



## **Interim Guidance for Practitioners on Access to Records**

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***This interim guidance was correct as of January 2025. Due to changes in provision of this service, the Guidance may be subject to change.***

### **1. All Cases – Provision of Counselling**

Adopt North East can support adoptees over 18 to access information from their birth record.

Anybody adopted before 12 November 1975 will need to attend a counselling session with an approved adoption advisor before being able to access their records. Adopt North East can provide specialist counselling to the applicant. Adopt North East ensures that the Adoption Worker who provides the counselling has the necessary skills and experience.

Where the applicant indicates a wish to receive counselling, the Adopt North East Adoption worker will take information to create a referral.

### **2. Access to Birth Records**

Adopted people aged 18 or over can apply for access to their birth records and a copy of their birth certificate – either from the Registrar General or the Adoption Agency.

Everyone adopted before 12 November 1975 will need to attend a counselling session with an approved adoption advisor first.

If the applicant knows their birth details, they can apply directly to General Register Office for a copy of their birth certificate.

If the applicant does not know their birth details, they should complete an [application form](#) to obtain birth certificate information and return it via email or post to:

[adoptions@gro.gov.uk](mailto:adoptions@gro.gov.uk)

Adoptions Section

Room C202

General Register Office

Trafalgar Rd

Southport

PR8 2HH

## **2.1 Adoption Orders made before 30 December 2005**

When a caller enquires with a local authority about access to birth records, they should be referred by the Local Authority to Adopt North East. If it is established that the caller was adopted, and that the Adoption Service was involved in arranging the adoption or that the caller is a resident of the North East area, the enquiry will be passed to the Adopt North East Front Door worker and Advice Line (telephone 0191 643 5000) to take a referral. A referral will also be created on the Adopt North East case recording system.

In other cases, the caller should be advised to re-direct their enquiry to the appropriate local agency.

Where an enquiry is accepted, counselling will be offered in accordance with (see Section 1, All Cases -Provision of Counselling).

At the interview, the Adoption Support Worker will ask for photographic proof of the identity of the adopted person to ensure confidentiality, for example a passport or driving licence and evidence of their address, before providing any information.

The adopted person should be advised about the Adoption Contact Register, the right to seek access to their Adoption Case Record. For those who wish for help in tracing members of their birth family, Adopt North East does not provide a search and intermediary reunion service. Adopt North

East would recommend that the applicant identifies an OFSTED registered provider and that you have a clear understanding of the fees that will be incurred before agreeing to proceed.

## **2.2 Adoption Orders made on or after 30 December 2005**

When a caller contacts the local authority to make enquiries about access to birth records, they should be referred to the Adopt North East Front Door worker and Advice Line (telephone 0191 643 5000).

If it is established that the caller was adopted and that the Adoption Agency was involved in arranging the adoption or that the caller is a resident of the North East area, the allocated adoption social worker will arrange for an initial interview to take place.

At the initial interview, the adoption social worker will ask for photographic proof of the identity of the adopted person to ensure confidentiality, for example a passport or driving licence and evidence of their address, before providing any information.

Adopted persons should be advised of their right to have a copy of their Child Permanence Report. It would be unusual for any detailed or sensitive information recorded on the adoption file to be provided to the adopted adult without having a face-to-face meeting.

For those who wish to trace members of their birth family, they be advised that ANE does not provide an intermediary reunion service. ANE would recommend that the applicant identifies an OFSTED registered Intermediary Service.

The social worker should continue to offer support and advice to the adopted person for as long as they need it and will also inform them of any other relevant agencies offering support.

If it is considered that the adopted person should not have access to the information, legal advice should be obtained regarding a possible application to the High Court to prevent access.

## **3. Access by Adopted Persons to Adoption Case Records**

### **3.1 Adoption Orders made before 30 December 2005**

Adopt North East provides a service to adopted persons seeking access to their Adoption Case Records where they are residents of the area or where the Adoption Service arranged their adoption and/or holds the files relating to their adoption.

