been omitted due to poor practice in the past, it compounds the problem to expect the adopted person to make a section 61 application in the present day. A pragmatic approach could therefore be taken to share information that clearly should have been included in the CPR in the first place.

### **Application by adopted person**

#### **Case Example: Isla**

Isla, aged 24, was adopted when she was 4 years old and described it as a happy experience. Isla has often thought about her birth family and whether to contact them, not only to find out more about her family background but also what has happened to them. She would like to know if they would like to have contact with her. Feeling settled and well supported in her life, she now feels ready to try and trace her birth parent(s) and if necessary other birth family members. Her adoptive parents have given her a copy of her birth certificate and her Child Permanence Report and, although this gave a lot of information about her background, it did not have the last known address and contact details for her birth parent(s), grandparents, and aunts and uncles. She has made some attempts to find her birth parents' current address using public records but has not had any promising leads. Isla therefore contacted the AAA for help in finding this information.

The worker considered asking Isla to make a section 61 application in writing so that the AAA could consider her request. However, the worker and manager discussed this and decided that the information that Isla wanted had been omitted in error in the past and that she was entitled to have it. They also took account of Isla's current situation and motivations and the historical information about birth family risks and felt there were minimal risks in sharing the information. Mindful of not imposing additional demands on Isla to obtain information that the law intended her to receive, they decided to share the last address on file for the birth parents. The AAA also gave her information about the Adoption Contact Register and offered to help her apply to check the Register and add her own contact wishes. They also explained that many birth relatives do not know about the facility to add their names to this – but this did not necessarily mean they would not respond positively to an approach.

## **10.3 Applications under section 61 for information about an adult**

### **10.3.1 Introduction to working with section 61 applications**

A section 61 application can be made by the adopted person, a birth relative or any other person with a connection to the adopted person in seeking information from the adoption records. Practitioners generally refer to this group as 'connected' persons. As mentioned in section 9.4, the AAA can delegate this work to another registered adoption agency or support agency, e.g. an agency where the applicant is living, but they (the AAA) retain responsibility for making decisions about whether to proceed with the application.

An application made under sections 61 (and 62 - see 10.7) must be made in writing to the AAA: some applicants may need support to make a written application. The agency may use a form on its website and may accept an application by email. The applicant needs to provide the reasons for their application to enable the agency to both make a preliminary assessment of the 'merits of the application' (SG 11.37) and to enable the agency to find and retrieve records from archives. The application must be signed and dated.

The AAA must take the usual diligent in person or virtual identification steps supported with checks of relevant documents to verify the applicant's identity. If the person making the application states they are acting on behalf of the applicant, the agency must properly check that the applicant has authorised them to do so and has capacity to give that authority (AIR R13.b).

#### **Where the applicant is the adopted person they will need to provide:**

- their current (and any previous) forename(s)/given names and surname/family name
- name on adoption, if different from their current name
- their date of birth
- full names of adoptive parent(s)
- name at birth/prior to adoption (if known);
- date of adoption (if known).

#### **Where the applicant is a birth relative of an adopted person or any other person they need to provide:**

- their current forenames(s)/given name and surname/family name
- the name of adopted person (if known);
- the original birth name of adopted person;
- their relationship to adopted person (if a birth relative);
- the date of adoption (if known).

The agency should acknowledge that the application has been received and check if more details are needed to progress to the next stage. This should be done without undue delay, ideally within ten working days. The applicant should be sent information about the service and the next steps either by post or email or by directing them to the AAA/RAA website. This information must include the availability of consultation (information, advice and support), including the fees charged for the service (if they are not the adopted person)

and the current waiting time and also the agency's complaints procedure. They can also be informed of other sources of information such as the Family Connect website.

Once an application has been received, the adoption worker should arrange to meet with the applicant for a consultation and to offer information, advice and support. This provides an opportunity to find out more about the applicant and to discuss the process and implications of making an application and the potential outcomes.

In cases where the applicant is living abroad, then appropriate arrangements need to be made for the preparation work to be carried out remotely. Advice about suitably registered agencies abroad can also be sought from the General Register Office (GRO) and International Social Services if needed. Again, the final decision about disclosure of identifying information will rest with the AAA.

### 10.3.2 Balancing privacy rights

“.....the agency [is required] to carry out a balancing exercise between the rights of the person requesting disclosure and those of the person to whom the requested information relates to in considering the overall fairness of disclosure. The agency in exercising its discretion will need to take account of the context and all the circumstances of the case.”

SG para 11.43

When considering whether to proceed with the application, the agency must consider:

- the welfare of the adopted person;
- the views of any person whose personal information from the records will be shared with the applicant and
- all the other circumstances of the case – e.g. issues of risk, impact on birth parents or siblings or other related persons

Section 61(5) ACA02

Adoption case records, set up when the agency considers the plan for the child should be adoption, are confidential (see AAR R41) and are exempt from the Subject Access Request process in the DPA18 [Schedule 4, para 3. 2]. The regulations set out the process the AAA must follow when a request is made for information from the adoption case record. Information about persons other than the applicant is confidential to those individuals and, if the agency is considering disclosing that information, it must follow the procedures in the ACA 2002 and regulations and data protection principles. Some information about others may also be available from public records and other sources in the public arena but sometimes to find that information the applicant may need some identifying information to start their search. A section 61 application may be the first step in an adopted person seeking contact with birth relatives or others connected to them.

### **10.3.3 Consent of the subject where the AAA decides to go ahead with the application**

If the decision is to go ahead, having done the verification checks, the agency must ‘take all reasonable steps’ to find out the views of the subject of the application: this is the person whose information the applicant is asking the agency to share. There could be more than one subject about whom the applicant is seeking information. The agency must have the consent of the subject to share any identifying information about them from the records unless the subject is dead or lacks capacity to give consent or cannot be traced after ‘reasonable steps’ are taken, including getting information from the GRO. [Appendix 7](#) covers steps that can be taken to try and trace someone.

If the subject does not consent, it does not block the application, but the AAA will need to have sound reasons for proceeding and will need to show what weight it has given to the subject’s views. The decision to proceed must be made by the ADM and the subject has the right to refer that decision to the Independent Review Mechanism (para 10.3.6).

Where the subject does not have capacity to have an informed view, the agency must consider what other enquiries it should make. The subject may or may not be the adopted person. In all cases the AAA must give weight to the welfare of the adopted person – and the impact on other persons connected to the adopted person when deciding whether to go ahead with the application.

The agency must record clearly on the case record whether the subject of the application agrees or objects to their personal information on the records being shared. The subject’s agreement or objection is not determinative: it is a significant factor, together with considering the welfare of the adopted person and other relevant factors.

### **10.3.4 Where the subject cannot be traced**

In this situation, the agency should consider applying to the GRO to find out if there is information about the subject on the Adoption Contact Register [AIR R20.1.b]. An entry on the Adoption Contact Register may indicate that the subject would welcome contact or not and possibly their recent address. Currently, one limitation of this Register is that the GRO is not required to inform the agency if a person amends their entry including their address, so any information the agency has obtained in the past may not be up to date. The agency worker should advise the applicant how to register their own wishes on the Adoption Contact Register, if they want to do so.

### **10.3.5 Using information from the Adoption Contact Register to help inform decision making about whether to share identifying information**

Information from the Adoption Contact Register, where available, can assist the AAA to decide whether to disclose section 56 information about the individual to whom the entry relates. For example, where the subject cannot be located to ascertain their views, but they have registered a wish for contact with the applicant on the Register, if the agency considers it safe and appropriate to do so (ACA02 s61(5)), it may decide to disclose the protected information to the applicant. Where a person has registered a wish for no contact with the applicant, it may decide not to share identifying information.



### 10.3.6 Role and responsibility of the Agency Decision Maker

The decision not to proceed with a section 61 application is for the Agency Decision Maker (ADM) to make, not the individual worker or their manager or an agency undertaking work on behalf of the AAA (section 61(2)).

The decision-making power given to the ADM arises when the AAA determines:

- a. not to proceed with an application under section 61 from any person for disclosure of protected information
- b. to disclose information against the express views of the person the information is about [the subject of the application] or
- c. not to disclose information about a person to the applicant where that person has expressed the view that the information should be disclosed.

The consequences of either sharing or not sharing information (including where the subject has agreed to information being shared or sharing contrary to the wishes of the subject) are significant for the subject and for the applicant. The privacy rights of individuals must be weighed against the needs of a person impacted by the adoption who is seeking transparency about the adoption and its consequences. The responsibility is given to the ADM who is considered to be suitably qualified to make a determination to enable the IRM referral to come into operation, similar to, for example, not approving an applicant to adopt or foster. The ADM may wish to take legal advice to assist them to weigh up the merits and relevant factors to take into account when making their decision.

#### The agency decision maker

“The Decision Maker is:

- a senior person within the adoption agency or is a trustee or director of the voluntary adoption agency.
- is a social worker with at least 3 years post-qualifying experience in child care social work.
- has knowledge and experience of permanency planning for children, adoption and childcare law and practice (NMS 23.17).
- has intercountry knowledge if appropriate, there are an increasing number of children's plans which involve an international element.
- understands the legislation surrounding access to information and the impact of adoption and reunion.

Agencies may have more than one decision-maker, but they may not delegate their duties to another person. (Statutory Guidance Adoption 2013 (1.50)).”  
(CoramBAAF, 2024 - Adoption Agency Decision making)

### **10.3.7 The role of the Independent Review Mechanism**

It may not be 'appropriate' to proceed with the application, for example, where the history held on the records, current checks about risks to individuals affected by the application and/or the view of the adopted person about their information being shared with the applicant demonstrates that by going ahead with the application, the outcome is likely to be harmful to the welfare of the adopted person. Because this may be a finely balanced decision affecting several persons, the legislation gives the applicant the right to refer the decision to a panel of members of the Independent Review Mechanism to review that decision.

The Independent Review Mechanism consists of a small team who manage and provide panels of independent members with suitable knowledge and expertise – usually five to seven members – to review the rationale of the ADM's decision (referred to in the regulations as a 'qualifying determination'). The agency is required to provide all relevant documents which the panel members need to undertake their review [AIR R15.3]. The panel cannot make a decision: that is the responsibility of the agency. The IRM panel's recommendations must be taken into account by the agency. Currently the IRM provides a limited advice line.

Referrals by an aggrieved applicant need to be made in writing to the IRM within 40 days of receiving the decision letter from the agency [R15.2]. If the applicant has said they intend to apply to the IRM, the agency cannot take any steps until the 40 days has passed. Where no application for a review through the IRM has been made after the 40 day period has passed, the agency may proceed with its decision. It must notify the relevant person in writing of its decision together with the reasons for that decision. On receiving the review panel's recommendation and minutes of the meeting, the agency's decision-maker must take into account the recommendation before coming to a decision. Once the decision is made, the agency must notify the relevant person in writing setting out clearly the reasons for reaching the decision.

### **10.3.8 Practice and process issues for the adoption worker and ADM when a qualifying determination needs to be made**

Within the AAA and the RAA partnership there should be protocols identifying the respective tasks of the adoption worker and the ADM when an application needs to be referred for a qualifying determination. Where the view of the worker and their manager is that the AAA should not proceed with an application, the agency will need to provide information in some form of 'report' setting out the relevant evidence and factors for the ADM to consider. Good practice would ensure that this was reviewed by an experienced colleague or manager covering the issues such as

- consent or lack of consent of the subject of the application and their reasons
- risk assessment based on known information, including current information about the circumstances of the applicant
- impact on other persons in the adoption kinship network
- wider relevant considerations.

This report and recommendations may be prepared by a worker or another agency if the AAA has 'commissioned' work from another agency or adoption support agency. Responsibility for the accuracy and quality of the analysis and recommendations in the

report prepared for the ADM rests ultimately with the AAA.

Where the subject has agreed to their personal identifying information being shared or part of that information being shared but the decision is not to proceed, it is likely that the primary concern is risk to either the adopted person or another relevant person. The agency will need to set out for the ADM the known or reasonably anticipated risks based on known facts and whether protective measures have been considered to protect the persons identified as being at potential risk.

If the qualifying determination is to go ahead and share section 56 identifying information with the applicant when the subject does not consent, the ADM will need to give weight to data protection principles as well as risk; the information relied on must be factual and robustly interrogated. The reasons for the decision must be recorded as the applicant must be informed of the rationale for the decision.

### **Section 61 application by a birth father**

#### **Case Example: Pete**

Pete made a section 61 application to the AAA for information to enable him to make contact with his 18-year-old daughter Kacie who was adopted when she was aged two. Kacie's mother was assaulted by Pete and suffered life changing injuries; because she was severely brain damaged, requiring 24/7 care, she was not able to care for her daughter. Pete received a custodial sentence for the assault and served 10 years in prison.

The adoption worker was mindful that the agency would need to consider the welfare of the adopted person; the views of any person whose personal information from the records which would be shared with the applicant and all the other relevant circumstances, including issues of risk, impact on parents or siblings or other related persons (Section 61(5) ACA02).

Following the meeting with Pete to discuss his application, the adoption worker thought there were too many risk factors which could impact on the welfare of Kacie and her adoptive family. She was not able to identify realistic protective factors such as Pete taking accountability for his past actions. Her analysis was considered by her manager. They were initially minded to refuse the application as any contact from Pete could potentially be harmful to Kacie.

However, they also considered Kacie's right to know her birth father was looking for her. They felt this was important not just in terms of allowing Kacie to exercise autonomy now that she was an adult. They also considered the need to inform Kacie that her father was wanting to trace her. Not to do so may put her in a position where she may be approached for example via social media, without having sufficient information about his history and current circumstances to enable her to

decide whether to respond. They therefore agreed to approach Kacie to allow the matter to be fully explored with her (there was nothing on the record stating any wishes of Kacie re. welcoming or not welcoming contact with her birth father). If there had been information already on Kacie's file recording her wish that she would not want any contact with her birth father or any information released to him, this decision most likely would have been different.

The worker offered Kacie advice and information about her options, including whether she wanted to record her views about being contacted on the Adoption Contact Register (which would protect her from further approaches if Pete made future applications) or whether she wanted to seek more information about her background by making a section 60(2) application to access information from her adoption record.

They considered it was very important that Kacie understood any potential risks, but they also recognised that adopted people often feel they lack of information about the paternal side of their birth family. Should she be interested in knowing more about her birth father or exchanging any information with him, Kacie could be offered other options such as mediated letter exchange or contact via a confidential and mediated online platform. Another alternative would be to explore the options of contact with a safe person in her paternal birth family.

Following discussions with Kacie, the decision was taken not to proceed with Pete's request for information as after learning more about her history (which she knew about in outline), and taking account of the updated information about Pete, Kacie did not wish him to have any information. The worker and manager therefore referred the case to the ADM to make a qualifying decision. The ADM decided the agency should not proceed. Pete was informed of the reasons for the ADM's decision and of his right to refer this decision to the Independent Review Mechanism.

## 10.4 Responding to Section 61 applications from adopted people

Adopted people may want to access information from their adoption record in addition to that included in the documents given to adoptive parents. Where this is the case, the adopted person must make an application under section 61.

Sometimes, the agency decision maker may decide that it is not in the adopted person's or the subject's interest to proceed with the application. In these situations, the adopted person must be informed that they can seek an independent review of the agency decision maker's determination by an Independent Review Panel (see above and SG, 11.59 to 11.62 and para 1.58).

When permission has been sought from a third party and they have given the agency

permission to share identifying information about them, the agency may still decide not to disclose or, if permission was refused, to disclose without the subject's permission. In such a case the agency would need to be satisfied that any disclosure is compliant with data protection and privacy principles.

An agency cannot charge an adopted person for the work involved in processing a section 61 application including tracing, contacting the subject and providing them with information, advice and support.

## 10.5 Section 61 applications from birth relatives and other persons

Other persons connected to the adopted person can make a request for information from the adoption record. This right extends beyond birth parents and relatives and may include people closely connected to the child before they were placed for adoption. The application could also come from a descendent of the adopted person, although at the time of writing this would be unlikely as most people adopted since 2006 will still be children or will be young adults.

### Application by former foster carer

#### Case Example: Arthur

Arthur is a 70-year-old retired foster carer. He has made a section 61 application to the AAA as he wishes to be put in touch with Ramesh who he and his late wife fostered for 5 years before Ramesh was placed for adoption, aged 8, in 2006. He has often thought about him and has kept some photos and copies of school reports and other documents of interest that he thinks Ramesh may like to have. It was hoped and expected that Ramesh's adoptive parents would keep in touch with Arthur and his late wife, but this never happened.

The agency decided to proceed with Arthur's application. Although not a birth relative, Arthur and his late wife were important people in Ramesh's life, and he would most likely remember them. Hearing about how Ramesh is now may be helpful to Arthur in dealing with his bereavement, and Ramesh may welcome the chance to receive information about his past and possibly reconnect. A complicating factor is that planned contact had not taken place – it is not clear why – the foster carers may have found this too painful and/or the adoptive parents may not have wanted the contact. The agency worker considered that Ramesh may be upset to learn that planned contact had not taken place, and this may have an impact on his relationship with his adopters. However, both the foster carers and adopters had agreed to the contact and on balance the agency felt that now Ramesh was an adult he had the right to decide for himself if he wanted any information shared with his former foster carer.

## **Application by birth mother – the need to consider each adopted person individually**

### **Case Example: Blossom**

Blossom's three children were removed from her care due to neglect and placed in foster care when they were 6 months, 2, and 3 years old respectively. They were eventually separated and placed for adoption with two different families – the two older children remained together. Blossom opposed the adoption: it was agreed that there should be letter box contact. This lasted for 5 years but then both adoptive families decided that they no longer wanted this to continue. Six years ago, Blossom made a section 62 application to the adoption agency for information and contact with her three children, but her application was turned down as the agency decided, in consultation with the two sets of adoptive parents, that it was not in the children's best interest. She was advised that she did not have the right to request a review of the agency's determination by an independent review panel, as the application was about children under the age of 18 years.

Now that her youngest child is 20, Blossom has approached the adoption agency again and has made an application under section 61 as she wants to have contact with her three children.

In this case the agency needed to think about all three of Blossom's children separately. Each individual sibling is the subject of Blossom's application and their views must be taken into account. The agency considered the fact that Blossom's children were now adults and that they had a right to know that their birth mother wanted to find out how they were getting on. There was no information on their adoption records or the Adoption Contact Register to suggest the two older individuals would not want contact. However, the youngest child Kerri (placed separately) had been receiving therapy via the Adoption and Special Guardianship Support Fund during the last year as she had been emotionally troubled about her adoption. At the conclusion of her therapy, she stated that she did not want any contact from her birth parents right now as she wanted to work things through in her own mind and also to focus on her studies.

In relation to Kerri, the agency decided to not proceed with Blossom's application. They used their general discretion (AIR R8.1) to provide Blossom with some non-identifying information about her youngest daughter to help her understand the reasons why now was not a good time to get in touch. The worker also suggested that the agency could hold a letter from Blossom on the case record as Kerri may come back in the future looking for assistance in getting in contact.

The agency decided to let Kerri know that Blossom had asked for contact because the worker knew all three of the siblings were in touch with each other and Kerri was likely to hear about Blossom's application from her older siblings. The worker

explained to Kerri what was happening and reassured her that her previously expressed wishes would be followed, but that if at any time she changed her mind she could get back in touch. Kerri was happy with this decision.

The applications regarding Blossom's two older children went ahead as they were keen to have contact with their birth mother.

### **Application by uncle (application refused)**

#### **Case Example: Eddie**

Micky's paternal uncle, Eddie, wants to have contact with his adopted nephew and has made a Section 61 application. He is in a position to pay for the agency's fees for tracing and making contact with Micky, now aged 21.

The worker was able to trace Micky quickly as he was living with his adoptive parents. Micky was intrigued to hear that his uncle was enquiring about him but did not want contact at this time in his life. He was studying for a degree and after some thought decided it may be a distraction and impact on his studies. He agreed with the worker that the agency could provide Eddie with non-identifying information to tell him that he was well but that he did not want to have contact at present. The worker told him that he could change his mind at a future time. The worker and their manager prepared a report for the ADM recommending that the agency did not proceed with Eddie's section 61 application. The agency wrote to Eddie to tell him Micky did not want contact and explained that his nephew had to consent to identifying information such as contact details being shared with him. The agency gave Eddie the non-identifying information his nephew had agreed to share and gave him information about his right to make a referral to the IRM.

Eddie said that he was unhappy about this decision and he would apply for a review and also that he intended to make a Section 61 application every year to check if Micky had changed his mind about contact.

The agency realised that Eddie had the right to make another application but they explained to Eddie they would not have to proceed, although they would need to check if Micky had changed his mind which may be unsettling for him. The team discussed whether they should have asked Micky to specify a time frame within which he would welcome a review of his present decision. The team agreed that if Eddie made a subsequent approach for contact, they would inform Micky of this to seek his view about whether he wanted a time frame in place for future requests, whilst explaining to him that Eddie retained the right to make an application. The agency gave Micky advice about the Adoption Contact Register and his right to register that he did not want contact with his uncle or to specify the circumstances in which he may wish to have contact.



## 10.6 Sharing protected information about children – applications under Section 62

Any person may apply to the AAA for the disclosure of protected information about a child. The AAA has discretion to decide whether to proceed with the application if it considers it appropriate to do so. It must, however, take into account views of the parents and the views and welfare of the adopted child. Applications must be in writing stating the reasons for the application (AIR R12). On receipt of an application, the adoption agency must take reasonable steps to confirm (a) the identity of the applicant or of any person acting on their behalf; and (b) that any person acting on behalf of the applicant is authorised to do so (Reg 13 AIR).

There is as yet no data about how many such applications are received by AAAs and how decisions are made about whether to proceed. Unlike applications under section 61, there is no recourse for the applicant to request an independent review of the agency's decision under the IRM process.

### 10.6.1 Best interests of the adopted child

Protected information will only normally be disclosed where the agency is satisfied that it is in the interests of the child's welfare to make the disclosure.

Statutory Guidance para 11.57

If the AAA decides to proceed with the application, it must:

- take all reasonable steps to obtain the views of any parent or guardian of the child
- the views of the subject child, 'if the agency considers it appropriate to do so' taking into account the child's 'age and understanding' and
- all the other circumstances of the case.

Section 62(3)

If the subject of the application is an adopted child, the AAA must seek the views of the adoptive parent(s). If the applicant is seeking information from the records that identifies both an adult (e.g. an older sibling of the adopted child) and an adopted child, the agency must also take reasonable steps to obtain the views of the adult about the implications of disclosing protected information. The adopted child's welfare is the paramount consideration when the agency is deciding whether to disclose the protected information. If the information is about any other child, for example a non-related sibling in the adoptive family, the agency must have 'particular regard' to their welfare when weighing up whether to share any information.

### 10.6.2 Responding to requests for information from a birth parent or relative

If a birth parent or relative is asking for information about an adopted child usually their request will be managed within the agency's post adoption support services for adoptive families and birth families. The birth parent may be seeking contact with the child or to alter an agreement about either direct or indirect contact. The agency should have clear protocols about how the agency works in partnership with the adopted child's parents and the child as well as the birth parents. At the outset, it may not be necessary to direct the request into a section 62 application. Social workers will need to collaborate about how this is managed across teams and how the adopted child's interests are held paramount. The views of the child having regard to their circumstances and maturity must be properly considered. It may be appropriate to take legal advice. If a birth parent or other relative believes that the only way forward is to make an application to court for a contact order, they will need permission from the court to issue a contact order application. This is a preliminary hearing at which the court considers whether any application should go ahead. The agency's legal adviser must be involved at an early stage as the agency must not deny the applicant's rights under section 62 but has a responsibility to ensure the child's welfare is secured.

#### Application by a birth grandmother

##### Case Example: Delia

Delia, the paternal grandmother of Hope (now aged 5), wrote to the local authority three years after Hope was adopted to request protected information about her granddaughter. She had only just discovered that Hope existed. Hope was born as a result of a relationship between her son Desmond and Hope's birth mother Laura. Laura and Desmond were drug abusers and had a volatile relationship. Because of the local authority's concerns about their ability to care for Hope, she was removed from their care when she was six months old and placed for adoption against her parents' wishes.

Desmond was estranged from his family at the time of Hope's birth and for the next few years, but since successfully coming off drugs he has re-established contact with them. Desmond is more settled now, working full time and he is no longer with Laura.

Delia was shocked and saddened to learn recently from Desmond that he had a daughter who had been adopted. She was very upset that she wasn't contacted by the local authority at the time they removed Hope, and that she was not given the opportunity to offer Hope a stable family life. She wants to know where Hope is living, and she would love to know that she is happy and settled. If possible, she would like some contact with Hope as she doesn't want Hope to feel rejected by her birth family, and she is keen to answer any questions Hope might have about her family background. Delia is aware that her request may come as a surprise to Hope's adoptive parents and that they may be anxious about her request. She is clear that she will work with Hope's post adoption social worker to see if there is a way forward. She also asked to put a letter for Hope on the adoption record to ensure,

if contact is not agreed at present, that Hope would know that she would welcome contact in the future or when Hope is an adult.

After an initial meeting with Delia the AAA referred Delia's request to the post adoption contact support team to see if the matter could be dealt with without the need for a formal section 62 application. Delia agreed with this proposal. The contact team wrote to the adoptive parents and offered a meeting to discuss Delia's request. Although they were initially anxious, after reassurances they said they were willing for the agency to share non-identifying information with Delia about Hope and how she was getting on. They were willing to consider indirect contact with Delia as they had experience of letter exchanges with Hope's birth mother. They did not feel comfortable with direct contact at present as Hope was adjusting to her move to primary school. They agreed to start off with exchanging information through an online platform – beginning with letters but with the future options of voice notes or video messages. The social worker suggested that this contact might be easier if they had had an initial meeting with Delia to start building mutual trust and understanding, so that each party knew who they were communicating with; they were happy to agree to this. Mediating a solution in the framework of support for post adoption contact meant that steps forward were taken without Delia having to make a section 62 application.

Although the agency was supportive of Delia's application, in other cases the agency may be justified in refusing an application.

- For example, there may be rare cases where an order for no contact was made in respect of birth parents because of a high level of risk they posed to the child.
- Or an assessment to inform contact planning completed at an earlier stage may have specified serious risks posed by a particular individual indicating any form of contact would be too risky, even when the child was older, for example, where a birth relative was connected to a network of child abusers. In the absence of any significant changes in their circumstances indicating a different approach should be considered, this may be a circumstance in which an application by the specific individual is refused.
- Relying solely on past contact planning may however replicate risk averse practices from the past – for example, where sibling contact may have been considered too risky due to siblings seeing a birth parent, this could be reconsidered if an older sibling made a section 62 request to find out more about their younger brother or sister. Any reconsideration should involve the adoptive parents and the adopted child if of sufficient age and understanding.
- There may be situations where a relative's previous request has been considered and discussed with the adoptive parents and the child (if of sufficient age and understanding). Where the adoptive parents and child have made it clear they do not want to agree to any contact being shared, subsequent applications could be refused.