Any request by an adopted person for access to their Adoption Case Record must be in writing and accompanied by a photocopy of identifying information, such as passport or driving licence. Evidence of the adopted person's address will also be required. It will be directed to the Adopt North East Team Manager who will decide the appropriate adoption agency to respond.

The adoption agency has discretion to disclose to the adopted person material from the Adoption Case Record, and this discretion should be exercised in the context of the particular circumstances of each request. The Adoption Worker must establish the extent of the information already held by the applicant.

There should be a clear record on file of all information disclosed. Where copies of documents have been provided, this should also be recorded. There should be a record when information has been withheld.

### **Third Party Information**

Careful consideration should be given to the disclosure of information held on third parties. Specific consent from the third party is not required, but consideration needs to be given to the nature of the information, the relevance and benefit to the adopted person of knowing the information and the likely effect on them of receiving it or not receiving it.

There may be instances where the information held has been given by a third party (for example a birth relative) with a clear understanding that it may be disclosed to the adopted person in the future.

Conversely, there may be information held about a third party which is highly confidential and would serve no purpose for the adopted person to know - for example information that a birth mother had a number of terminations prior to the adopted person's birth.

All decisions should be based on professional judgment and the Adopt North East Adoption worker should discuss the case with a line Manager before making a decision in cases that appear complex.

All decisions should be recorded on the file.

Where there is information about siblings held on the record, again consideration needs to be given to the benefit and relevance to the adopted person of knowing the information. Where, for example, a sibling has been placed for adoption separately, and the disclosure of information about the sibling may reveal confidential information about the sibling's new family, then extreme caution must be exercised.

However, if the information relates to the past family history, will provide no identifying information about the sibling's present whereabouts and the disclosure will enable the adopted person to understand more about their birth family and the reason why the siblings were separated, then disclosure is more likely to be appropriate.

The most difficult situations arise when the information relates to past family history, concerns confidential information about a sibling or family member and would clarify for the adopted person the reason why they were removed from their birth family, or siblings were separated. These situations should always be discussed with a manager and the discussion and decision to disclose or not to disclose information should be clearly recorded on the file together with reasons for the decision.

Any request to access records from an agency acting on behalf of a person not resident in North East will be invited into a Adopt North East office to view records. A summary of those records will need to be agreed by a Adopt North East designated worker to disclose to the service user.

### **3.2 Adoption Orders made on or after 30 December 2005**

Any person may apply to the appropriate adoption agency for the disclosure of protected information about any person involved in adoption. Applications for the disclosure of protected information may therefore be made by adopted people, birth relatives or any other person involved in an adoption. The adoption agency has discretion not to agree to the requested disclosure. It must record its decision and the reasons. In reaching a

decision, adoption agencies should always consider whether the information is already potentially available from other sources.

Protected information is defined as information which is about a person and contains identifying information about that person.

The Adoption Agency must consider the following matters before deciding whether to disclose protected information to the applicant:

- The welfare of the adopted person.
- The views of the person to whom the information relates and, if this is a child, their parents.
- All the circumstances of the case.

Adopt North East cannot disclose identifying information about an adopted person to birth relatives without the consent of the adopted person.

Where the request relates to an adopted child, the obtaining of consent will depend on the child's age and understanding, and the consent of the prospective adopters will also be required. The discretion of the adoption agency to disclose information is limited where this is in relation to a child.

Persons involved in adoptions can provide their consent in advance to the disclosure of identifying information about them at some point in the future.

Decisions made in relation to applications for disclosure of protected information must be communicated in writing to the applicant, and the reasons for the decision must be outlined.

Where an application for disclosure of information relating to an adult is refused, this is a Qualifying Determination and the applicant may apply to the **Independent Review Mechanism** in relation to the decision.

Where an application for disclosure of information is agreed despite the objection of the subject, this is also a Qualifying Determination and the subject of the information may apply to the Independent Review Mechanism (see [Prepare for Review Panel \(GOV.UK\)](#)).

The person requesting an Independent Review must apply within 40 working days of receiving notification of the decision.

There is no similar right to an Independent Review where the application relates to information held on a child and is refused.