### 10.6.3 Advance agreement to share identifying information – Regulation 11

This regulation gives the adoption agency responsible for planning the child's adoption the chance to give family members and others the opportunity to record their views and wishes about their personal information or aspects of their 'protected information' being shared with the adopted adult in the future. It is not the intention that these agreements will limit life story work with the child when planning their adoption or later life letters, but they may supplement that work. Birth parents may not necessarily agree to a formal agreement to share protected information especially if they oppose the adoption plan for their child, although undertaking this work may be possible at a later stage, particularly if birth parents are able to access appropriate support services.

Former foster carers or key nursery workers may wish to ensure that in the future the child will have information about them. If an agreement has been made with the subject of an application, the agency is not required to seek their view under section 61(3) about the disclosure of their personal information before sharing it. For example, in Arthur's case above (section 10.5) he and his wife could have been encouraged to give advance agreement to Ramesh being passed their contact details should he wish to get in touch with them in the future.

The agency must be satisfied that any such agreement will be beneficial to the child's welfare and best interests. If an individual is considering making such an agreement, the agency must be satisfied that they understand the implications of making this agreement and its effect. There is no duty on the agency to review the agreement but it should consider doing so in agreement with the child's adoptive parents and, as the adopted child becomes older, the child and the third person to ensure that the agreement continues to be in the child's best interests and properly reflects any change in circumstances.

See SG – para 11.34 – 11.36

## 10.7 Chapter summary

- Although statutory changes were intended to make adoptions more open, in many cases openness will still have been lacking in the adoption and adopted people will need services to help make sense of their life story and/or reconnect with birth family members and other important people from their past. Similarly birth family members (and other connected people, for example, former foster carers) may have unmet needs where post-adoption contact has not been established or continued.
- Adopted people have the right to information given to their adoptive parents, including the Child Permanence Report. CPRs may not have been written with the adopted person as a future reader in mind, and not all adopted people will have had these documents shared with them by their adoptive parents. Working with adults applying for information on their adoption record is an important opportunity to **support openness** and help the adopted person with **sense-making**.
- Information to be shared may be difficult. It is important that practitioners **respond sensitively** to requests for information and offer appropriate support; at the same

time, the autonomy of the adopted person should be respected if they prefer not to engage in 'counselling' (meaning advice and information).

- CPRs will contain identifying information about third parties whose consent is not needed to share this information with the adopted person. The inclusion of this material is intended to meet the needs of the adopted person to understand their birth family and life history. The inclusion of identifying third-party information can, however, create dilemmas when information is highly personal and not obviously relevant to the adopted person's life story. Whilst practitioners have no power to redact CPRs, there is scope to negotiate limited redaction with the adopted person. The emphasis must remain on meeting the adopted person's need for openness and understanding of their life story. **Complex decisions need to be shared**, not left to individual workers.
- Adoption agencies have been merged into larger regional agencies (RAAs) creating confusion about where records are held and who is responsible for providing services. The AAA retains responsibility for decision making about sharing of information from the adoption record, but aspects of the work can be delegated to other agencies. A **flexible collaborative approach is needed so that agencies work together** to best meet the rights of people using these services.
- Applications under section 61 or 62 to access information from the adoption record must be considered with regard to a range of factors, including the consent of people about whom information is being sought, and the views of adopted parents in the case of a child. Where an agency does not wish to proceed with an application, they need to ask the ADM to make a 'qualifying decision', and the applicant has the right to challenge this through the independent reviewing mechanism (IRM) if the information they are seeking is about an adult (but not where it is about a child).
- Where adopted people, birth relatives and other people connected to the adopted person are seeking a service essentially to reopen contact, this could be managed through the provision of post adoption support services (for example by the "keeping in touch" team) and formal applications under section 61 or 62 of the Act may not always be necessary.

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# Appendices

The aim of the Appendices is to provide guidance and suggested templates for letters, forms and records of meetings that are often used when providing services for adults affected by adoption. They are intended to assist Adoption and Intermediary Agencies by providing examples letters or forms that can be adapted to enable the agency to create their own templates and to address any specific policy and practice of the agency. As explained in the Guide, the agency should ensure that the language and format of any communication with the applicant for services takes into account their particular needs and circumstances.

- |                    |   |
|--------------------|---|
| <b>Appendix 1</b>  | Additional resources  |
| <b>Appendix 2</b>  | Flowcharts  |
| <b>Appendix 3</b>  | Suggested agency information leaflet on contact and vetoes for people adopted before 30 December 2005 (pre-commencement)                                      |
| <b>Appendix 4</b>  | Checklist of issues to be covered in the meeting with adopted person registering a veto – and form to register either Absolute or Qualified veto.             |
| <b>Appendix 5</b>  | A checklist and template for recording the consultation meeting with the adopted person: Pre-commencement adoptions: Access to adoption records               |
| <b>Appendix 6</b>  | Template for the listing of documents disclosed to the adopted person and Form for adopted person to sign receipt of records                                  |
| <b>Appendix 7</b>  | List of resources for tracing   |
| <b>Appendix 8</b>  | Format for recording consultation meeting with adopted person requesting an intermediary service  |
| <b>Appendix 9</b>  | Suggested letter/email template from IA to AAA requesting views re application by adopted person for intermediary services                                    |
| <b>Appendix 10</b> | Suggested letter /email template from IA to AAA requesting access to adoption records and views re application by an adopted person for intermediary services |
| <b>Appendix 11</b> | Suggested letter/email template from AAA to IA in response to request for information from the adoption record where AAA is content with the status of the IA |

|                     |   |
|---------------------|---|
| <b>Appendix 12</b>  | Suggested consent form for adopted person and adoption worker   |
| <b>Appendix 13</b>  | Suggested undertaking to be signed by adoption worker in relation to adoption records   |
| <b>Appendix 14</b>  | Suggested letter/email template from AAA to adoption worker to confirm that adoption record has been located, enclosing summary or Record   |
| <b>Appendix 14A</b> | Information from AAA sent to agency providing a Service to the adopted person   |
| <b>Appendix 14B</b> | Receipt of records acknowledgement:   |
| <b>Appendix 14C</b> | Record of Meeting with (adopted person) by Adoption Agency/ Intermediary Agency for AAA's Information   |
| <b>Appendix 15</b>  | Suggested letter/email template from the Appropriate Adoption Agency to the Intermediary agency in response to request for information from the adoption record and views of AAA re: appropriateness of application for intermediary services by adopted person |
| <b>Appendix 16</b>  | Suggested letter/email template from IA to AAA requesting views re application by a birth relative for intermediary services to contact the adopted person  |
| <b>Appendix 17</b>  | Template Response Letter/email to Adoption agency/ ISA request for information under Reg 12 Adoption Information and Intermediary Services Regulations 2005   |
| <b>Appendix 18</b>  | Suggested letter from Adoption / Intermediary Agency to a birth parent in seeking to establish his/her current whereabouts on behalf of the adopted person or when it has been confirmed that they are living there   |
| <b>Appendix 18A</b> | Suggested letter when there has been no response  |
| <b>Appendix 19</b>  | Suggested letter from AA/ IA direct to adopted person seeking to establish their current whereabouts, where application for intermediary services has been received from birth relative   |
| <b>Appendix 20</b>  | Format for recording the consultation meeting with birth relative   |
| <b>Appendix 21</b>  | Example of an agreement when using other agency or person to search on behalf of the intermediary agency  |

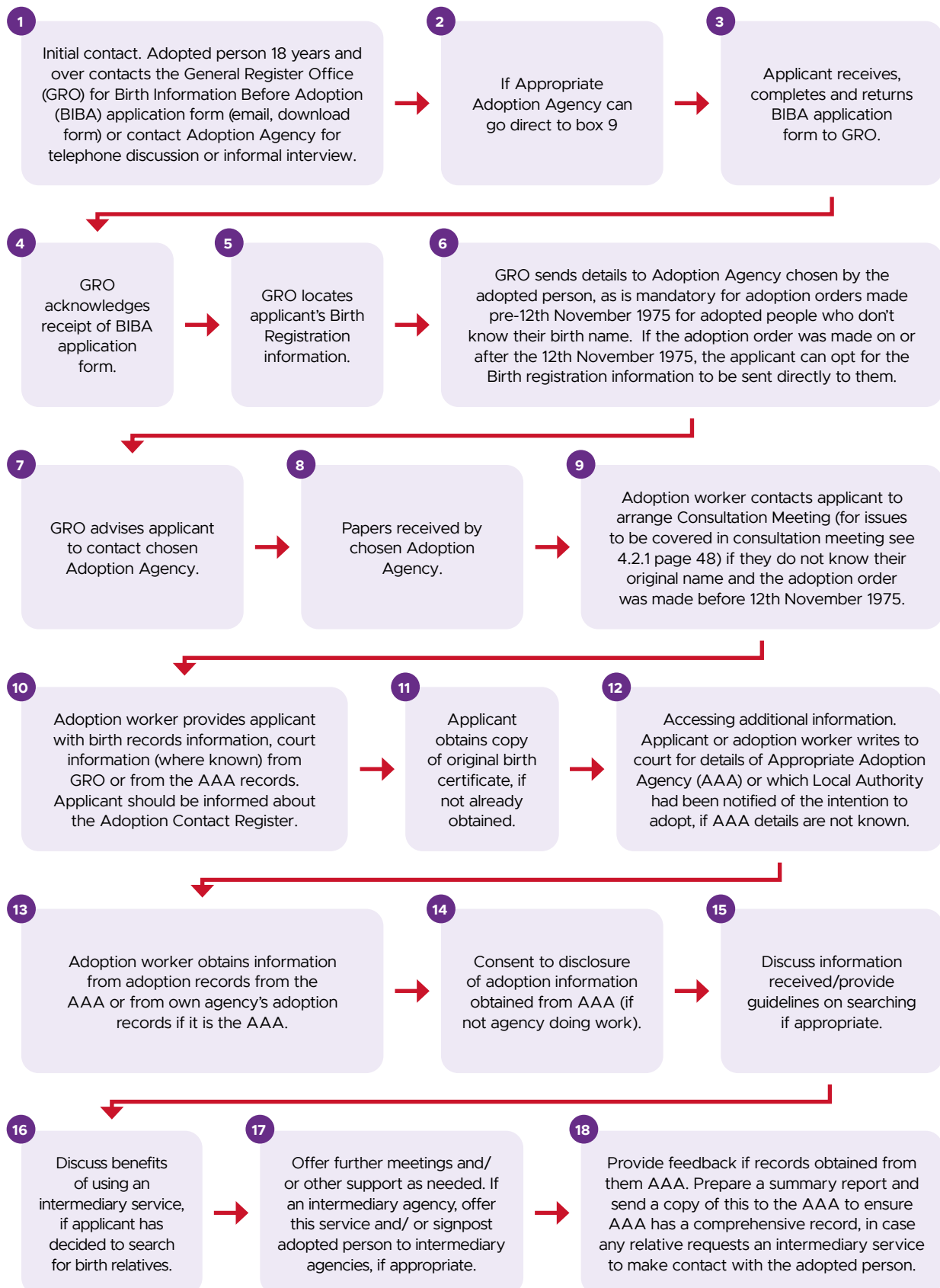
## **APPENDIX 1: Useful resources**

The Family Connect website has a very useful section providing links to a wide range of resources likely to be helpful to adopted people and birth relatives. These include links to information about adoption agencies and support agencies, government organizations, adoptee organizations, blogs, podcasts, websites and books.

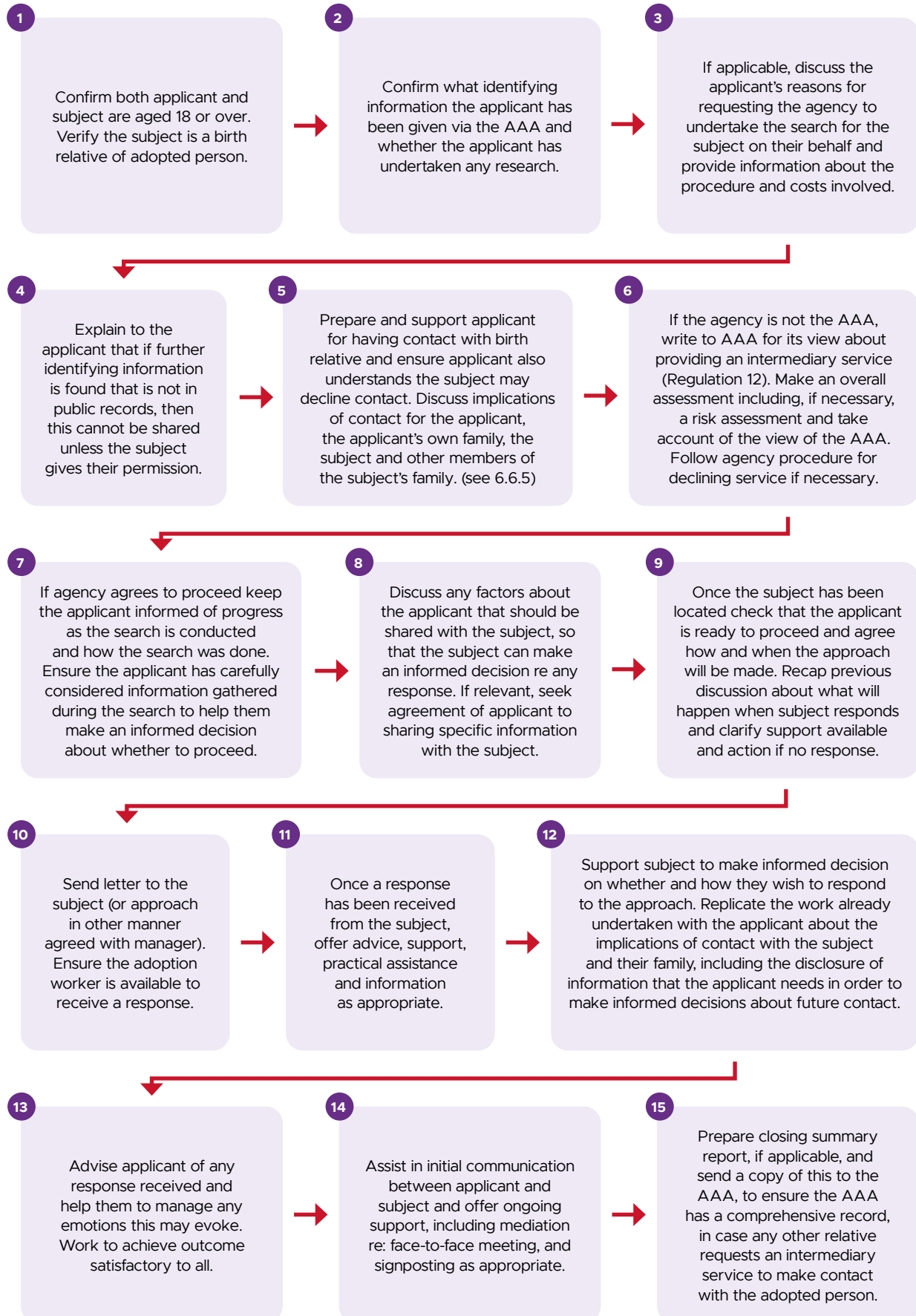
[Adoption Directory – FamilyConnect](#)

## APPENDIX 2: Flow Charts

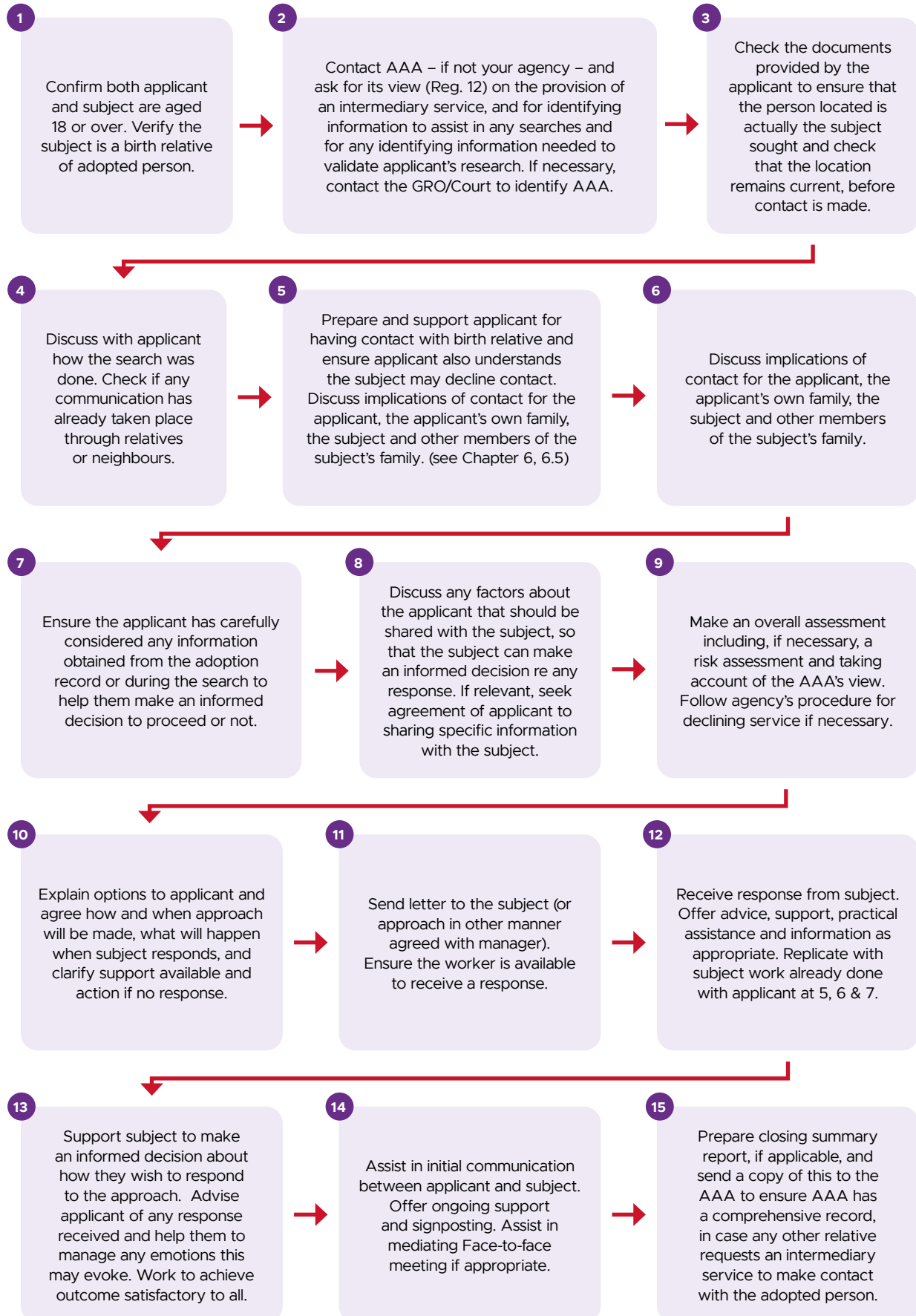
**Flow Chart 1: Access to Birth Registration Information for Adopted People – Schedule 2 of the Adoption and Children Act 2002**



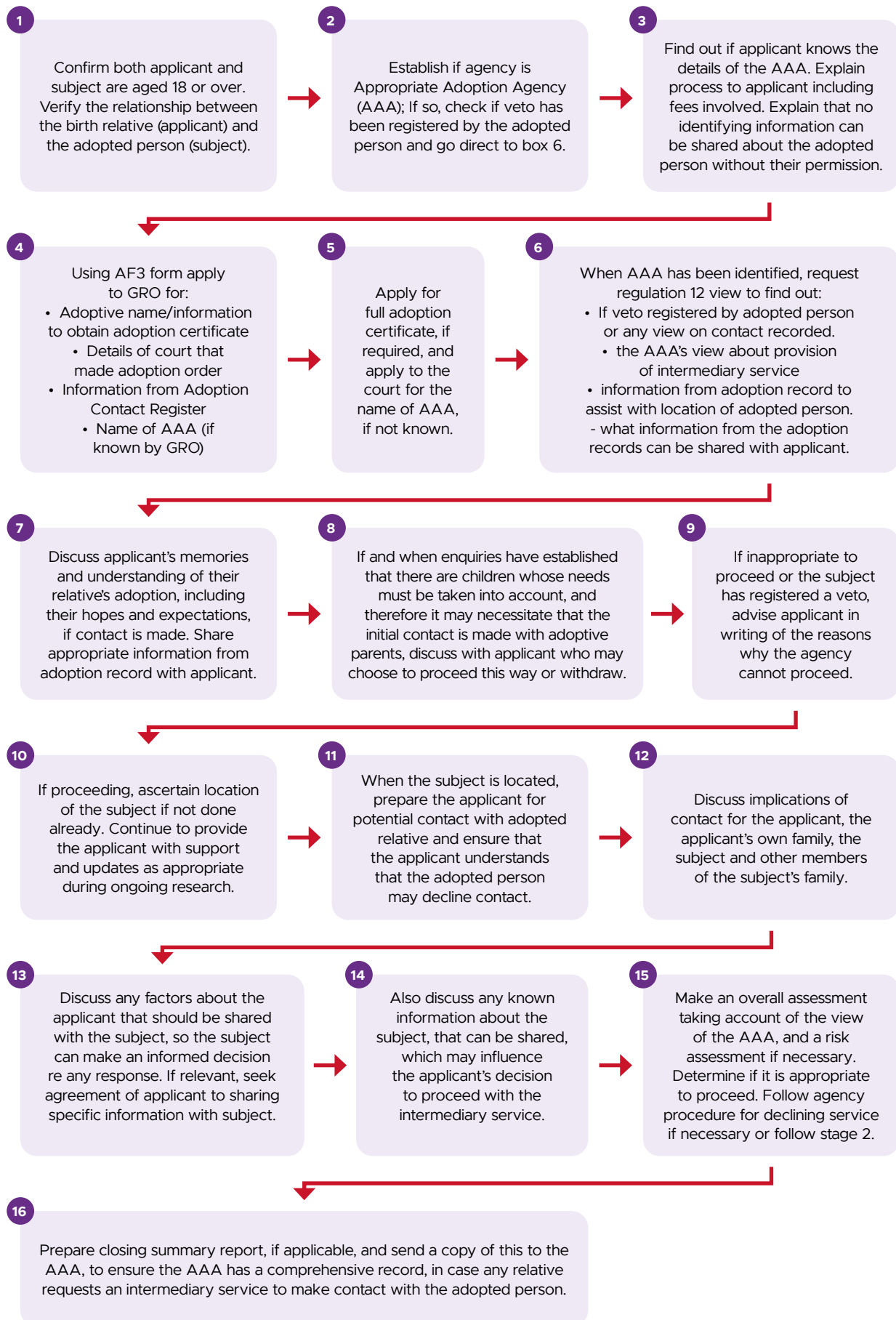
## Flow Chart 2: Intermediary work when applicant is an adopted person who has already received identifying information from the adoption record



### Flow Chart 3: Intermediary work when applicant has located the subject (usually adopted person has located birth relative)

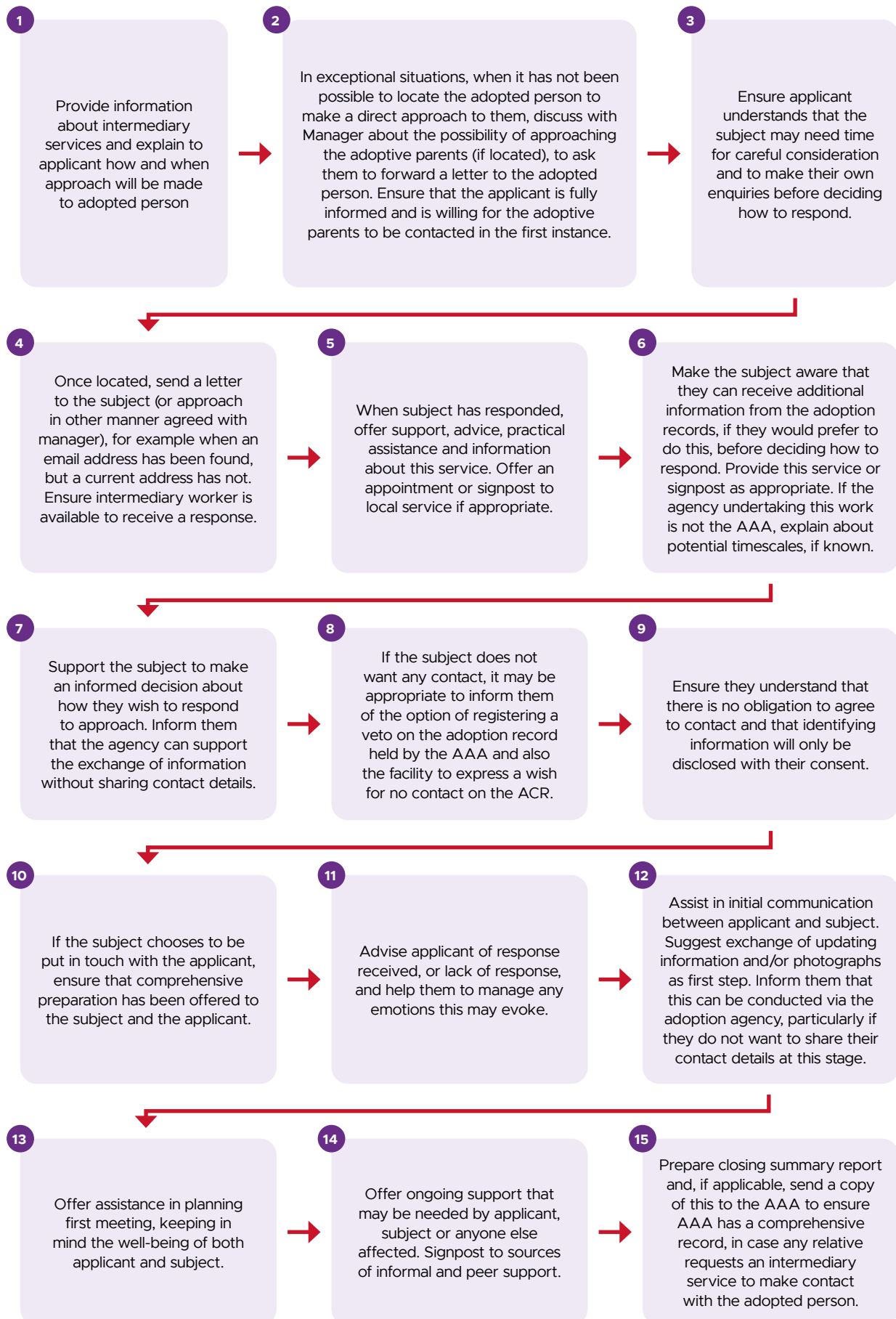


## Flow Chart 4: Request from Birth Relative seeking contact with adopted adult stage 1





## Flow chart 5: Request from Birth Relative seeking contact with adopted adult – stage 2



## **APPENDIX 3: Suggested agency information leaflet on contact and vetoes for people adopted before 30 December 2005 (pre-commencement)**

### **Contact with your birth family**

What to do if you want to have contact?