Where a matter is referred to an Independent Review Panel, the Independent Review Panel will send their recommendation to the Adoption Service. The Adoption Service is not obliged to follow the recommendation but must take it into account when reconsidering the application.

The Adoption Service must then notify the applicant, the subject and the Independent Review Panel of the decision and reasons.

#### **4. Access by Birth Relatives to Adoption Case Records**

##### 4.1 Adoption Orders made before 30 December 2005

Where a birth relative requests access to an Adoption Case Record, there is no entitlement on their part to such access and it is for the Adoption Agency to decide whether information contained within the records may be disclosed. Any decision to disclose such information can only be taken after discussion with and the agreement of the Manager.

In all cases, a balance must be struck between the confidentiality of the information, the enquirer's need to know, the relevance of the information to the enquirer and, when considering a request by a birth parent or relative, whether the anonymity of the adoptive placement can be preserved.

Information which would enable the birth relative to identify the adopted person should not be given, for example whether or not there was a change of name on the adoption, or the name of the adoptive family. However, sometimes the records include information received in the intervening years such as news of progress made at school, health problems, achievements, requests for adoption support. Careful consideration needs to be given as to whether it may be appropriate to disclose any of this information to a birth relative.

Where the birth relative makes an enquiry in relation to an adopted child who is still under 18, consideration should be given to approaching the adopters to request up-to-date information about the child and/or to offer to pass on information about the birth family and/or to seek the views of the adopters about any future exchange of information. Adopters may also be

asked to clarify whether the adopted child is to be told of the birth family's request although there should be no implied expectation that they should do so against their wishes - and they should be given information about independent support agencies which may be able to assist them.

The response to a birth relative should take into account any contact between the birth family and the agency since the child was adopted and any arrangements/agreements for post-adoption contact and how these have worked.

## **5. Access by Adopters to Adoption Case Records**

### 5.1 Adoption Orders made before 30 December 2005

In the case of requests for information by adopters, regard must be had to the requirements on the part of the agency to share full information about the child and their history with prospective adopters prior to the placement. If the disclosure of information would assist and enhance their ability to care for the child in the placement, then the balance should weigh heavily in favour of the disclosure of the information save for confidential details about a birth parents' medical history, which would have no relevance to the adopters in their care for the child.

Where there is a request for information from the child's file post adoption, the adoption social worker will prepare the relevant/requested information taken from the files.

## **6. Access by Others to Adoption Case Records**

Any other request for access to Adoption Case Records must be referred to the Adoption Team Manager. In some circumstances, the Adoption Team Manager may decide to seek the authority of their line manager before giving consent, for example a request from a researcher authorised by the Secretary of State.

In the case of members of staff within Children's Social Care Services who are involved in counselling birth relatives, they will be asked to sign an agreement to maintain the confidentiality of all adoption information.

In all other cases, the person making the request will be asked to sign a form of declaration relating to confidentiality before access can be agreed.



A report of all access requested and whether granted must be detailed on the file.

Access to information contained in Adoption Case Records is normally limited to:

- Social workers and other professional/administrative staff directly concerned with the case who establish a genuine 'need to know' (discretionary).
- Legal and Medical Advisers (discretionary).
- Other adoption agencies or specialists taking part in the adoption (discretionary).
- Adoption agencies or local authorities undertaking birth records counselling (discretionary).
- The Secretary of State or persons authorised on their behalf (usually mandatory unless for research purposes).
- The Regulatory Authority (mandatory).
- The Ombudsman (mandatory).
- Any person undertaking a Statutory Inquiry under section 81 of the Children Act 1989 (mandatory).
- CAFCASS Officers (mandatory).
- The Court and officers of the Court (mandatory).
- Any person appointed to deal with a complaint or representation in respect of which access to the Adoption Case Record is required in order to carry out the responsibilities of their appointment (mandatory).
- An Independent Review Panel (mandatory).
- Any person undertaking a Child Safeguarding Practice Review in relation to a child (discretionary).

Disclosure of information is also mandatory where a child is to be or has been placed for adoption when the placing authority must notify the child,

parents, prospective adopters and their GP, the local authority, Integrated Care Board and education authority for the area where the prospective adopters live.