What to do if you don't want to have contact?

What to do if you're not sure what you want?

A leaflet for adopted people aged 18 years and over who were adopted through (name of Agency)

### **Services for adopted adults who wish to contact adult birth relatives**

Many people who have been adopted feel, at some time in their lives, that they would like to find out more about their birth family. Some decide they would like to meet up with their birth parents or other relatives. However, some express no interest in finding out more information about their origins or want to have contact with birth family members. As you are over 18, you are legally entitled to have a copy of your original birth certificate. You are also able to ask an agency, which provides intermediary services such as us, to approach adult birth relatives on your behalf to see if they would like to have contact with you.

We, [name of Agency] are a registered Intermediary Agency and if your adoption was arranged through us, you are welcome to approach us to discuss either of the above services. You may also find it helpful to receive information from our records about the circumstances of your adoption.

### **What if a birth relative wants to contact me?**

Adults who have a relative who was adopted may ask an Intermediary Agency to help them.

This means there is a possibility that once you are 18, you may receive an approach from [this agency] or another Agency acting on behalf of one or more of your birth relatives, to ask you how you would feel about having contact with birth family members.

Your birth relatives cannot be given your adopted name, so they cannot approach you directly.

They can only ask an Intermediary agency to approach you on their behalf, so that your privacy is protected. It would then be up to you to decide how much, if any, information you wished to give them about yourself.

### **I would like to hear from my birth family**

You may think it's positive that your birth relatives can apply for this service and you may be hoping to hear from them through an Intermediary agency. If you do feel that way it may be worth considering getting in touch with us to discuss this. In fact, you may want to consider asking us to act as an intermediary on your behalf.

### **I don't feel ready to hear from my birth family**

If, on the other hand, you don't want an Intermediary agency to approach you about possible contact with a birth relative, you have no cause to worry. You are legally entitled to block any such approach. You do this by registering a veto. All adopted adults are entitled to register a veto.

### **What is a veto?**

There are two kinds of veto:

**An 'absolute veto'.** This says that in no circumstances do you wish to be approached by an Intermediary Agency.

**A 'qualified veto'.** This says there are circumstances, set out by yourself, in which you would or would not want an Intermediary agency to contact you. For example, you could say that you would want to be contacted only if there were some important medical information that someone needed to pass on to you; or you could say that you would not want to be contacted until, for example you have finished university, or your children have all started school, or before a specified year or date.

### **How vetoes work**

If you want to register a veto you have to do it with the Adoption Agency through which you were adopted. Although your birth relatives can ask any Intermediary agency to approach you on their behalf, the law prevents the Intermediary agency from contacting you without first getting in touch with your Adoption Agency. If your Adoption Agency informs them that you have registered an **absolute veto** the Intermediary agency is not allowed, in any circumstances, to approach you. If you have registered a **qualified veto**, they will be allowed to contact you only in the circumstances you have set out.

### **Can a registered veto be altered?**

A veto registration can be altered but only if the adopted person contacts the adoption agency to inform them that they wish to make amendments to the veto they registered or wish for the veto to be deregistered. This means that if you change your mind in the future about being open to an intermediary contacting you on behalf of a birth family member, you need to let us know so we can alter the veto on your file.

If we arranged your adoption and you would like to talk to us about the possibility of registering a veto, please don't hesitate to get in touch with:

[insert contact details here]

### **Is there anything else I can do to make my wishes clear?**

The General Register Office (GRO) runs an Adoption Contact Register. Adopted people and birth relatives over the age of 18 can use this to register whether they wish or do not wish to have contact with each other. We are happy to give you further information about this, or you can visit the GRO website.

**I'm not sure whether I should register a veto**

If you would like to have an opportunity to consider all the options and their implications, you are very welcome to contact our Post Adoption Team on [insert telephone number]. We would also welcome hearing from you if you would like to talk over anything else to do with your adoption.

For more information see:

[insert Agency website details]

FamilyConnect – Building Stronger Families

Adoption records: The Adoption Contact Register – GOV.UK ([www.gov.uk](http://www.gov.uk))

## **APPENDIX 4: Checklist of issues to be covered in the meeting with Pre-Commencement adopted person who wishes to register a veto, and form to register either absolute or qualified veto**

**IT IS IMPORTANT THAT AGENCIES HAVE AN ELECTRONIC CENTRAL REGISTER TO KEEP A RECORD OF VETOES THAT HAVE BEEN REGISTERED WITH THAT AGENCY AS WELL AS NOTING THE REGISTRATION ON THE ADOPTION RECORD**

### **Legislative Framework**

- Adoption and Children Act 2002
- The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005: Regulation 8
- Statutory Adoption Guidance: Chapter 10 (paragraphs 56-67)

### **Consideration and guidance for completing this suggested form**

N.B. The AAA must register a written application for a veto from an adopted adult even if these forms are not used. A letter or email is sufficient for this purpose.

- An absolute or qualified veto can only be placed by an adopted adult, and only with the AAA.
- The adoption worker must receive written confirmation of the age and identity of the adopted person.
- The reasons for wishing to register a veto should be fully explored with the adopted adult and recorded on the adoption record.
- It is important to ensure that the adopted person fully understands the implications and effect of registering a veto – but the agency must register the veto even if the adopted adult does not wish to engage.
- It is important to ensure the adopted person is made aware of the two types of veto – absolute or qualified – and the implications and effect of each.
- The adopted person must be made aware that they can alter the veto at any time and be given information about how this can be done.
- It is important to ensure that discussion encompasses both the applicant and any children they have or may have in the future, and the implications for them over time.
- Consideration should also be given to, and issues explored if the adopted person has adopted siblings of the same birth family living in the same adoptive family, and the effect of the veto on them.
- Even if the adopted person expresses a wish to register an absolute veto the circumstances relating to a qualified veto may be discussed to ensure the adopted adult has thought through all the issues and implications.
- Adopted people should be made aware that they can register a veto, and this will prevent an intermediary agency proceeding with an application, except in the circumstances specified under a qualified veto. Adopted people may need to be advised that a birth relative may do their own search to try and find them, despite the registration of a veto. In the event of this happening the adopted person should be advised of the support and assistance the agency can offer to them.
- It needs to be explained to the adopted person that any veto is only in relation to an

approach from an agency providing an intermediary service and not the AAA. There may be circumstances when the AAA considers it important to contact the adopted person, and examples of this can be given to help the adopted person understand why this may be necessary.

- The adopted person should be made aware that they can register a wish for 'No Contact' on the Adoption Contact Register; or 'No Contact' with a specified relative.
- It is helpful to explore with the adopted person what information about themselves, if any, they give permission for the agency to pass on to a birth relative making an enquiry about them.
- It will be also helpful to explore with the adopted person whether they wish to give a reason to an enquiring birth relative to explain why they have placed a veto – this might help the birth relative understand and accept their decision.

## Registration of a qualified veto

The Adoption and Children Act 2002. The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005. Regulation 8.

The following templates can

Current name:

Address :

Telephone number:

Email:

Date of Birth:

Birth name:

Adoptive name:

Date of adoption order:

## DECLARATION

I wish to register a qualified veto and wish to place on record that I do not wish to receive an approach from an intermediary agency on behalf of any birth relative from whom I have been separated by adoption unless specified below:

- |   |        |
|---|--------|
| • I wish to be contacted if the enquirer is my birth mother   | Yes/No |
| • I wish to be contacted if the enquirer is my birth father   | Yes/No |
| • I wish to be contacted if the enquirer is my birth sibling  | Yes/No |
| • I wish to be contacted if the enquirer is my birth grandparent  | Yes/No |
| aunt  | Yes/No |
| uncle   | Yes/No |
| cousin  | Yes/No |
| • I wish to be contacted if the enquirer (state any other relationship)   | Yes/No |
| • I wish to be contacted if the person making the enquiry was also adopted and has no contact with our shared birth family. | Yes/No |
| • I wish to be advised if an intermediary is aware that the person seeking contact with me is terminally/seriously ill.     | Yes/No |
| • I wish to be advised of any significant genetic condition affecting members of my birth family.                           | Yes/No |

- I wish to be advised if a medical practitioner recommends that I undergo a health check. Yes/No
- I wish to be advised if the enquiry relates to a bequest from a Will where I am named as a beneficiary. Yes/No
- I only wish to be contacted once by one/some/all of my birth relatives named above **[state which ones, if applicable]. [insert reason if applicable]**
- In the event of an approach from one/some/all of my birth relatives named above **[state which ones, if applicable]**, I agree that they can be told that I have placed a qualified veto for the following reason/s:
- In the event of an approach from one/some/all of my birth relatives named above **[state which ones, if applicable]**, I agree that the following non-identifying information about me may be shared with them:

I agree that it is my responsibility to notify [the name of agency] if I wish to alter any of the above and I confirm I agree its content and have received a copy of this form. I also understand that information on this form may be held on computer.

Signature of adopted person: Date:

Witnessed adoption worker: Date

### **Registration of an absolute veto**

The Adoption and Children Act 2002. The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005. Regulation 8.

Current Name

Address

Telephone number(s)

Email

Date of Birth

Birth name

Adoptive name

Date of adoption order

### **DECLARATION**

I wish to register an absolute veto and to place on record that I do not wish to receive an approach from an Intermediary agency on behalf of any birth relative from whom I have been separated by adoption.

I agree that it is my responsibility to notify the agency if I wish to alter this absolute veto and confirm that I agree its content and have received a copy of this absolute veto form. I understand that information on this form may be held electronically in a central register and on the adoption record.

I also confirm that the options regarding a qualified veto have been discussed with me, but I remain sure that an absolute veto is my wish.



In the event of an approach from a birth relative, I agree that they can be told that I have placed an absolute veto for the following reason/s:

In the event of an approach from a birth relative, I agree that the following non-identifying information about me may be shared with them:

Signature of adopted person:

Name:

Signature of worker:

Name:

Date form completed:

## **APPENDIX 5: Suggested guide for recording a birth record consultation meeting with an adopted person**

This guide note may be used when meeting an adopted person who is exercising their statutory right to access to adoption information held by the General Register Office about their birth registration. It also addresses the sharing of discretionary information from the agency's adoption records.

Please refer to Chapter 4 and also to the agency's relevant policy and procedures.

### **Date**

Of meeting and type of meeting, for example, adopted adult seeking access to information held on the case records relating to their adoption.

### **Name and date of birth of adopted person**

Also add birth name if known and other name[s] if the adopted person has changed their name through marriage or other circumstances.

### **Confirmation of identity**

Details of identifying documentation seen – eg. passport, utility bill etc. (at least one piece of identification should include a photograph of applicant if possible).

### **Reason for enquiry**

What has prompted the adopted adult to come forward at this time?

### **Hopes and expectations**

What do they hope to achieve/resolve? Are they seeking background information to trace and seek reunion with birth family members?

### **Present circumstances and description**

It is helpful to ask the adopted person if they wish to describe their current circumstances which may include relevant personal details, family composition, current employment if relevant, and current life circumstances. Include level of support they have and attitude of partner/adoptive family to access to records, if they wish to share this.

### **What was their experience of adoption?**

### **When were they told of their adoption?**

How they feel about being adopted? How open are they about it? Was adoption talked about in the adoptive family? How much do they know about the reason for the adoption or what explanation has been given to them? What other information do they have? Have they discussed seeking information about their adoption with anyone?

### **Sharing information from the adoption record**

What information was shared? Was it as much or as little as they expected? What was their initial reaction to receiving information?

Record details of any information that was not shared from the adoption records, and the reasons for withholding this.

### **Expectations**

(Include this if covered in the meeting)

What are their hopes and fears of making/not making contact with their birth family? Include advising about emotional implications and impact, life-style differences, sexual orientation, transgender, special needs, disability, mental illness, drug/ alcohol abuse, criminality, prison, poverty, fame etc. Discuss the possibility of genetic sexual attraction and implications for all parties. Note any circumstances which would deter the adopted person from pursuing contact with any birth relative.

### **Issues/concerns**

Use this heading if there are concerns/issues not covered in the headings above. If there are serious concerns that a birth relative may be at risk from the adopted adult, these risks must be identified, discussed with the adopted person or birth relative (if possible) A decision should be taken in discussion with the manager and a record made about how to proceed?

Action taken: It is important to give a range of information and advice to the adopted person, such as:

- Information about how to search for birth family members
- Information about accessing an intermediary service under the under The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 giving adopted people, birth relatives and others the right to apply for an intermediary service. Ascertain their wishes in the event of a birth relative seeking contact with them and record these fully on the adoption record.
- Information about the Adoption Contact Register held at the General Register Office and that this enables them to specify a wish for contact or no contact on this register.
- Their right to register a qualified or absolute veto, the procedure for this and that it has to be registered with the AAA.
- Details of groups for adults who were adopted in the local area if appropriate. Offer support and give information about intermediary services. Give reading list and signpost to other resources if appropriate.
- Emphasise that they may time to absorb the information received from their adoption record and may seek advice or further consultation at any time in the future.

### **Receipt of Records**

It is important to ask the adopted person to sign a form to confirm they have received information from the adoption record. See [Appendix 6](#). A copy of this should be given to adopted person and a copy also retained on the adoption record.

### **Evaluation Form**

If appropriate, provide an evaluation form and explain the value to the agency of obtaining feedback about the services the agency provides and note on records that a form has been given.

**Signature:**

**Status:**

**Date:**

**Supervisor/Manager:**

**Date:**

## **APPENDIX 6: Sharing information from adoption records of the AAA including documents**

### **Guidance Notes**

These forms may be adapted to reflect the circumstances and needs of the individual person to whom the adoption worker is providing the service. The forms can be used when:

1. providing a summary prepared from the adoption records. Sometimes the AAA may be working from records that were transferred by an adoption agency that is now closed.
2. providing documents – either originals or copies – from the records, including a summary as necessary to give context and explanations of gaps and possible inaccuracies. The AAA should include a document list which can be signed by the recipient. Before sharing documents, particularly original documents, the worker should discuss with the adopted person whether they have somewhere safe to keep these documents. A list of the documents shared and copies of original documents must be kept on adoption records.

In both situations, the worker, on behalf of the agency, should discuss with the adopted person the confidential nature of the personal information shared in the summary and/or documents and their understanding of the impact of sharing documents or information about other people without their knowledge or consent.

There are two documents. The first document is essentially a ‘memorandum of understanding’ which makes a ‘context statement’ and records the shared understanding about the information itself, the reasons for keeping the information safe and about sharing another person’s information. It reflects that the AAA has done its best to give accurate information from its records and that it has exercised its discretion thoughtfully about how much personal information of other persons to provide and has explained to the adopted person the privacy rights of all persons identified. It is not a legally enforceable contract. The worker signs this document not as a witness but to record the shared understanding and the adopted person is invited to sign. The AAA will need to decide whether to delegate responsibility to the worker to sign on behalf of the agency, but it is preferable that the worker who has established a relationship of trust with the adopted person signs the shared understanding document.

The second document is a suggested form of ‘receipt’ which the adopted person is invited to sign when the AAA shares documents which the AAA has listed, identifying originals and copies. A copy of the signed list of documents form should be placed on the adoption records.

**Form 1 Record of shared understanding between [name of adopted person] and**

**[name of social worker of (name of AAA)]**

1. I confirm I have received from [name of worker and name of AAA] a summary which is based on the information in the adoption records held by [name of AAA or AAA now holding records if original agency closed].
2. I understand that
  - the information is taken from confidential adoption records made around the time of my adoption.
  - there may be incorrect information in the records and that the agency has, as far as practicable, checked its accuracy and identified information which may not be accurate.
  - there are gaps in the information on the records which the agency has identified as far as possible. [Include this if there are obvious gaps in information which would usually be on the records.]
3. The agency has explained to me that some of the language used in the records is judgmental, unfair and disrespectful but reflects language used in the period when the records were made.
4. [Name of worker] has explained to me the agency's view of my rights to privacy and those of family members and other persons identified. They have discussed with me the reasons why, before disclosing any of this information to other people, they advise me to give careful consideration to the right to privacy of any other person named in the records or documents and also the potential longer term impact on my own privacy.
5. We have discussed that any action I take that makes the personal information of another person more widely known without their consent may cause them distress and upset and that this may put at risk an opportunity to have contact with them in the future.

Signed

Adopted person

Signed

Name of worker

on behalf of [name of AAA]

## Form 2 Receipt for documents – listed and attached

### Acknowledgement of receipt of documents

1. I confirm I have received from the agency the documents named in the list attached.
2. I understand that these documents are taken from the agency's confidential adoption record.
3. I will keep these original and copy documents safe and secure to the best of my ability.

Signed

Adopted Person

### Example of list of records given to the adopted person,

Name of Agency:

Information given to:

Information given by:

Date information given:

LIST INFORMATION GIVEN (Copies given unless otherwise stated)

| Date of Document | Description of Document: note if original or copy                                   |
|------------------|---|
| 13.12.1970       | Background Letter from Father O Hara  |
| 13.12.1970       | Application for adoption  |
| 13.12.1970       | Family background and names and addresses of birth parents and other family members |
| 17.12.1970       | Original letter from Birth Mother, Trudy Jenkins                                    |
| 17.01.1971       | Case notes of meeting with Trudy Jenkins  |
| 17.01.1971       | Memorandum signed by birth mother   |
| 23.01.1971       | Letter from the prospective adopters  |
| 30.01.1971       | Letter to prospective adopters  |
| 02.02.1971       | Medical reports of baby Jane  |



|            |  |
|------------|--|
| 07.02.1971 | Typed note for the attention of Father O'Hara                          |
| 14.02.1971 | Letter from prospective adopters                                       |
| 12.03.1971 | Report of home visit to prospective adopters to review Jane's progress |
| 14.03.1971 | Letter to Trudy Jenkins  |
| 02.04.1971 | Court notification of adoption hearing                                 |
| 29.06.1971 | Court notification of adoption order                                   |
| 01.07.1971 | Letter to adopters   |
| 25.07.1971 | Typed case notes and photo   |

## APPENDIX 7: Tracing Checklist/list of resources for tracing

| Method   | Date | Outcome |
|--|------|---------|
| Adoption Contact Register  |      |         |
| NHS Death Registration Service<br><i>This service is currently suspended but when available it could usually confirm if an individual is registered with a GP in England and Wales or is deceased or no longer registered.</i>   |      |         |
| Birth, Death, Marriage and other records<br><a href="http://www.freebmbd.org.uk">www.freebmbd.org.uk</a> (free but not complete)<br><a href="http://www.ancestry.co.uk">www.ancestry.co.uk</a> (needs subscription)<br><a href="http://www.findmypast.com">www.findmypast.com</a> (needs subscription)             |      |         |
| Address records, with additional info<br><a href="http://www.192.com">www.192.com</a> (needs credits)<br><a href="https://traceiq.tracesmart.co.uk">https://traceiq.tracesmart.co.uk</a> (only available to approved agencies and has high minimum yearly fee, however it includes dates of birth for most people) |      |         |
| Telephone Directories<br><a href="http://www.ukphonebook.com/residential-telephone-directory">www.ukphonebook.com/residential-telephone-directory</a>  |      |         |
| Wills and Probate<br><a href="http://www.probatesearch.service.gov.uk">www.probatesearch.service.gov.uk</a> (free search, small fee for documents)   |      |         |
| Check who owns a property<br><a href="http://www.gov.uk/search-property-information-land-registry">www.gov.uk/search-property-information-land-registry</a><br>(free search, small fee for documents)  |      |         |
| Online additional resources<br><a href="http://www.linkedin.com">www.linkedin.com</a><br><a href="http://www.facebook.com">www.facebook.com</a>  |      |         |
| If subject not located, search for close relative of subject,<br>using the resources listed above.<br>If close relative deceased, death cert / probate will usually have an address, possibly of next of kin.  |      |         |
| Professional Registers   |      |         |
| Archives, eg London Metropolitan Archives  |      |         |
| Church records   |      |         |
| Other agencies who may have information, eg<br>Local authorities, other voluntary agencies.  |      |         |

## **APPENDIX 8: Format for recording consultation meeting with adopted person requesting an intermediary service.**

### **Date of Meeting:**

### **Name of adopted person**

### **Address and contact details**

### **Confirmation of Identity:**

### **Details of the identifying documentation seen.**

This may be a passport, utility bill etc (at least one piece of identification should include a photograph of applicant if possible).

### **Adoption Experience**

### **Present circumstances and description**

Such as pen picture of person and relevant personal details, family composition, current employment if relevant, and stability of current lifestyle. Include level of support they have from partner/family/ and their attitude about the adopted person's wish to access an intermediary service. Be mindful of issues of vulnerability and risk and explore where appropriate and necessary.

### **What Information does the adopted person have about their origins?**

Have they received information from the adoption records under Sch 2 about the circumstances of their adoption and family background? If not, then information and advice about how they can do this is an important first step as they will be able to access identifying information.

### **Hopes and expectations and possible outcomes**

What outcome is the adopted person is hoping for? For example, would they like to meet and continue any subsequent relationship or just want information, an exchange of letters or communication via email or instant messages.

Discussion with the adopted person about the potential reactions and outcomes of making contact with the birth relative. For example, the birth mother may not have told partners and subsequent children that they had a baby/child that was adopted and the implications of this.

What are their expectations if contact is established? Have they considered how they might feel if the birth relative does not want to have contact? What other possible outcomes/ scenarios have they considered and how do they think they would respond? Include advising re: emotional implications and impact, genetic sexual attraction, sexual orientation, transsexuality, special needs, disability, mental illness, drug/alcohol abuse, criminality, prison, poverty, fame etc.

### **Issues/concerns**

**Use this heading if there are issues/concerns that have not been covered in the headings above.**

**Action taken:**

It is important to record the content of the meeting, including the issues discussed and the advice and information that have been given.

- Has the adopted person received information about the Adoption Contact Register? If so, has this been checked to see if a birth relative has also registered.
- Does the adopted person consent to information being shared about them with the birth relative so that the birth relative can make an informed decision about consenting to disclosure of their identifying information (Regulation 7 of the Adoption Information and intermediary Services (Pre-Commencement Adoptions) Regulations 2005).
- What information has been given to the adopted person about how they can search for the birth relative. Explain what can and cannot be done in terms of searching.
- Has information been given about the support and services the agency can provide? Have the potential cost implications of providing an intermediary service been discussed? Has the role and responsibilities of the intermediary been explained
- Has information been provided about any local self-help organisations and network that exists?

Has the adopted person been given a useful reading list, if appropriate; and details of websites that might be useful, for example: FamilyConnect - Building Stronger Families

- Has the adopted person ever registered a veto? If so, do they wish to review this?

**Accepted/not accepted for an intermediary service:**

The adopted person is to be informed that the agency will make a decision about the acceptance of their application for provision of an intermediary service within a month, or sooner if possible. In making this decision particular regard must be given to the welfare of any person 'who may be identified or otherwise affected by the application' who is under the age of 18. If there are concerns that the adopted person poses a risk to him/herself or anyone else affected by the application, these must be identified, discussed with the adopted person (if possible), and a decision made in supervision and recorded about how to proceed.

If acceptance for service is declined the adopted person must be informed of the reasons for this as soon as possible, and these must be recorded on record. If the agency providing the intermediary service is not the AAA, the AAA must be informed of the outcome of work with the adopted adult.

Signature:

Status:

Date:

## APPENDIX 9: Suggested letter/email template from IA to AAA requesting view re application by adopted person for intermediary services

Dear ASSA or named manager of AAA

**Request for views of the Appropriate Adoption Agency under regulation 12 of the Adoption Information and Intermediary Services Regulations 2005 regarding an application for intermediary services by:**

**Current Name of adopted person:**

**Adopted name**

**Birth name**

**Date of birth:**

This agency has received an application for an intermediary service under section 98 of the Adoption and Children Act 2002, to enable **[birth name of adopted person]** to contact their **(state relationship)**.

From information supplied by **[name/General Registry Office/name of court]** it appears that your agency is the appropriate adoption agency in this case.

**[Name of adopted person]** has identified the current name and address of his/her **[relationship and name of relative]** and is requesting an intermediary service to facilitate contact between them.

I confirm that this agency has carried out its responsibilities under regulation 11 of the Adoption Information and Intermediary Services Regulations 2005 to verify the age and identity of **[name of adopted person]**.

In accordance with regulation 12 of the Adoption Information and Intermediary Services Regulations 2005, I should be grateful if you would supply me with the following information:

1. Confirmation that your agency is the AAA in this case.
2. Details of any contact your agency has had with **[name of birth family]** since the adoption order was made.
3. Whether your agency has received a 'no contact' request from a birth parent or other birth relative in this case.
4. Any relevant information of which you consider **[name of adopted person]** should be made aware of in seeking to establish contact with his/her **[state birth relationship e.g. birth mother]**.
5. The views of your agency with regard to the appropriateness of the application for an intermediary service in accordance with regulation 12(3)(b) of the Adoption Information and Intermediary Services Regulations 2005.

The National Minimum Standards are in place to prevent Adults Affected by Adoption experiencing undue distress caused by long waiting times for the information requested to be received. In accordance with 16.3 of the Adoption National Minimum Standards, we would be most grateful if you could acknowledge receipt of this enquiry within ten working days, including the time scale we should expect to receive this information.

Please note that we are not asking for the birth records but require minimum information as to the registration of any veto and we look forward to your earliest response.

Yours sincerely

Manager/Intermediary agency worker

## APPENDIX 10: Suggested letter/email from IA to AAA requesting information from the adoption records and views re application by an adopted person for intermediary services

Dear ASA or named manager of AAA

Re Request for information under Reg 12 Adoption Information and Intermediary Services Regulations 2005

**Current Name of adopted person:**

**Adopted name if different from above:**

**Birth name:**

**Date of birth:**

This agency has received an application to provide him/her with information held on the adoption records. This may lead to an application for an intermediary service under section 98 of the Adoption and Children Act 2002, to facilitate contact with his/her **(state relationship and name of birth relative)**.

From information supplied by **(name/General Register Office/name of court)** it appears your agency is the appropriate adoption agency in this case.

It would be helpful if your agency would provide a summary of the information held on your records relating to their adoption, indicating which information can be given to the applicant and which information is confidential and provided solely to assist this agency offering an intermediary service if this is requested.

If your agency would prefer to send me a copy of the adoption record, I will prepare a draft copy of the summary that I intend to give **(name of adopted person)** for your approval before sharing the information with **(name of adopted person)**.

In the event the **(name of adopted person)** requests an intermediary service I should be grateful if you would provide me with the following information in accordance with regulation 12 of the Adoption Information and Intermediary Services Regulations 2005:

1. Confirmation that your agency is the AAA in this case.
2. Details of any contact your agency has had with name of birth family since the Adoption Order was made.
3. Whether your agency has received a 'no Contact' request from a birth parent or other birth relative in this case.
4. Any information of which you consider **(name of adopted person)** should be made aware, in seeking to establish contact with their **(birth relative relationship)**.
5. The views of your agency regarding to the appropriateness of any application for an intermediary service in accordance with regulation 12.3(b) of the Adoption Information



and Intermediary Services Regulations 2005.

Please note that at this stage we are not asking for information from the adoption records but just require minimum information about whether your agency has received a registration of any veto from the adopted person.

The National Minimum Standards are in place to prevent adults affected by adoption experiencing undue distress caused by long waiting times for the information requested to be received. In accordance with 16.3 of the Adoption National Minimum Standards, we would be most grateful if you could acknowledge receipt of this enquiry within ten working days, including the time scale we should expect to receive this information.

Yours sincerely,

Manager/Intermediary Agency worker

## **APPENDIX 11: Suggested letter/email from the Appropriate Adoption Agency to Intermediary agency in response to a request for information from the Adoption Record**

Dear Manager or named intermediary agency worker

**Schedule 2 of the Adoption and Children Act 2002: Access to information from the adoption records information by**

**Current name of adopted person:**

**Birth name:**

**Date of birth:**

Thank you for your letter/email of **[date]** in which you state that [adopted person] has applied to your agency for access to information held on the adoption records and may well seek intermediary services from your agency.

I confirm that this agency is the appropriate adoption agency in this case and that we hold the adoption record in respect of **[birth name of adopted person]**.

To progress your request, I should be grateful if you would arrange for the enclosed consent form **(number)** to be completed and returned to me as soon as possible.

Yours sincerely,

Manager/ Post Adoption worker AAA

## **APPENDIX 12: Suggested authorisation and consent form to release information to the adopted person and adoption worker**

**I ..... hereby consent and authorise any/all documentation relating to me and my adoption, to be forwarded to the Name of Agency**

Signed: \_\_\_\_\_

Name: (Print) \_\_\_\_\_

Date: \_\_\_\_\_

Birth name: (if different from current name) \_\_\_\_\_

Date of birth: \_\_\_\_\_

Address \_\_\_\_\_

Tel No \_\_\_\_\_

Please return completed form to: (Adoption Worker's name and address)

## APPENDIX 13: Undertaking to be signed by the adoption worker in relation to the adoption records of:

Name of adopted person:

DOB:

Birth name of adopted person:

- I, **(adoption worker)** of **(agency providing consultation service)** hereby agree to:
- maintain the confidentiality of the adoption records and use the information solely for the purpose of birth records counselling
- submit a report of the work undertaken with the adopted person, including issues to be borne in mind for any future work with the adopted person and their birth family
- set out in writing any information from the appropriate adoption agency which I did not share with the adopted person, and state the reasons for this decision
- ask the adopted person to respect the confidentiality of the information given to them
- return the documents within                      by recorded delivery state time frame

Signed:

Dated:

Position:

Address:

Postcode:

Tel no:

Please return this completed form to:

Name and address of agency providing adoption records

## **APPENDIX 14: Suggested letter/email from the Appropriate Adoption Agency to the adoption worker to confirm that the adoption record has been located and a summary will be provided or that the adoption record is enclosed**

Dear Manager or named intermediary worker

**Schedule 2 Adoption and Children Act 2002: Access to adoption information in respect of:**

**Current name of adopted person:**

**Birth name:**

**Date of birth:**

Thank you for returning the completed Consent to Disclosure of information Form ref:

I am pleased to confirm that the relevant adoption record has been located, and I hope to be able to complete a summary of the record by **[date]**.

Third party information will usually be excluded from the summary, but each case will be considered on its merits.

OR

Please find enclosed a copy of the relevant adoption record, for you to provide a written summary for the adopted person. As the appropriate adoption agency, we have the discretion to determine what information can be shared with the adopted person. Therefore, before sharing the contents with them, I should be grateful if you would send me a copy of the draft summary of the record and the list of documents you propose to share for this agency's approval.

Please complete the enclosed undertaking form **(ref)** and return it to me as soon as possible.

Yours sincerely,

Manager/ Post Adoption Worker AAA

## APPENDIX 14A: Information from AAA sent to agency providing a service to the adopted person

Strictly Private & Confidential – Addressee Only

Email

Ref

:

Date

Dear

Adopted Adults — Schedule 2 (Access to Birth Record Information) & Access to Adoption Information & Birth Family History

Thank you for your enquiry regarding:

- Name:
- Birth Name:
- DOB:
- Date of Adoption:

In order to fulfil our obligations as the Appropriate Adoption Agency (AAA) in this case, it would be helpful to describe (**name of agency**) practice and expectations in this area of work.

It is our practice to share information and documents about the birth family and copies of all relevant papers and letters are given to the adopted person. Original letters from the birth family are included where possible, unless they contain third party information or are relevant to more than one adopted person. General Medical information is included, and we would suggest following up with their GP, if there are outstanding issues. We also include information about vetoes in our counselling sessions for anyone affected by adoption.

We go beyond the simple information on a birth certificate and if in doubt, we consult and record any decisions about whether to reveal information that may prove to be distressing or harmful to the adopted adult. The reasons for the decision must be recorded as well as the adopted adult responses and any outcomes. It is not our practice to send original adoption records and if original letters/photographs are sent, copies will be kept on the original record.

Third Party information is generally redacted from the information we share. Whilst having regard to the principles of the Data Protection Act, which means we would not reveal anything personal about the adoptive parents to the adopted adult, we do include at our discretion (Adoption Agency Regulations reg 15 (2) (a)), letters from the adoptive parents to the Agency which provide progress reports concerning the placement.

Please note (**name of agency**) does not offer an intermediary service but are able to advise on other Registered Adoption Support Agencies who carry out this work.

Lastly, we would find it helpful, if you could complete and return the Record of Meeting form either in the enclosed envelope or email securely to **(email address)** on completion of your meeting. This information would help us in considering how to respond to any possible enquiry from the birth family in future, if at that time we are unable to contact you. I hope that the enclosed information is of help to you in your work with **(name)**.

Please complete and return the Acknowledgement of Receipt of Records enclosed as confirmation of safe arrival.

Yours sincerely,

Manager/Adoption worker



## APPENDIX 14B: Receipt of records acknowledgement

Strictly Private & Confidential – Addressee Only

Tel:

Email:

Date

### Receipt of records acknowledgement:

I ..... have today received information from the archived adoption Records held by **(insert agency name)**.

I accept responsibility for the future safeguarding of the documents I have received.

### Please note:

1. Archived adoption records may have been compiled when standards of recording and retention of information were different to those which apply today.
2. You might find that the language used, and the prevailing values expressed reflect the period at which the record was created and might not be acceptable today.
3. The adoption workers and other professionals involved in your adoption may not have expected their records to be read by the adopted person.
4. Similarly, information was probably given by the birth family at a time when it was not expected to be shared with the adopted person.
5. As we have a duty of care to the adopted person, birth family and adopters, **name of adoption agency** strongly recommends an intermediary service is used when the adopted adult decides to contact birth relatives.
6. We would also recommend that any information received is used cautiously and sensitively, and that the human rights of everyone concerned are respected.
7. Information should be double checked wherever possible. Ages, dates of birth, spellings of names etc., may not have been recorded correctly. This can be critical when tracing people.
8. Records are not always signed and dated. It is not always clear who is providing information. Information may be someone's opinion rather than fact.
9. Birth parents may have a different view of the circumstances around the birth and placement for adoption of their birth child from that recorded.
10. Adoption Law and Practice and expectations of access to information have changed considerably since the time when most archived adoption records were put together.

**Signed: ( name of worker and title )**

**Date:**

## APPENDIX 14C: Record of Meeting with (adopted person) by Adoption Agency/Intermediary Agency For AAA's Information

### Access to Birth Records Schedule 2 – Adoption and Children Act 2002

|                             |  |
|-----------------------------|--|
| Name of Adopted Adult       |  |
| Birth name of Adopted Adult |  |
| DOB                         |  |
| Date of meeting             |  |
| Name of Adoption Agency     |  |

Present circumstances? (e.g. family composition, employment, health)

Why did the Adopted Adult request their records at this time?

What did the Adopted Adult already know about their birth family and adoption?

What was their experience of growing up adopted?

What was the adopted adult's reaction to their records?

What is the Adopted Adult's view on contact and being contacted by an intermediary on behalf of a birth relative).

Did the Adopted Adult allege abuse or poor care while in the care of adopters or disclose any safeguarding issues? Yes/ No.

If yes, please attach details on a separate sheet.

Any other comments (please continue on a separate sheet if necessary).

Name of Adoption Worker \_\_\_\_\_

Signature \_\_\_\_\_

Date \_\_\_\_\_

Please complete and return this and the receipt of records acknowledgement form to the following:

Email address: of the Adoption Agency

Postal address: Add address of adoption agency

## **APPENDIX 15: Suggested letter/email from the Appropriate Adoption Agency to the intermediary agency in response to request for information from the adoption record and views of AAA re: appropriateness of application for intermediary services by adopted person**

Dear Manager or named intermediary agency worker

Your request for information from the adoption record in respect of application for intermediary services by [birth name of adopted person] to enable him/her to establish contact with [name of relative and relationship]

Thank you for your letter/email of **[date]** in which you indicate that [birth name of adopted person] has already traced the whereabouts of **[name of relative and relationship]** with whom the adopted person is seeking to establish contact. I confirm that this agency is the appropriate adoption agency in this case.

### **Include relevant points from the following:**

- There is no record on the record of any contact from either the adopted person or his/her birth family since the adoption order was made. I am therefore enclosing a summary of the limited information available on this record.
- No veto has been placed on the adoption record or agency's central register for Vetoes with regard to any relative
- **[Birth name of adopted person]** came forward in **[month and year]**, to register a qualified veto **[give details]**; there is no record of **[birth name of adopted person]** having sought to amend this veto.
- There is no indication on the record regarding a wish for no contact from any birth relative.
- **[Relationship of birth relative and name]** came forward in [state month and year] seeking to place a 'no Contact' request regarding **[birth name of adopted person]**. This should be borne in mind if this birth relative is still in contact with the **[name and relationship of person the adopted adult is hoping to find]**
- **[Birth name of adopted person]** came forward in **[month and year]** seeking information about the circumstances of his/her adoption. This task was completed on **[date]**. I enclose a copy of the written summary provided to [birth name of adopted person] at that time.

- At the time of the adoption **[birth name of adopted person]** was at risk from the behaviour of **[relationship of birth relative and name by which they were known]** in **[date]** when living in the village/town/city of **[give details]**.
- Although this adoption agency is the appropriate adoption agency, the adoption records show that **[name of other local authority]** was also involved in this case, as it was the local authority notified of the intention to apply for an adoption order. It may be helpful for you to contact that authority to obtain any additional information available before deciding whether to proceed with the application for intermediary services.

In accordance with regulation 12.3(b) I can confirm that this agency knows of no reason why the application for intermediary services should not proceed.

Please forward me a summary of your work and the outcome so that this can be retained on **[name of adopted person]**'s case record for future reference.

Do not hesitate to contact me if you feel that I can be of further assistance.

Yours sincerely,

Manager/ Post Adoption Worker AAA

## APPENDIX 16: Suggested letter/email from IA to AAA requesting views re application by a birth relative for intermediary services to contact the adopted person.

Dear ASSA or named manager AAA

Request for views of the Appropriate Adoption Agency under Regulation 12 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, re an application for intermediary services by **[name of birth relative and relationship]** to establish contact with [birth name of adopted person]:

This agency has received an application for an intermediary service under section 98 of the Adoption and Children Act 2002, to enable **[name of birth relative and state relationship]** to make contact with **[birth name of adopted person]**. From information supplied by **[name/Registrar General/name of court]** it would appear your agency is the appropriate adoption agency in this case.

I confirm that this agency has carried out its responsibilities under regulation 11 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 to verify the age and identify of the birth relative concerned.

In accordance with regulation 12 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, I should be grateful if you would supply me with the following information:

1. Confirmation that your agency is the AAA in this case.
2. Details of any contact your agency has had with [name of birth family] and the adopted person since the Adoption Order was made.
3. Whether [birth name of adopted person] has placed an absolute or qualified veto with your agency in respect of contact with any birth relative as it may preclude this agency from proceeding with this application for intermediary services.
4. Whether your agency has received a 'no Contact' request from a birth parent or other birth relative in this case.
5. Any relevant information of which you consider **[name of birth relative]** should be made aware, in seeking to establish contact with the adopted adult.
6. Views of your agency regarding the appropriateness of the application for an intermediary service in accordance with Regulation 12.3(b) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005.

Please could you provide this agency with the following information which will assist me in tracing the adopted person concerned:

- Full name of adopted person after adoption

- Address of adoptive family when the adoption order was made
- Full names of both adoptive parents
- Occupations of adoptive parents
- Dates of birth of both adoptive parents or age at time of adoption
- Details of any other children in the adoptive family

I look forward to receiving your response.

Yours sincerely,

Intermediary Agency Manager/Intermediary Agency worker

## Appendix 17: Template Response Letter/email to Adoption agency/ ISA request for information under Reg 12 Adoption Information and Intermediary Services Regulations 2005

*Please note that this template provides suggestions of how an agency can respond depending on what information has been recorded on the adoption record*

Dear Manager or named intermediary agency worker

### **Re Request for information under Reg 12 Adoption Information and Intermediary Services Regulations 2005**

Thank you for your letter/email informing this agency that you are currently working with **(name of birth relative of adopted person and the birth relative's date of birth)** and request for information under Reg 12 Adoption Information and Intermediary Services Regulations 2005 to enable him/her to establish contact with birth name of adopted person.

I confirm that this agency is the appropriate adoption agency and that we hold the relevant adoption record(s).

I am pleased to inform you that **No veto has been placed on this agency's central register of vetoes or on the adoption record by [birth name of adopted person]** and we know of no reason why your application for an intermediary service should not proceed.

In order to assist you in your work with **[name of birth relative]** and to locate the current whereabouts of the **(birth name of adopted person)**, I enclose copies/ or a summary of the information that was recorded at the time of the adoption. These include:

Details of the birth mother/birth father/ birth family

Reasons for and circumstances of the adoption

Information about the adoptive family, including the full names of adoptive father and adoptive mother, dates of birth and occupation.

The adoptive parents last known address

**List other information as appropriate**

The adoption order was granted on **[date]** at the **[name of Court]**. The **[Birth name of adopted adult]'s** name was I understand changed to **[full names of adopted adult given at the time of adoption]**.

According to the information on the record at the time of the adoption the adoptive parents had no children born to them and did not adopt a second child through the same/ this adoption agency

or



**[the adoptive parents went on to adopt.....] or [the adoptive parents already had X adopted children before ...was placed with them] or [the adoptive parents went on to have [X] children born to them....]**

The last contact between the adoptive family and this agency was in **[date]**.

There is no indication on the adoption record that [adopted adult] has ever sought access to the Information relating to their adoption.

It would be very helpful to have up-to-date information about the **[name of birth relative]** to place on the adoption record, should **[the birth name of the adopted person]** subsequently come forward to seek information about their birth family and adoption. We would therefore be most grateful if you could send a summary of the work undertaken with (name of birth relative and the outcome of the search and contact made with **(name of adopted person)**). Please return this to **(name and address)**.

Your sincerely  
Name of Worker

**When there is an 'absolute' or 'qualified' veto registered**

Dear Manager or named intermediary agency worker

**Re Request for information under Reg 12 Adoption Information and Intermediary Services Regulations 2005**

Thank you for your letter/email informing this agency that you are currently working with **(name- birth relative of adopted person and date of birth)**.

and request for information under Reg 12 Adoption Information and Intermediary Services Regulations 2005 to enable him/her to establish contact with birth name of adopted person.

I confirm that this agency is the appropriate adoption agency and that we hold the relevant adoption record(s).

I regret to advise you that an **absolute veto** has been placed on the adoption record by [birth name of adopted person] and therefore it is not appropriate to proceed, in accordance with regulation 8(3) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005. However, if the birth relative wishes to write a letter or provide some information for [birth name of adopted person] we shall be pleased to place it on the adoption record.

Should the adopted person contact us in the future we will advise him/her of this contact and the information available.

OR

I regret to advise you that a **qualified veto** has been placed on the adoption record which is likely to affect the current application for intermediary services (give relevant details).

OR

No veto has been placed on the adoption record by **[birth name of adopted person]** and we know of no reason why the application for intermediary services should not proceed.

To assist you in your work with **[name of birth relative]**, I enclose copies of information about the birth family recorded at the time of the adoption.

It will also be helpful for this agency to have up-to-date information about the [name of birth relative] to place on the adoption record, should [the birth name of the adopted person] subsequently come forward to seek information about their birth family and adoption.

I look forward to receiving your feedback in due course.

Yours sincerely,

Manager AAA/ Post Adoption worker

## **APPENDIX 18: Suggested letter from Adoption / Intermediary Agency to a birth parent in seeking to establish his/her current whereabouts on behalf of the adopted person or when it has been confirmed that they are living there.**

*Appendix 18 & 18A are examples of an initial letter that could be sent to a birth mother or father either when trying to establish if they are the person being sought or when it has been established that they are living there.*

*Such letters can vary depending on whether the adoption was arranged by the agency that is making contact or not.*

*It's important to consider each intermediary contact letter carefully and adjust accordingly taking account of the any particular aspects relating to the case. For example, if the birth surname had been unusual, it may be best not included in the initial letter.*

### **Letter from the Adoption/ Intermediary Agency on behalf of adopted person to a birth parent in seeking to establish his/her current whereabouts**

Dear

Name of birth parent

I am writing to you in connection with an enquiry from someone who is trying to trace their family and who believes that they may be related by birth to [full name of birth parent] who was living in [village/ town/city] in [year].

Through the use of publicly available records we have established a link to a person with your name. I am not sure whether you are the person I am looking for, but I hope you will be able to help. Please be assured that this is a genuine enquiry.

I appreciate my letter/email may be unexpected and it is probably a surprise to hear from me and I apologise if this letter has come at an inappropriate time for you. If you think you are the person I am seeking I would be grateful if you would consider contacting me either by letter (stamped addressed envelope enclosed), email (add email address) or telephone. If you prefer to telephone, I am usually in the office [give details] and can be contacted on [give details]. My mobile number is:

If you are not the person I am seeking, it would be appreciated if you would be kind enough to let me know as soon as possible. I enclose a stamped address envelope for your reply. Alternatively, my email address is:

I look forward to hearing from you.

Yours sincerely

Name and title

## APPENDIX 18A: Suggested letter when there has been no response

Dear Name of birth parent

I am writing to you in connection with an enquiry from someone who is trying to trace their family and who believes that they may be related by birth to **[full name of birth parent]** who was living in name of **[village/town/city]** in **[year]**.

I wrote to you on [dates] but as I did not receive a response, I am not sure whether the letter reached you, so I thought I should write again in case you never received this. [Through the use of publicly available records we have established a link to a person with your name.]

I do hope that you are the person I am looking for and that you will be able to help. Please be assured that this is a genuine enquiry.

I appreciate my letter/email may be unexpected and I apologise if this letter has come at an inappropriate time for you. If you think you are the person I am seeking, I would be most grateful if you would consider contacting me either by letter (stamped addressed envelope enclosed), email or by telephone. If you prefer to telephone, I am usually in the office [give details] and can be contacted on [give details] or my mobile. My email address is: (add email)

If you are the person I am seeking but do not wish to take this enquiry further, please let me know because I can record the fact that you do not wish to be contacted on the agency records. However, although this agency would not take this matter further at this time, I cannot guarantee that the person concerned or another agency will not attempt to make contact at some point in the future.

If you are not the person I am seeking, it would be appreciated if you would be kind enough to let me know as soon as possible. I enclose a stamped address envelope for your reply. Alternatively, my email address is:

Yours sincerely

## **APPENDIX 19: Suggested letter from AA/IA direct to adopted person seeking to establish their current whereabouts, where application for intermediary services has been received from birth relative.**

Suggested letter from the Adoption/Intermediary agency direct to an adopted person where the agency has received an application for intermediary services from a relative of the adopted person

Dear

Name of adopted person

This agency has recently received an enquiry which I would like to discuss with you. Whilst the matter is not urgent, it is of a personal nature and I would appreciate it if you would be kind enough to get in touch with me.

You can call me on my mobile **(provide number)** between **(give timeframe)** and if I am not available when you call then please leave a message and I will get back to you as soon as I can or alternatively you can email me at: provide email address

I am usually available in the office **[give times]**. If it is not convenient to contact me at this time, I would be willing to arrange to speak to you outside these times, if you would leave me a message and a contact number.

If you would prefer to write to me, I enclose a stamped addressed envelope for your reply.

I look forward to hearing from you.

Yours sincerely

Manager

## **APPENDIX 20: Format for recording the consultation meeting with birth relative.**

### **Date of Meeting:**

### **Name of birth relative**

### **Address and contact details**

### **Confirmation of Identity:**

### **Details of the identifying documentation seen.**

This may be a passport, utility bill etc (at least one piece of identification should include a photograph of applicant if possible).

### **Birth relative's relationship with the adopted person**

### **Proof of relationship**

List of the documentary evidence confirming this.

### **Reason for enquiry:**

What has prompted the birth relative to come forward at this time?

### **Hopes and expectations**

What are their hopes and fears of making/ not making contact with adopted adult? What do they hope to achieve/ resolve? For example, do they want information, an exchange of letters, email or messages, to meet, to continue any subsequent relationship?

### **Impact of adoption**

What has been their experience of having a child adopted / removal of child, and the impact this has had on their life subsequently?

### **Present circumstances and description**

Attitude of other relatives/family members to what the birth relative is seeking to do.

Such as pen picture of person and relevant personal details, family composition, current employment if relevant, and stability of current lifestyle. Include level of support they have from of partner/family/ and their attitude about the birth relative's wish to access an intermediary service. Be mindful of issues of vulnerability and risk and explore where appropriate and necessary.

### **Consideration of possible scenarios, outcomes and issues**

Discussion with the birth relative about the possibility that the adopted adult may not know they are adopted, and the implications of this.

What possible outcomes/scenarios have they considered and how do they think they would respond? Include advising re: emotional implications and impact, genetic sexual attraction, sexual orientation, transsexuality, special needs, disability, mental illness, drug/alcohol abuse, criminality, prison, poverty, fame etc.

How would the birth relative cope with hearing that the adopted person has had a happy/unhappy adoptive experience? Note any circumstances which would deter the birth relative from pursuing contact with the adopted person.

What are their expectations if contact is established? Will they be able to accept that the adopted person may not wish to respond to contact?

### **Reaction to records when the application is from a birth parent**

Include this if the birth parent has seen or received information from the agency's adoption record such as any letters that they may have written, or documents that they signed. It may be useful to verify details recorded on record e.g. name of birth father.

If the birth parent's recollection of circumstances and events is different from those recorded on the record it is important to explore this in detail, particularly where the birth parent denies responsibility or knowledge of reasons for the local authority's intervention in the removal of the child. They should be invited to write their account of this period which can be held on the adoption record.

### **Issues/concerns:**

**Use this heading if there are issues/concerns that have not been covered in the headings above.**

### **Action taken**

It is important to record the content of the meeting, including the issues discussed and the advice and information that have been given.

- Has information been given about the Adoption Contact Register – consideration to be given to whether the birth relative or agency registers the details on the ACR before the search for the adopted adult commences.
- Explore with birth relative that the adopted adult may have registered a wish for 'no contact'; or have lodged an absolute or qualified veto with the Appropriate Adoption Agency.
- Does the birth relative consent to information being shared about them with the adopted person so that the adopted person can make an informed decision about consenting to disclosure of their identifying information (Regulation 7 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005).
- What information has been given to the birth relative about how the search for the adopted person is conducted. Explain what can and cannot be done in terms of searching and clarify that only public records are used to locate the adopted person.



- Has information been given about the support and services the agency can provide? Have the potential cost implications of providing an intermediary service been discussed? Has the role and responsibilities of the intermediary been explained
- Has information been provided about any local self-help organisations and network that exists?

Has the birth relative been given a useful reading list if appropriate; and details of websites that might be useful, for example: [FamilyConnect - Building Stronger Families](#)

### **Accepted/not accepted for Intermediary Service**

The birth relative is to be informed that the agency will make a decision about the acceptance of their application for provision of an intermediary service within a month, or sooner if possible. In making this decision particular regard must be given to the welfare of any person 'who may be identified or otherwise affected by the application' who is under the age of 18. If there are concerns that the birth relative poses a risk to him/herself or anyone else affected by the application these must be identified, discussed with the birth relative (if possible), and a decision made in supervision and recorded about how to proceed. If acceptance for service is declined the birth relative must be informed of the reasons for this as soon as possible, and these must be recorded on record. If the agency providing the intermediary service is not the AAA, the AAA must be informed of the outcome of work with the birth relative.

### **Response to any future contact from Adopted Adult**

Only include this if not covered elsewhere in report.

### **Evaluation form**

#### **Confirmation that this has been given.**

Signature:

Status:

Date:

Birth Relative Application for Intermediary Service: Pre-Commencement Adoptions  
(Section 98 of the Adoption and Children Act 2002)

## **APPENDIX 21: Example of an agreement when using other agency or person to search on behalf of the intermediary agency.**

### **LOCATION REQUEST AND NON DISCLOSURE AGREEMENT FORM**

Request from **(agency name)**

To **(name of location agency/or individual)**

Please locate the current address of the following person(s):

Full Name:

Date of birth:

Last known address:

Direct contact with the individual sought must not be being made. All information obtained in connection with this enquiry must be passed back to (agency name) without delay. If you are unable to locate the current address a report should be submitted after six weeks detailing enquiries made and information obtained.

Signed

(position in agency)

Date:

This request is accepted, and the conditions attached to it are understood and will be complied with: Signed

Name of Agency/Individual

Date:



