

Adoption: Access to Information and Intermediary Services

Practice Guidance



department for
children, schools and families



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Introduction

The Adoption and Children Act 2002 (the Act), which came into force on 30 December 2005, modernised adoption legislation and brought in some major changes. The Act places new responsibilities upon adoption agencies and adoption support agencies (ASAs) that will improve the information and support services available to people affected by adoption. This practice guidance sets out what services can be offered within the new legislative framework.

This practice guidance is issued by the Department for Children, Schools and Families to provide advice to adoption workers on:

- birth record counselling for adults adopted before 30 December 2005;
- access to information for adopted adults from adoption agency records;
- intermediary services for adopted adults;
- intermediary services for birth relatives;
- disclosure of information in post-commencement adoptions; and
- cross border and international issues.

This practice guidance is not statutory and does not place duties on adoption agencies or ASAs. It should be applied in the context of the Act and accompanying regulations, and must be read in conjunction with the statutory Adoption Guidance and the Adoption National Minimum Standards (NMS) and ASA NMS. Where there are direct links to the statutory Adoption Guidance, and the NMS, these are cross-referenced. This practice guidance, the statutory Adoption Guidance, and the NMS are available on the DCSF website at www.everychildmatters.gov.uk

This practice guidance applies to England only and covers both pre- and post-commencement adoptions. As the regulations and statutory Adoption Guidance for pre- and post-commencement adoptions are different, this practice guidance deals separately with the procedures and processes that will apply for pre- and post-commencement adoptions. There are also separate sections for the provision of intermediary services to adopted adults and birth relatives for pre-commencement adoptions and for access to information for both pre- and post-commencement adoptions. It is envisaged that practitioners will use the sections of this guidance appropriate to the work they are carrying out.

Specific references to regulations appear abbreviated in this guidance, for example ISR 6, which refers to regulation 6 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005. Brackets indicate paragraphs within a regulation, as for example in ISR 6(1), with this being regulation 6, paragraph 1.

A list of useful postal and web addresses and reading material, as well as suggested letters, checklists and templates can be found in the appendices.

Abbreviations and terms used in this guidance are set out in the Abbreviation and Glossary section at the end of this guidance.

Values and principles

Before establishing and setting up birth record counselling, access to information and intermediary services for adopted adults and birth relatives, it is important to consider the basic principles underpinning and informing this area of work.

- Adoption is more than a one-off event. It 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 in an individual's life.
- Adopted people should have access to information and services to enable them to make informed decisions about their lives.
- Agencies have a duty to provide a service that considers the welfare of all parties involved and should consider 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 be mindful of data protection law.
- Agencies should acknowledge differences in people's circumstances and establish policies that provide non-discriminatory services.
- Adopted adults continue to have their adoptive identity safeguarded under the legislation, and continue to be able to decline to be involved in contact or communication with birth family members if this is their wish. The veto provisions for pre-commencement adoptions have been included in legislation to reinforce this.

The changing face of adoption

There have been many developments in adoption since it was legalised by the Adoption of Children Act 1926. At that time, and for many years thereafter, adoption offered a solution to the stigma and shame attached to illegitimacy, unmarried motherhood, and to the childlessness of married couples. Many birth mothers felt that they had no option but to place their baby for adoption. Secrecy shrouded the adoption process. Birth mothers were advised to put the event behind them and get on with their lives.

However, in 1975 adopted people were given the right to obtain information that enabled them to apply for a copy of their original birth certificate. This was a significant milestone in adoption legislation, giving official recognition to the needs of adopted people to have access to information about their background. It was also a time when society's attitude to pregnancy outside marriage was changing. Single parenthood became more acceptable in many sections of society in Britain.

Today adoption is seen as a positive way of meeting the needs of some children who, for whatever reason, cannot remain with their birth family. While in England and Wales the total number of adoptions has decreased from 21,495 in 1971 to 5,360 in 2004, the number of looked after children adopted has risen.

During the past few decades many children have been adopted following care proceedings. These children often have complex backgrounds and many may have experienced abuse or neglect. Many children who are adopted now are not infants and may be part of sibling groups, with their own history and memories.

Most have some form of ongoing contact with their birth family (where this is in their best interest), usually through letterbox arrangements and sometimes also direct contact. This is in order to promote the adopted child's sense of self-esteem and identity.

The number of children adopted from other countries into the UK increased in the early 1990s. Within the UK there are now around 300 applications each year from prospective adopters who have been assessed as suitable to adopt a child from overseas. The majority of children adopted from abroad will have been living in institutions prior to the adoption, and there may be very limited information about their birth family.

The history of adoption shows that it is an evolving process that has presented different challenges for adopted people, birth and adoptive families and for adoption agencies, and is likely to continue to do so in the future.

Part 1 Adopted Adults: Access to birth records and information from the adoption record in pre-commencement adoptions

Introduction

1. This part of the practice guidance sets out information for adoption workers who are providing services for people who were adopted before 30 December 2005 and who are seeking:

- access to their birth records;
- access to information about themselves from adoption agency records; and/or
- to register a veto or record a view about contact with birth family members.

2. It provides information about relevant legislation and research, as well as describing what procedures and processes need to be in place when providing these services.

The Legislative Framework

3. The Children Act 1975 (sections 26 and 28) inserted new provisions into the Adoption Act 1958 which gave adopted people the right to information that enabled them to apply for a copy of their original birth certificate. These provisions subsequently became section 51 of the Adoption Act 1976. This provision was then carried forward for pre-commencement adoptions as section 79 (6) of, and Schedule 2 to, the Adoption and Children Act 2002, which came into force on 30 December 2005.

4. The Children Act 1989 established the Adoption Contact Register. The Register, held by the Registrar General, provided the opportunity for both adopted adults and their birth relatives to record a wish to be or not to be contacted.

5. Regulations 14, 15 and 16 of the Adoption Agencies Regulations 1983 have been retained. AAR 1983 15 gives adoption agencies discretion over the information they disclose from their case records. The retention of these regulations 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 Chapter 10, paragraphs 3, 4 and 22).

6. The Adoption and Children Act 2002 provides for adopted adults to obtain their birth record information to enable them to obtain a copy of their birth certificate. This information will include their original name and that of their birth mother and the district where their birth was registered. The name of their father may sometimes be included.

7. Providing birth record counselling and access to information is of vital importance in enabling adopted adults to understand the circumstances of their adoption and to enhance their sense of identity. Within the 2002 Act there are different procedures to be followed depending on when the person was adopted and whether or not they already know their birth name:

- People adopted before 12 November 1975 who do not know their birth name – these people are required to attend a counselling interview in order to receive the birth record information needed to apply for a copy of their birth certificate. The initial application should be made to the Registrar General who will provide information on where the adopted adult can receive a counselling interview and send the information to the service chosen by the applicant.
- People adopted before 12 November 1975 who know their birth name – these people may simply apply for a copy of their original birth certificate as they have the information necessary to make the application. The Registrar General will inform them that counselling services are available.

8. People adopted on or after 12 November 1975 and before 30 December 2005 are not required to attend a counselling interview but this service is available to them. They can apply to the Registrar General for a copy of their original birth certificate whether or not they already know their birth name.

9. If adopted adults require access to their adoption records they may request this service from the agency involved in their adoption or from another agency that is registered to provide this service. Adoption record information should be disclosed to an adopted adult only through a meeting with a social worker who meets the requirements in the Adoption and Adoption Support Agencies NMS.

10. The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 cover the provision of intermediary services to adopted adults and their relatives.

What research tells us

11. There have been many studies about adopted adults and their search for information and contact with birth relatives. These have demonstrated the importance and value of providing adopted people with the opportunity to access the information they need to answer questions they may have about their origins and family background.

12. In 2000 a study was undertaken in England and Wales that explored the experiences of 472 adopted adults with regard to adoption search and reunion¹. Most of these adults had been adopted prior to 1975. The study included both searchers and non-searchers. Key findings include:

- The main reasons for adopted people requesting access to information were to:
 - satisfy a long standing curiosity about their origins
 - obtain more background information
 - know what their birth relatives looked like and whether there were any similarities with them
 - Average age at application was 30 for both men and women

¹ Adoption Search and Reunion- the long term experience of adopted adults. David Howe and Julia Feast (2000) first published by the Children Society and later by BAAF (2003).

- More women than men search
- The majority were informed that they were adopted before they reached the age of five
- Many reported (74%) that they felt uncomfortable talking to their adoptive parents about their adoption and origins
- Of people placed transracially, 71% felt different to their adoptive families when growing up, compared to 48% of those raised in same race placements
- Transracially adopted people were more likely to begin their search at a younger age
- Within 4 weeks of having access to birth records and adoption record information from the adoption agency file, 60% of adopted people located a birth relative
- Over 80% said that access to information and contact and reunion had answered important questions about background
- The relationships established in childhood with adoptive parents were strong and durable
- Access to information, advice and support needs to be available across the lifespan of an adopted person

Providing Services for Adopted Adults

Receiving a birth record counselling service (Adoption and Children Act 2002, Schedule 2)

13. Adopted people can choose to receive their birth record counselling interview from any adoption agency or adoption support agency or from the General Register Office.

The adopted person needs to apply to the Registrar General and make an application for birth record counselling. The Registrar General then sends the birth certificate information to the named agency or local authority along with other relevant information and forms.

14. Adopted people cannot be charged a fee for receiving birth record counselling and information.

Who can undertake birth records counselling?

15. Birth record counselling under Schedule 2 to the Act can only be undertaken by a qualified social worker with knowledge and experience of adoption work and all the issues involved. Although the role needs counselling skills, the task may not be allocated to a person who does not hold a social work qualification even if a fully qualified and experienced counsellor (Adoption NMS 19.7 and 19.17; ASA NMS 11.5 and 11.8).

16. Adopted people may need additional therapeutic counselling or other professional input after receiving birth record counselling. If this happens, the adoption worker should signpost the adopted person to people/agencies equipped and qualified to provide the services needed.

Responding to the enquiry

17. Whether the enquiry is a request for a birth record counselling interview or a request for access to the information held on the adoption agency's records, it is important that the adopted person's request is acknowledged promptly. This may be an anxious time for the adopted person. It is helpful for adopted people to know what is likely to happen when they meet with the adoption worker and also to receive information about the services the agency provides (ASA NMS 3.1). For example:

- An acknowledgement should be sent to the adopted person indicating when they are likely to receive an appointment.

If there is a waiting list the adopted person should be informed and given an indication of how long the wait for the service may be. However, there will be circumstances where the adopted person needs to be seen as a priority, for example, if suffering from a life-threatening illness. It is important to ensure that the adopted adult knows that they can request a priority service if necessary, and in what circumstances.

- It may also be helpful to advise the adopted person of other agencies that can provide these services and that may not have a waiting list. The website www.adoptionsearchreunion.org.uk contains a list of these agencies.
- When offering the initial appointment it is useful to indicate that:
 - the adopted person must bring proof of their identity and age (see paragraph 22 below)
 - they are welcome to bring a 'supporter'
 - it would be useful if they could bring any information they already hold about their birth family
 - it would be helpful if they could advise in advance of the appointment any special needs they have, such as access to the building, Braille, hearing loop, large print or audio recordings, translation and signing services, so that the adoption worker can ensure these are met.

Providing access to birth records

18. The adoption worker should read all the information received from the Registrar General and the application from the adopted person before the meeting, as this may indicate how much the adopted person already knows about his or her background and adoption. Some agencies have found it useful when writing to adopted people to ask what information they already hold and what information they hope to obtain. Their response may make it possible to move directly to requesting information from the appropriate adoption agency (AAA) that holds their adoption records.

19. The adoption worker should ensure that an interview room is available and also 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.

Meeting with adopted people who do not know their birth name or the name of the adoption agency which arranged their adoption

20. Accessing information and attending the appointment with the adoption worker may cause the adopted person some anxiety. Adoption workers need to explain that they have knowledge and understanding of the life-long issues of adoption, and that they want the interview to be helpful for the adopted person. They also need to make clear that it is an opportunity for the adopted person to talk about their hopes, fears and expectations.

21. The adoption worker's role is to understand more about the adopted adult's particular request and needs so that this can be responded to in an appropriate way. It is helpful to find out what information the adopted adult already has and what additional information is being sought. The adoption worker should also provide the opportunity for adopted people to discuss their current circumstances and their adoption experience.

Case Example 1 Julie

Julie contacted the local authority where she lived, seeking birth record counselling. 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, but in the meanwhile she would receive birth record counselling so that she could obtain her birth record information.

Julie received birth record counselling and the worker contacted the AAA to request a summary of background information from them. Julie returned for a second appointment to receive this information. On learning that she had been conceived as the result of an extra-marital affair, and having established during her search that her birth mother was still living with her husband, Julie felt better prepared for the potential response she might receive following an approach to her birth mother by an intermediary.

Confirming identity

22. The identification provided by the adopted person must be checked to ensure information is only given to the person entitled to receive it. Agencies should ask for photographic identification and proof of age (such as a passport or driving licence) but bear in mind that some people may have neither of these. Some people may bring additional documents that are not necessary but workers need to be sensitive to the importance the adopted person places on them.

Child protection issues

23. Adoption workers should ensure that they understand their agency policy on responding to the disclosure of child protection concerns or incidents, including historical abuse, before beginning birth records counselling work. This policy should be included in the written information sent to adopted people and also explained at the beginning of the interview (ASAR 12 and ASA NMS 2.2-2.4; VAR 10, LAR 9 and Adoption NMS 32.2 – 32.4)

Case Example 2 Peter

Peter contacted the Voluntary Adoption Agency (VAA) that had approved his adoptive parents, for access to his records. He already knew his birth mother's name. His parents had also shared a later life letter with him written by the worker at the local authority that placed him for adoption. The VAA worker reviewed the file and obtained the agreement of the AAA to share with Peter copies of information from their own records on the VAA file (and in particular the BAAF Form E).

During the meeting with the adoption worker, Peter explained that he wanted to check if some of his early recollections of abusive experiences in his birth family were actually real. The records available confirmed some of his memories. In addition the VAA worker suggested Peter could contact the AAA which would hold more detailed records of his early years, including minutes of child protection conferences and reports prepared for care proceedings. The adoption worker explained that access to care records is covered by different legislation and that the process is likely to be different.

Issues to be covered in the interview

24. There is a range of issues that should be covered during this interview. These are covered in more detail in Appendix 6. The main areas are:

- reason for enquiry
- the adopted person's current social 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
- their hopes, fears and expectations
- what information is being sought
- whether contact with birth family members is being sought
- the role of the Adoption Contact Register
- vetoes
- genetic sexual attraction – see Part 6, *Working with the complexities of an intermediary service*.

25. During the interview the adoption worker should provide the adopted person with the necessary form to enable them to apply to the Registrar General for a copy of their original birth certificate. This form includes the name of the adopted person at birth, the name of their birth mother, the name of their birth father where known and the district where the birth was registered. The adoption worker will need to be aware that this information may have an emotional impact on the adopted person especially if they were not previously aware of it.

26. During the meeting the adoption worker should establish how the adopted person is intending to make use of the information.

Where adopted people indicate that they may search for birth relatives the adoption worker should cover the key issues detailed in Part 3 of this guidance, *Providing intermediary services for adopted adults*.

27. If the agency which made the adoption arrangements is not known, the adoption worker should ask if the adopted person would like help obtaining more information about this. If so, the documents sent by the Registrar General include an information sheet which shows which court made the adoption order. An application to the court can be completed by the adopted person or by the adoption worker, on behalf of the adopted person, and sent to the court which made the adoption order. The court will then provide the name of the adoption agency involved, if any, or the local authority involved in preparing the adoption report.

28. Once the name of the adoption agency or the local authority involved is known, then the adopted person can either apply to the adoption agency for the additional information they are looking for to be sent to them direct or via the adoption worker who undertook the birth records counselling, to discuss with them during a subsequent meeting.

29. The adoption worker should make the adopted person aware that in some cases there may be little or no additional information available, particularly if the adoption was arranged privately before 1926.

30. It is important for the adopted person to be given information about the services that the agency can provide, for example, an intermediary service, as well as information about other local or national support networks and resources. After the birth record counselling interview the adoption worker should complete the form that has been sent to them by the Registrar General confirming that the adopted person attended the interview.

Case Example 3 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 Support Agency (ASA) for birth records counselling. The ASA worker established that Amanda was privately adopted and assisted her to apply to the court for information from the court record. Amanda contacted the court and was able to find out why she had been placed for adoption and some other background information about her origins and birth family, which she found helpful.

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 the content of the section below.

Meeting with an adopted person who knows their birth name and has applied for information from adoption agency records

33. Some 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 the access to birth records procedure under Schedule 2 described in the section above.

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

31. If adopted people apply for access to birth records from the agency that arranged their adoption, the worker will have more information available to them. Sometimes an adopted person may have applied through the Registrar General for birth record information and the Schedule 2 information as detailed at paragraph 13 will have been sent to the adoption agency. Other adopted people may have contacted the agency directly knowing that it arranged their adoption.

32. In most respects an access to birth record counselling interview at the adoption agency will be similar to that described in the previous section, but if the adoption worker establishes that the adopted person would also like to receive adoption record information this can be provided without application to another agency and may be made available within the same meeting where the adoption worker considers this appropriate.

34. In the case of adoption records which pre-date the 1970s there is often limited information and adopted people are likely to be seeking all the information held in official records about them.

35. For more recent adoptions, for example from the 1970s and 80s, and particularly those following care proceedings, where the family, care and adoption files were not separated out, there may be a great deal of information held on file. 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 information. It can help the adopted adult decide whether they wish to seek further information.

36. It is important to clarify what information the adopted person hopes to receive from the official records. Some adopted people may be seeking all the information held in official records about them. They may have little idea of what information will have been recorded, but no matter how brief or limited the records are, the information is likely to be important to the adopted person. For many people being able to see and handle original documents can be very significant, particularly if the document was actually signed by their birth parent(s) or other relative.

37. Subject to consideration of the confidentiality of records in the circumstances of the case, restrictions on the disclosure of court papers (see paragraphs 68-70) and to the Data Protection Act (where the agency should identify and deal with both 'personal data' and 'sensitive personal data' appropriately), an adoption agency may exercise its discretion under AAR 1983 15(2)(a) to provide information to the adopted person. The discretion must be exercised against the background of the adoption legislation and in the context of the particular circumstances of the case (*Gunn–Russo v Nugent Care Society* and another [2001] EWHC Admin 566).

38. The adoption agency should also consider the importance of ISR 4(2). This regulation provides that an adoption agency does not provide an intermediary service if it is the appropriate adoption agency in relation to a person's adoption, and only provides information in relation to that adoption. The adoption agency should be clear with the applicant (i.e. the adopted person) what sort of information or service the applicant is requesting. If the information sought is anything more than information about the person's adoption, then the adoption agency may find itself providing an intermediary service within the meaning of the legislation; in that context, ISR 7(1) prevents the disclosure of identifying information about third persons without their consent. Adoption agencies should be mindful of this restriction before exercising any discretion under AAR 15.

39. Adoption records and reports are exempted from the subject access provisions of section 7 of the DPA by the Data Protection (Miscellaneous Subject Access Exemptions) Order 2000, SI 2000/419 (as amended). Where those records are protected by the legislation listed in the Schedule to the Order, individuals (including adopted people, birth relatives, adoptive parents and prospective adoptive parents) are not able to use the DPA to insist on access to their personal data contained in those records.

40. However, this does not mean that the adoption agency cannot disclose information that would be exempt from a subject access request under the DPA or, because the information relates to a third party, would not be within the subject access rights under section 7; the agency may still exercise the discretion under AAR 15 and, where relevant, disclose that information. Nevertheless, the DPA and the data protection principles will still apply to the way that adoption agencies obtain, retain and process information about individuals, including the disclosure of information.

41. The adoption worker will therefore need to explain to the adopted person about the requirements of the data protection legislation and the agency's policy on access to its records. This should include the fact that, whilst the adoption agency does have discretion under the Adoption Agency Regulations 1983 to disclose information from the records, this has to be balanced with the right to privacy of other people, the duty of confidence and restrictions on the disclosure of court papers. This might mean that where the information relates to persons other than the applicant, the agency may only be able to disclose background, or non-identifying, information.

42. The adopted person may have made an application for adoption information directly to the AAA, but if not the adoption worker should identify which agency is the AAA so access to information from the adoption record can be requested. The adopted person can receive this information from the adoption worker who provided the access to birth records service, or from the AAA.

What information can be shared from adoption records

43. An AAA should develop policies and procedures for sharing information from adoption records with the adopted person to whom they relate.

44. The AAA's records are the main source of background information for the adopted person about their birth and adoption. Some adopted people may already have had information shared with them by their adoptive parents or through life story books and later life letters, but for others seeing information from the AAA's records may be the first opportunity to understand the reasons for their adoption and their connection to their birth relatives. The records should ideally provide a clear understanding of the child's early life before adoption e.g. residential placements, foster placements, and/or time living with birth relatives.

45. The AAA has responsibility to exercise discretion in deciding what information can be shared. Previously this responsibility may have been delegated to another agency undertaking the direct work with the adopted adult. However, the legislation makes it clear that the responsibility has to be exercised by the AAA.

46. In complex family situations or where there is more recent information that could potentially be shared, the AAA may wish to undertake a risk assessment before sharing information.

Information that can usually be shared

47. The AAA's policy on information sharing should focus on what, if anything, should not be shared. This will be a more constructive approach than setting out to define what may be shared. Adoption workers and their managers should examine the contents of any adoption record assuming that it should be shared with the adopted person, unless there are sound reasons why specific documents or parts of documents should not be disclosed.

48. Some agency files will be relatively easy to prepare with little or no "third party" information to remove. Other files may be extensive and contain a mix of recording relating to different parties. Care is needed when separating what can be shared from what must be edited or removed.

This can be a time-consuming process for the adoption worker. It is important to seek a second opinion from a manager where there is contentious information or a "grey area".

49. The adoption agency will need carefully to consider the disclosure of each item of information held in each individual case, taking into account the welfare of the individuals involved, the balance of the confidentiality of the records against the interests of the adopted person, and data protection principles (see paras 37-41).

Interagency working

50. Effective communication between the AAA and other agencies must be established and maintained 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.

51. When the adopted person is receiving a service from an agency that is not the AAA, the AAA may request that the adopted person receives full information from their records directly from one of their own adoption workers. A brief summary should, however, be provided for the adopted person through the adoption worker in the agency to which the adopted person made the application. That adoption worker may have a continuing role in supporting the adopted person. In some cases it may be appropriate for that adoption worker to accompany the adopted person to visit the AAA to receive the adoption record information.

52. 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 and send it to the agency working with the adopted person.

If the agency providing the access to information service also provides intermediary services and the adopted person has given any indication of possibly wishing to renew 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.

53. The agency sharing the records should exercise judgment in determining whether to share all or only part of the information agreed by the AAA. For example, if they have concerns about the adopted person's mental health at the counselling interview they may wish to exercise caution. If they do not share all of the information prepared by the AAA, the AAA needs to be informed of this. The adopted person should be informed that the AAA holds additional information, unless it is unsafe to do so.

Case Example 4 John

John's adoption file revealed that he had spent some of his early years, age 2-4, living with a stepfather and older stepbrother. His birth mother who had an alcohol problem, had later separated from his stepfather and all contact ended. The records indicated that the stepfather and stepbrother had been fond of John. Indeed they had provided some degree of protection to John. John lived with his mother and her new partner, Kevin, until he was 10 years old, when he was taken into care, having been assaulted by Kevin.

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

In supervision it was agreed that the surname of the stepfather and stepbrother and any other identifying information would be removed from the file. However, the worker would offer to approach the stepbrother in an intermediary capacity if John was interested in finding out more about this period of his life.

54. It is important to put all information shared in context. This includes the social and historical context of any judgemental and discriminatory comments that may be recorded.

55. Adoption workers should clarify where possible whether information recorded is fact or opinion. An adoption worker may, for example, explain: "The matron of the mother and baby home described your mother, Susan, as a 'naughty girl' but other people referred to her as 'spirited'". The matron's derogatory comment may be a reflection of her view of Susan as less submissive to the regime of the home than some other mothers.

56. The name of the adopted person's father may be unconfirmed in the adoption records. However, the records may be the only possible means of access to this information, when 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 or not he too thought he was your father or even knew of your birth".

57. Adopted people are entitled to know the structure of their birth families. They may want to know the names and ages/dates of birth of birth parents, siblings, grandparents and so on. 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 public records and could be obtained by the adopted person through those means. Exceptions would be the adopted name of a birth sibling who had been adopted into another family. This name should not be shared although the adopted person being interviewed can ask for an intermediary service to locate the adopted sibling under Section 98 provisions. There might also be reasons stated on the adoption record as to why a particular piece of information is not to be shared. Agencies need to be mindful of data protection issues where the information relates to a person other than the adopted person.

58. The adoption worker should write a summary to accompany the records that are shared. This can bring information and events together in a clear narrative for the adopted person. It can also be a place to include appropriate information that is noted in documents that cannot themselves be shared. It is very helpful for the adopted person to be given original letters and photographs that are then replaced in the file with good photocopies. Being able to hold a document that their birth mother signed, even seeing her handwriting, can be extremely significant for adopted people. Photocopies have no intrinsic value to the adopted person but can quite adequately maintain a complete file. 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.

Medical information

59. Medical information presents particular issues and dilemmas. Adoption workers are not experts in medical matters and therefore all but the most routine medical information should either be checked by the agency's medical advisor or 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. Where an absolute veto exists under ISR 8 (1)(b) this will prevent an approach from an intermediary service on behalf of a birth relative.

Information that should not be shared

60. Discretion should be exercised as to whether any information on the adoption record which relates to a third party is essential to meeting the needs of the adopted person for information relating to their identity and early history. Personal information relating to other children (not the subject of the record) would usually be considered "third party" and removed prior to sharing the record. Information recorded that is personal to a birth family member and is not directly relevant to providing the adopted adult with their birth family history would also be considered "third party" information, for example, information that the birth mother had previously had a pregnancy terminated or that a birth aunt had relinquished a child for adoption. Agencies need to be mindful of data protection issues where the information relates to a person other than the adopted person.

61. Court papers are also subject to restrictions on disclosure – see paragraphs 68-70.

Sharing information about adoptive parents

62. 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 conferred by AAR 1983 15. In addition, the ruling in the Gunn Rosso case (see paragraph 37) indicates that a specific request for such information should be considered on its own merits. A decision might be reached to share the information if the adopters had died many years ago and there was good reason for the adopted person to view their application to be assessed as prospective adopters, for example, where an adopted person was alleging abuse by their adoptive parent(s).

63. Adoption workers should give careful consideration when using their discretion as to what information to share about adoptive parents following the placement for adoption, and bear in mind data protection considerations and restrictions on the disclosure of court papers. The adoption record may contain copies of correspondence between the prospective adopters and the adoption agency and also 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 sort of information.

64. 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, in situations where the adopted person is still in regular contact with his or her adoptive parents. However, there may be exceptions as in the next case example.

Case Example 5 Denis

Denis 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 Denis described their relationship as being very close. Both his adoptive parents are now dead.

When looking through the adoption agency's records, the adoption worker noted that the visiting social worker's report written just after Denis was placed with his adoptive parents, expressed concern that the adoptive mother did not seem to bond with Denis. 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 Denis to be given this information, as it validated his feelings that his adoptive mother found it difficult to love him.

65. Where adoptive parents have died, or in circumstances of adoption breakdown, a judgement will need to be made as to whether the information is relevant to the adopted person and should be shared with him/her. 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. In addition, such correspondence may contain positive comments about the adopted person made by his adoptive parents that the worker may consider it appropriate to share.

66. In sharing information about adoptive parents with adopted adults professional discretion must be exercised and it may be appropriate to discuss the material in supervision.

67. Information should not be shared relating to other children in the adoptive family except in the most general sense, for example, "the adopters' first child Jimmy loves playing with his new little sister"

Court records and other information provided by other agencies

68. Where there is little or no information in the AAA's records about the adopted person's background and reason for adoption, such as in privately arranged adoptions, 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 (rule 53(4) of the Adoption Rules 1984 (SI 1984/265) and rule 32(1), (3) and (6) of the Magistrates' Court (Adoption) Rules 1984 (SI 1984/611), which remain in force by virtue of article 4 of the Courts Act 2003 (Revocations, Savings and Transitional Provisions) Order 2005 (SI 2005/2804)). These rules govern disclosure of information in pre-commencement adoptions. There is no automatic right to information; the application requires the exercise of the court's discretion.

69. The information in court papers, for example, the Schedule 2 report and Guardian ad Litem report, remains protected by the rules of court. The adoption agency cannot disclose any documents lodged with court, or extracts from those documents, without the leave of court; the agency should therefore make an application to the court for consent to disclose the information in these documents.

The information contained in those 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 member), and the court's permission regarding the information might be required before such documents are disclosed. The adoption worker may need to discuss this with the agency's legal adviser.

70. However, in preparing a summary or narrative for the adopted person the social worker can take account of information contained in documents relating directly to the adopted person and/or close relatives within their birth family may be included but should not include extracts from reports written by other agencies, without consent.

Recording information shared or withheld

71. It is a requirement that the AAA keeps a clear written record of what information was shared and what was withheld (AAR 1983 15). Any contentious decisions should be recorded, specifically noting the decision making process. Depending on the format of the adoption records, options might be to list all information edited or removed, to keep copies of all information shared, or to keep copies of all information removed. Each agency should draw up its own protocol to account retrospectively for what information was shared in each case. This can be very helpful if the adopted person misplaces the information shared and comes back for replacement records.

72. 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 and state to what the information related (a sample form is at Appendix 7).

Decisions about the way forward

73. The adoption worker should establish if the adopted person now has all the information he or she requires or whether he or she has thought about updating the information or starting a search for birth family members.

Case Example 6 Farrukh

Farrukh received her background information via an 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 who had a disability and was receiving support from the children with disabilities team. She sometimes mentioned Farrukh to the respite link worker and it was thought that she would respond positively to an approach by Farrukh. However the AAA stressed to the ASA that this information could not be shared with Farrukh at this stage.

After receiving information from the adoption agency file, Farrukh told the ASA worker she was interested in trying to make contact with 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 Farrukh's behalf to establish if they were in current contact with the birth mother. If so the AAA could make a discreet approach.

The birth mother was very happy when she was contacted by her local authority respite link worker with the information that Farrukh was seeking contact.

The birth mother had re-married and her new husband knew about Farrukh and was positive about the possibility of reunion.

Providing advice about searching for birth relatives and intermediary services

74. 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 file or records, when they have fully understood the reasons for their adoption. Some adopted people will not want to search for birth relatives. This may be because they are satisfied with the information they have received or because it is not the right time for them to do so. It is important that the adoption worker is able to provide information, support and advice responsive to the particular wishes of the adopted person.

75. If an adopted person wants to search for birth relatives, the worker should help them to consider the potential benefits and difficulties this may present for them and their birth and adoptive family. They will also need to 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' included at Appendix 8.

76. It is important that the adoption worker discusses some of the methods available for searching for a birth relative's current address. These will include the use of 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 point out to the adopted person that some ways of finding a relative that may look easy – such as sending an email through an internet reunion site or placing a message on a family search website - may not be suitable: the enquiry may be unexpected and such contact, without proper support, might be unwelcome. There might also be risks regarding confidentiality of information.

77. Few adoption workers are able to play an active role in locating the birth relatives of the adopted person because of other pressures. Exceptions may need to be made if the adopted person has learning difficulties, or other special needs that would preclude him/her being able to use the information provided effectively to carry out a search independently.

78. Sometimes the adopted person may learn very sad or disturbing information during the search for birth relatives; such as finding out that a birth parent has died. Many people underestimate how upsetting this may be. Adopted people who have experienced this having not known the birth parent, and having all hope of renewed contact taken away, will need a great deal of support.

79. The adopted person needs reassurance that their adoption worker is available to answer questions, to offer guidance and suggestions and to meet again for discussions, if needed, as the search progresses.

Contact Registers

80. Adoption workers should inform adopted people that they can register their interest to have contact with a birth relative with the Adoption Contact Register held by the Registrar General. Adopted adults should be given information about how they can do this and the costs involved.

However, it is also important to let them know that if a birth relative has not registered a wish for contact, this may be because they are unaware of the Register, rather than necessarily an indication that contact from the adopted person would be unwelcome. Research has shown that many adopted people and birth relatives are unaware of the existence of the Adoption Contact Register. They should also be made aware of the separate contact register operated by AAA NORCAP and be given information on how to use it.

Providing a service for adopted people who do not want contact with a birth relative or who wish to place a veto

81. Some adopted people do not want to be contacted by a birth relative and it is important that agencies inform them about the choices they have to prevent contact, and provide written information about vetoes and requests for no contact.

No Contact Requests

82. Since 30 December 2005, it has been possible for adopted people to register a wish for no contact on the Adoption Contact Register held by the Registrar General. An adopted person does not have to go via the adoption agency to register a wish for no contact with the Registrar General. They can do this directly by completing the appropriate forms. AAA NORCAP also has a facility for adopted people to register a wish for no contact on their contact register.

Vetoes

83. There is provision for adopted people to register a veto to prevent an agency providing intermediary services from making contact to inform them of a birth relative enquiry (AIR 8). A veto is different from a request for no contact registered on the Adoption Contact Register and it is held by the AAA.

84. There are two types of vetoes :

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 making contact to share vital medical information with the adopted person or their GP. However, this should only be done after seeking advice from the agency's medical adviser who may prefer the sharing of the medical information to be 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 of the veto may apply to the person asking for the approach to be made, for example 'maternal relatives only' or '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.

85. Vetoes can only be registered with the AAA. This is the adoption agency that placed the child for adoption, or in cases of private adoptions the local authority that was notified. While the AAA must comply with an adopted person's request to register a veto, it is good practice that the adoption worker discusses 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 help with consideration of some of the implications registering a veto might have for them.

Case Example 7 Patrick

Patrick contacted his AAA saying he wanted to register a veto. He said he had been seriously abused by both birth parents and was clear he wanted no contact ever. He agreed to come in 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.

86. If, after considering the potential benefits and disadvantages, the adopted person wishes to register a veto, the adoption worker should facilitate this providing the adopted person's wishes are put in writing. In Appendix 9 there is a checklist of the issues to be addressed with the adopted person before a veto is registered, and also a suggested template for registering a veto. The AAA must keep a written record of the veto on the adopted person's file and make this known to any agency providing intermediary services that makes an enquiry. The agency should keep a register of all vetoes placed to enable a prompt response to be made to enquiries from such an agency.

87. It is important to inform adopted people 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, the AAA may consider that the adopted person needs to be informed of a life threatening medical condition, or that it has come to the attention of the AAA that a birth relative has obtained identifying information and intends to make contact. The AAA does have discretion to initiate contact with 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 making an approach as a result of a request from a birth relative covered by a veto.

Concerns about offering a service

88. 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. Therefore, 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- see Appendix 6a.

89. Where appropriate, 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 well equipped to support. Co-working with another specialist can ensure the adopted person gets the best possible service. Adoptive parents may also be a good source of information regarding 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.

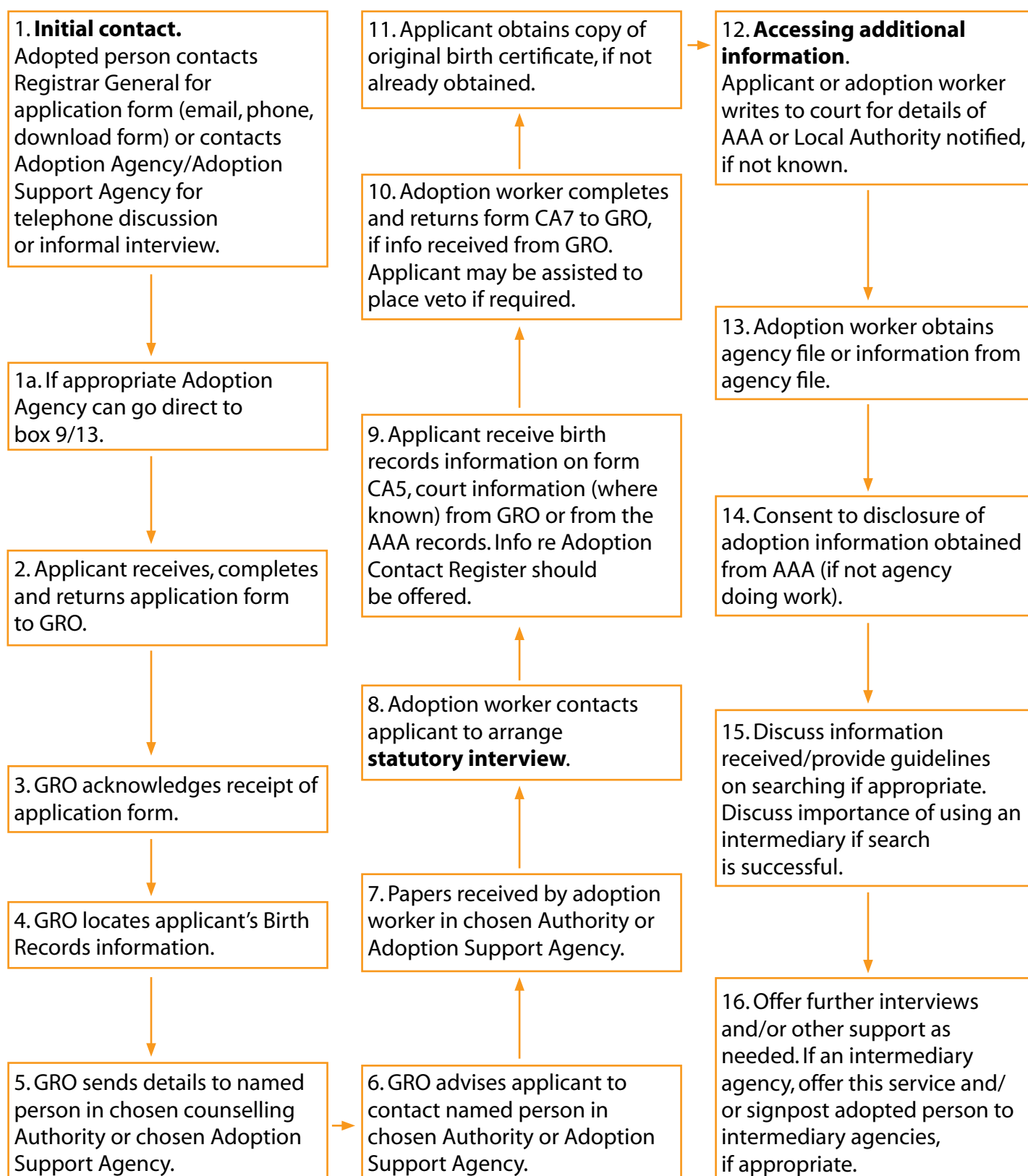
90. When there are any concerns that the adopted person may present a risk to him/herself or to any person as a result of receiving information, the adoption worker should discuss the handling of the case with their manager and any other relevant professionals as appropriate.

Case Example 8 Janet

Janet, a young woman with learning difficulties, wanted background information and hoped for a reunion 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. 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 better 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.

Access to Birth Records for Adopted Adults

Schedule 2: Adoption & Children Act 2002



Part 2 Intermediary services

Introduction

1. This part of the practice guidance covers the provisions for intermediary services for adopted people and birth relatives, where the Adoption Order was made before 30 December 2005 (referred to as pre-commencement adoptions). There are different practices and procedures in place for adopted people and birth relatives.
2. The flow charts at Appendix 3 outline the range of processes undertaken for intermediary work.
3. The legislative framework and research evidence, discussed below, applies to both adopted people and birth relatives.

Legislative framework

4. An intermediary service is a service provided for the purposes of assisting adopted persons aged 18 or over who were adopted before 30 December 2005 to obtain information about their adoption, and facilitating contact between such persons and their birth relatives (ISR 4(1)). However, an adoption agency does not provide an intermediary service if it is the appropriate adoption agency in relation to an adopted person and only provides information in relation to that person's adoption (ISR 4(2)). An application for assistance in facilitating contact may be made either by an adopted person or a birth relative (ISR 5(1)). The intermediary services of a local authority, voluntary adoption agency or ASA are regulated by Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted).
5. An intermediary service can be provided only to adults by an adoption agency (i.e. a local authority or a voluntary adoption agency) or an ASA. If an intermediary service is not part of a VAA's or ASA's conditions of registration it should signpost the enquirer to an agency that does provide this service. There is a list of all agencies providing intermediary services on www.adoptionsearchreunion.org.uk

6. An adoption agency can stipulate what parts of an intermediary service they are able to provide, for example, in a birth relative application, an agency may be willing to provide an intermediary service but may not have the resources to undertake tracing the adopted person. There is nothing to prevent them from using the resources of another agency to conduct the search but there is likely to be an associated cost.

7. Any agency providing intermediary services 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 6(1)). In determining whether an application is appropriate or not the agency has to take account of information gathered from various sources and the welfare of everyone affected (ISR 6 (2) and (3)). An agency must decline to proceed further with an application if it ascertains that the subject of the application is under 18 years of age (ISR 6 (4)).

8. The legislation allows adopted people and birth relatives to select an agency of their choice to provide an intermediary service. The ISR set out the duties and responsibilities of all the different agencies that may be involved in processing an application, including the AAA, the Registrar General, the court and the agency providing the intermediary service. Interagency working is important – agencies must have a good understanding of their responsibilities and protocols to ensure services are effectively and efficiently delivered. The Statutory Adoption Guidance stipulates the checks that an agency has to make before an intermediary service can be provided.

9. The type of agency will determine the extent of the checks and enquiries that need to be made of other agencies, for example, an agency providing intermediary services that is not the AAA will have to undertake more checks than an AAA that holds the adoption records. It would have to establish which agency was the AAA involved and contact it to obtain a range of information, such as:

- whether a veto had been registered
- any views that agency may have about the application
- information to enable the adopted person or birth relative to be located.

10. If it is the AAA that is providing the intermediary service then these steps would not be necessary as the above information would be available. Where a third agency has been involved in an interagency placement, the AAA should check with the other agency as it may have had more recent contact with the adoptive family than the AAA.

11. In rare circumstances where the information from the adoption records has been lost or destroyed, the AAA would need to apply to the Registrar General for the identifying information from the Adopted Children Register to enable them to locate the adopted person or birth relative.

12. 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 intermediary services.

13. The agency providing intermediary services may request help from another agency to assist in providing different aspects of the service, for example, to take on full responsibility for locating and making the approach to the adopted person and acting as an intermediary. In other situations a different agency may be used to provide post-contact support after an approach has been made. This could be helpful in providing local or specialist support to one or more of the parties involved. It is particularly important to have clear agreements about respective roles, responsibilities and confidentiality when undertaking such joint work, such as:

- counselling the birth relative
- undertaking work involved in locating the adopted person

- acting as intermediary and providing follow up support.

14. It is advisable for agencies to use written agreements or contracts setting out expectations and responsibilities, such as reporting back and charges where appropriate.

What research tells us

15. Research about adoption, search and reunion can provide adoption workers and managers with an insight and understanding of what motivates adopted people to search for information and their birth relatives, and the impact this may have on their lives. Research can also help develop practice and policies that meet the needs of all those affected by the adoption search and reunion process, including birth relatives and the adoptive family. Managers and adoption workers need to be aware of the available research to help inform their policy and practice. There have been many studies about adopted people and the outcome of their search for information and birth relatives, and two relevant studies have been published in the UK since 2000².

16. Some of the main findings from these studies which explored the adoption, search and reunion experience of adopted people, birth relatives and adoptive parents showed that:

- For the majority contact can have a beneficial and healing effect.
- It has the potential to enhance adopted people's feelings of completeness, to improve their sense of identity and self-esteem, and to make them feel more whole and integrated.
- The majority of "non-searching" adopted people, including those who chose not to pursue any form of contact with the birth relative, expressed the view that it was right for the intermediary agency to have informed them of their birth relative's enquiry.

- 90% of "non-searchers" who were informed of a birth relative's wish for contact went on to have some form of contact with them.

- The majority of both "searching" and "non-searching" adopted people reported that the contact and reunion had been a positive experience as it had helped to answer important questions about their origins and background.

- 94% of birth mothers were pleased to be contacted by their adopted son or daughter.

- 90% of birth mothers said that contact and reunion had been a happy and satisfying experience.

- Although the majority of birth mothers wanted to hear from their son or daughter, a significant number of birth mothers would not take the initiative to instigate a search or request an intermediary service.

- Adoptive parents appreciated why their son or daughter wanted to search for and make contact with birth relatives.

- Adoptive parents' initial anxieties that their relationship with their son and daughter would be altered by the contact with a birth relative were not borne out. 90% reported close or very close relationships both before and after contact.

17. The majority of the research studies undertaken thus far report the outcomes of adoption, search and reunion that took place many years ago. The main reason for adoption then was social pressure as illegitimacy and single parenthood were not accepted. The reason and circumstances for contemporary adoption are usually different. It is important to remember that the experience and outcomes for adopted people who have been adopted from the care system, at an older age, and where perhaps their parents did not consent to the adoption may be different. Research findings of the outcomes of adoption, search and reunion for this particular group are not yet available.

² Adoption Search and Reunion- the long term outcome for adopted adults. David Howe and Julia Feast, first published by The Children Society in 2000 and now by BAAF, 2005

The issues and dilemmas involved in the search and reunion process in these situations are likely to be more complex and challenging. In the absence of research it is important to build a body of practice experience so that knowledge can be shared, to ensure that policy and practice are developed to meet the needs of adopted people, and their birth and adoptive relatives and the needs of the practitioners that are involved in the service delivery. Suggested reading is listed at Appendix 2.

Acting as intermediary

18. Providing intermediary services for adopted persons and their birth relatives can be rewarding and satisfying, but it can also be emotionally demanding and challenging. It is important, therefore, that adoption workers providing intermediary services have access to good supervision, consultation and peer support. Peer support could be provided in the adoption worker's own agency or through a local consortium of workers involved in intermediary work. Having the opportunity to discuss practice issues and dilemmas will be important for those undertaking the role of an intermediary.

The role of the intermediary

19. After having completed an assessment and decided that it is appropriate to provide intermediary services, the role of the intermediary is to facilitate contact and to provide counselling, support and advice. It is also to help people make informed decisions, including about the disclosure of identifying information (ISR 7(3)).

20. Whilst acting as an intermediary, due regard must be given to the issue of confidentiality. It is important to clarify with each person what information the worker has permission to share. ISR 7 stipulates that an agency providing intermediary services is prohibited from disclosing information to the birth relative about the adopted person without first obtaining the adopted person's

consent. However, in some cases the worker may become aware that one person wishes to keep potentially significant information confidential. This will need to be addressed and may mean that a decision is made not to proceed with an application for an intermediary service.

21. Where it is discovered that the adopted person has died or where they are incapable of giving consent – i.e. lack capacity (within the meaning of the Mental Capacity Act 2005) to give consent – then the agency providing intermediary services has the discretion to disclose identifying information to the birth relative about the adopted person (ISR 7(2)). At the time of writing this guidance, ISR 7(2) had yet to be amended to refer to the Mental Capacity Act 2005 (cf section 52 of the Adoption and Children Act 2002), but has been interpreted in that way here. However, the agency must have regard to 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 (ISR 6(2)). The agency is required to seek the views of the next of kin and take these into account before disclosing identifying information (see paragraphs 49-52 of Chapter 10 of the statutory Adoption Guidance). In deciding under ISR 6(2) whether it is appropriate to proceed with an application, it would also be good practice for the agency to consult any person or body that is authorised to act on the adopted person's behalf (for example, an attorney or the Court of Protection) and to take that person or body's views into account. However, the view of such a person or body does not replace that of the subject him/herself.

22. In some situations the role of the intermediary 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 become more involved in working with both parties. This can be a very complex and emotionally challenging time.

There could be a range of situations where the adoption worker needs to become more involved, for example, where the adopted person has been adopted from the care system and where there was a significant history of neglect and abuse. The intermediary will have a key role in helping both parties negotiate their way through this process. Where possible, the intermediary will work with the parties, enabling them to make informed choices and to take as much control of the process as is appropriate. It is important that the adoption worker maintains their role as a facilitator, enabling the adults involved to make decisions for themselves, whether or not the worker agrees with these decisions. The adoption worker must remain impartial, and not make assumptions based on what they think is right or appropriate in any given case. In some circumstances it may be appropriate for a different adoption worker to work with the birth relative, especially where a major conflict arises, or where the parties live at a considerable distance from each other.

Case Example 9 Jason

Jason, a 21 year old adopted adult was keen to make contact with his birth family. He had been the only child in his adoptive family. He knew he had two older brothers in his family of origin and was keen to meet them. Jason said he had had a good adoption.

The worker from the ASA (acting as intermediary) was concerned on a number of levels. She had established via the AAA that the birth family had periodically called into the area office over the years to see if Jason was looking for them. They did not appear to have moved on in life. One brother was unemployed, the other was working casually washing up in a restaurant. The birth mother did not work and seemed to have few interests. Mother and sons had an idealised picture of how things would be one day when Jason was reunited as a family again.

The intermediary worker was concerned that Jason would have little in common with his birth family and that this could have a devastating effect on all concerned. In addition Jason kept putting off telling his adoptive parents what he was doing. The intermediary felt they would be an essential support for Jason who may be disappointed by the reunion.

Contact was made and despite the worker advising caution Jason and his brothers started sending text messages to each other immediately and met on Jason's shore leave three weeks later. Six months on, Jason and his brothers continue to get on very well. They have a strong shared interest in music and club life. Jason feels less of a bond to his birth mother but says they get on well. Initially Jason's adoptive parents' reacted negatively to finding out that he had met and was in touch with his birth family and they stopped talking to Jason for a while. They have subsequently accepted the situation.

23. It is sometimes difficult for the intermediary to work effectively with all those individuals involved, for example, because of distance or conflict of interest. In these situations it may be helpful to seek the help of another agency.

Recording

24. Recording should be an integral part of intermediary work. It is important to record the work undertaken and the decisions made in relation to each case. When asking another agency to provide a service, there should be clear arrangements and agreements about what needs to be recorded and what needs to be fed back to the commissioning agency.

25. The records kept of the work should give a clear account of each person's situation, their expectations and their hopes about any future contact.

26. It is important that accurate records are maintained when the agency is trying to locate the person sought, so that it is clear what information has been checked and with what results. Particular care needs to be taken when verifying names and addresses. Any identifying information needs to be clearly marked "confidential". It is important for accurate records to be maintained of any contact made with the person sought.

27. Agencies need to give thought to how the case file is organised. It may be decided to have separate files or sections for work with the birth relative and the adopted person.

28. Adopted people and their birth relatives should be informed that records will be kept of their contact with the agency, and should be made aware of agency's policy in relation to having access to the information held about them.

People who live abroad

29. Where possible when intermediary work involves someone living abroad, arrangements should be made to link the adopted adult or their birth relative overseas into a local adoption social work service, which has some experience in this area of work, if such a service exists. This agency can provide support whilst the agency providing intermediary services fulfils the statutory responsibilities.

30. When a suitable service cannot be located, telephone counselling and correspondence might be used. As with face to face interviews, it will be necessary to have documentary evidence of the birth relative's identity and their relationship to the adopted person being sought.

Part 3 Providing intermediary services for adopted people

Introduction

1. Intermediary services have been provided for adopted people for many years. This has been seen as an integral and important extension of access to birth records and adoption record information work that needs to be offered when adopted people wish to make contact with birth family members. There is a statutory framework within which services should be developed and delivered. The ISR govern who may provide intermediary services and what an agency providing intermediary services must do when receiving and processing an application. The role and responsibilities of the agency that provides birth records counselling and access to information alter when there is application for intermediary services. This part of the practice guidance covers the responsibilities and tasks of an agency providing intermediary services for adopted people.

2. Adopted people are entitled to a range of identifying information. This is set out in Chapter 10 paragraphs 3, 18 and 45 of the statutory Adoption Guidance. This information can enable adopted people to undertake their own search and, therefore, to make contact with a birth relative without the assistance of an agency providing intermediary services. However, even though an adopted person could make a direct approach to a birth relative, practice over the years has shown that most adopted people value the opportunity to use an intermediary service to make the initial contact. One of the key benefits of using an intermediary service is the careful preparation that will be undertaken. This gives the adopted person insights into the impact of renewed contact with birth relatives. It also offers the person being contacted the opportunity to explore key issues before deciding how to respond.

3. In many cases the adopted person requesting the intermediary service may already have received other services from that agency, for example, they may have contacted the AAA to receive information from the adoption record or chosen an ASA to provide birth records counselling.

Sometimes the agency that has provided birth records counselling is unable, or their registration does not permit them, to provide an intermediary service, or the adopted person may prefer to use another agency. This means, therefore, that the work that needs to be undertaken before an application for an intermediary service and the processing of an application will vary, as described later in this part of this practice guidance.

Application for an Intermediary Service and response

4. When a request for an intermediary service has been received, the application should be acknowledged promptly. Where the adopted person has applied for an intermediary service from an agency they have not been in touch with before then they should be asked to make the application in writing. The agency should send information (ISR 10) to the adopted person about the intermediary service they provide, and the availability of counselling, including any charges they may make. The information could be provided in a leaflet which answers frequently asked questions. Alternatively, it may be helpful to have a standard letter or form for this purpose.

Meeting with an adopted person to discuss an intermediary service

5. One of the main purposes of the meeting is to help the adopted person consider the implications of making contact with a birth relative and to prepare them for the range of potential outcomes. When the intermediary already knows the adopted person the content and extent of the discussion may differ as the intermediary may already have knowledge of the adopted person's circumstances and their expectations, hopes and fears. However, it is still important to make the time to discuss and review what the implications of providing an intermediary service will be for the adopted person, members of their birth and adoptive families and where applicable their partners and children.

6. If a face-to-face meeting is not possible some agencies may be willing to offer the meeting through a telephone discussion. In these cases, great care should be taken to ensure that, before progressing the matter, the enquirer's identification and age is confirmed in writing. People working in this way should be appropriately trained and supervised.

7. Agencies will need to make appropriate arrangements for people with particular needs, for example, for those who have hearing or visual impairments, mobility difficulties or where English is not their first language. When it is necessary to use an interpreter it is important to consider issues of confidentiality and how these will be managed.

8. During the discussion the intermediary should discuss how the adopted person has conducted their search and documentary evidence must be checked to ensure that they have located the actual person sought.

9. If the agency providing the intermediary service is not the AAA, it should be explained that the agency is required to find out the AAA's view on the provision of this service.

Areas to be covered in the interview

10. When the agency has provided access to birth records or access to adoption record information and is now being asked by the adopted person to provide an intermediary service, the interview should build upon the previous work. If an intermediary service is being provided by another agency all the information set out below will need to be covered. Depending on the particular circumstances and needs of the adopted person, more than one interview may be required to cover all the essential work.

At these interviews, it will be necessary to explore:

- The current social circumstances of the adopted person that may include information about their family situation, such as partners, children, and occupation.
- What information they have about their adoption and the sources of that information.
- Their attitude and feelings about this background information.
- Their hopes, fears and expectations.
- The knowledge, attitude and feelings of other family members about this information.
- Their understanding and insight into their birth relative's perspective. This will include what understanding they have of the possible impact of their approach, and their responsibility in this matter.
- Whether the person located has been confirmed as the birth relative and how verification was obtained (documentary evidence will need to be checked).
- Any potential circumstances relating to the birth relative, which might deter the adopted person from pursuing contact, for example, what would be the adopted person's reaction if they became aware that the birth relative has been in prison or has a history of drug or alcohol abuse, has a physical or mental disability, mental illness or has changed gender?
- Any circumstances relating to the adopted person or their family that they consider may be problematic for the birth relative.
- Expectations of contact and exploration of possible outcomes and scenarios, including both the positive and negative aspects of making contact.

- It will be important to highlight the possible implications for all who are connected to the adopted person and birth relative. Attention should be given to the possibility of people experiencing intense and powerful feelings, including sexual attraction (see Part 6, *Working with the complexities of an intermediary service*).
- Support available from family, friends and the agency. Adoption workers need to be mindful of the degree of support they are able to offer the adopted person and the birth relative before and after contact is made. 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. It is possible that this can be provided after an assessment of adoption support needs has been undertaken. Some people may find it helpful to talk with another adopted person who has experience of making contact with a birth relative through an intermediary service. This may be arranged through the agency or a support group.
- What the agency can offer in terms of how an approach might be made, and what information can be shared.
- How the application for an intermediary service will be progressed. This should be confirmed in writing.

Concerns about offering an intermediary service

11. In processing an application for an intermediary service the agency must have regard to the welfare of the adopted person, the birth relative and anybody else that might be affected by the application with particular regard to children under the age of 18 (ISR 6 (2) (a)).

Where the adoption worker has concerns about approaching a birth relative on behalf of an adopted person, because, for example, of a risk of violence, they should consult their manager to decide if and how to proceed. This discussion should explore the potential consequences of refusing to provide an intermediary service. In those situations where the adopted person has located the birth relative and has made it clear that they will make contact with or without the assistance of an intermediary, this will be particularly significant. In reaching a decision not to proceed, the intermediary agency needs to weigh the risks and benefits 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 the person he/she wishes to approach. The intermediary 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.

12. Where the agency providing the intermediary service is not the AAA, concerns should also be reported to and discussed with the AAA and possibly the third agency if it was an interagency placement. There is no obligation to proceed if the application is considered inappropriate (ISR6). It is important that the decision to proceed or not, the reasons for this, and the outcome of the application is reported back to the AAA. This will ensure that the AAA can update the adoption record and also give the AAA the opportunity to consider the agency's decision.

13. Decisions not to proceed with an application must be made by the agency and not the adoption worker. How the decision was arrived at should be clearly recorded. The adopted person must be advised in writing of any decision not to proceed, with reasons for the decision, and that he/she has the right to seek intermediary services from any other agency. They should also be advised of the agency's complaints procedure.

Case Example 10 Errol

Errol aged 26 years was adopted from care and placed for adoption at the age of three years old. His adoption was contested by his birth mother. He came into care at the age of 18 months under a Place of Safety Order after he had been admitted to hospital with a broken arm. A Skeletal X-ray revealed a number of previous injuries and old bruising. He was very underweight and there was clear evidence that he had been severely emotionally and physically abused.

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

During the interview with the adoption worker, Errol expressed a great deal of anger towards his birth mother. He blames her for the difficulties he has had in life. The adoption worker wanted to refuse Errol's application for an intermediary service because of the possible safety issues involved. But following discussion with her manager it was decided that, on balance, it would be better to offer a tracing service as well as an intermediary service as they would have some control of the situation. They hoped that by offering these services it may help deter Errol from obtaining the identifying information he needed to locate his mother and make a direct contact. They considered that this way they would be able to give the birth mother sufficient information so that she could make an informed decision about whether or not to have contact with Errol, and that if a meeting was desired it could be arranged at a neutral venue.

Case Example 11

Sunita

Sunita aged 19 was adopted with her two younger siblings. Sunita recently received information from the adoption records and has managed to locate her birth mother. Sunita would like to make contact with her birth mother.

The main reason for Sunita and her sibling's adoption was due to her birth mother's mental illness. Her birth mother was diagnosed as a paranoid schizophrenic.

Sunita remembers that her birth mother would become extremely paranoid, irrational and frightening when she was not taking medication. However, when her birth mother was taking medication she remembers her as very affectionate, caring and fun to be with.

The adoption worker helped Sunita think more broadly about the implications and impact of re-establishing contact with her birth mother might have on her younger siblings. Her younger siblings do not share the fond memories that Sunita has and have no desire to see their birth mother. Sunita told the adoption worker that her adoptive parents, although understanding, are anxious about her making contact with her birth mother. Apparently they are particularly concerned that she may give the home address to the birth mother and that this would then make the family feel vulnerable.

After discussion with the adoption worker Sunita decided not to make contact for the time being. With the help of the adoption worker, she decided that the disadvantages of making contact at this time outweighed the benefits. She therefore decided to wait for a few more years when she would have left home and be living a more independent life.

Inter-agency working

14. The ISR and statutory Adoption Guidance stipulate the checks that an agency has to make before an intermediary service can be provided.

15. The type of agency providing the intermediary services will determine the extent of the checks and enquiries that need to be made of other agencies, for example, an agency that is not the AAA will have to contact the AAA for their view of the adopted person's application for an intermediary service (ISR12 (3)).

16. It is important to remember that one of the provisions in the regulations for providing intermediary services is that an approach must not be made to a birth relative without asking the AAA for its view on the provision of this service. The agency may have been in touch with the AAA much earlier in the process to ask for adoption record information. It may be appropriate to ask at that earlier stage if the AAA wishes to express a view about the provision of intermediary services for the adopted person if required. A template letter for this purpose is included at Appendix 10. The role of the AAA in this situation is to reach a view based upon the information already held by that agency. It is not appropriate for the AAA to initiate contact with the birth family in order to reach a view. Good inter-agency working is essential at all stages of the process. If any significant information had come to light during the search that the adoption worker and their manager consider may influence the AAA view, this should be shared. It is not necessary for the AAA to receive up to date information about the adopted person in order to reach a view. The responsibility for determining whether or not provision of intermediary services is appropriate rests with the agency and not the AAA.

Disclosing identifying information

17. Although adoption agencies have the discretion under AAR 1983 15(2) to disclose identifying information from the adoption agency records, that discretion must be considered in light of the ISR. If an adoption agency is the appropriate adoption agency in respect of a person's adoption and all that the adoption agency provides is information to the adopted person about their adoption, the agency is not providing an intermediary service (ISR 4(2)) and the discretion in AAR 1983 15(2) is preserved (subject to the confidentiality and data protection concerns discussed in earlier chapters). But if the adoption agency is providing an intermediary service, they must not provide identifying information about a subject without the subject's consent (ISR 7(1)). Before any information is disclosed under AAR 15(2), the agency should consider whether ISR 7(1) applies, or might at some later point apply.

18. It is important to clarify at this stage what information the adopted person gives permission for the intermediary to share in the event that contact is made with the birth relative. However, the intermediary may be faced with a situation where the adopted person wishes to keep potentially significant information confidential. This will need to be addressed and may mean that a decision is made not to proceed with the application for an intermediary service.

19. ISR 7(1) stipulates that an agency providing intermediary services is prohibited from disclosing information to the adopted adult about the birth relative without first obtaining the birth relative's consent. Whilst acting as an intermediary, due regard must be given to the issue of confidentiality at all times and the need for informed consent.

Case Example 12 Ruby

Ruby, an elderly birth mother, was contacted by an agency providing intermediary services on behalf of Carol, the daughter Ruby had placed for adoption in 1946. Ruby told the intermediary that she did not think she could have contact with Carol as she had made up the name of the birth father she told officials at the time.

This was because the father was an Italian Prisoner of War and girls who had relationships with German and Italian soldiers were called collaborators. 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, but added that this 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 the context in which that information had been shared with Carol. She reassured Ruby that she would not tell Carol that Ruby had 'lied' to the agency but suggested to Ruby that she communicate with Carol and decide in her own time what to say about Carol's father. The worker added that Carol may be pleased if Ruby did eventually explain to her what really happened. As the intermediary had got to know Carol quite well she could be confident Carol would be delighted that Ruby agreed to contact with her and understanding of the situation if Ruby ever managed to tell her about her father.

Before the approach

20. The intermediary 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 through the intermediary, an exchange of photographs or more direct contact such as a telephone call. The preferences of the adopted person should be noted. Adopted people may want to consider giving a mobile telephone number rather than their land line phone number as this would not divulge the area where they live.

21. The intermediary should also discuss the agency's procedure when there has been no response from the birth relative to an initial letter. Some agencies consider that it is not appropriate to send a second letter for approximately 4 weeks after the first. Having information about this procedure will help the adopted person understand that their birth relative must be given sufficient time to respond.

22. 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 that the adopted person is prepared for the intermediary to confirm that there has been no response from the birth relative.

Making the approach

23. Intermediaries will need to consider how the initial approach should be made, taking account of their agency's policy and procedure and also guidance from their manager.

Writing a carefully worded letter is usually the most appropriate way to make contact, unless there are circumstances indicating that the birth relative has literacy problems or that this would have a detrimental impact on the birth relative's particular circumstances. In the majority of situations the agency's headed paper should be used to show that it is from a bona fide source. This gives the birth relative the opportunity to check the credentials of the agency. Agencies will need to consider whether it is appropriate to mention the word 'adoption' in the letter and whether it is included in the letterhead or workers' titles (see Appendix 21)

24. Additional care will be needed if it appears the adopted person was, or may have been, born after a concealed pregnancy and if cultural considerations make it likely that a letter would not reach the intended recipient without being read by someone else.

Case Example 13 Simon

Simon, an adopted adult of mixed 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 worker that the pregnancy and birth had been concealed, so as not to jeopardize his mother's marriage prospects. She had subsequently married and her husband was unaware of Simon's existence.

Simon was aware of the potentially devastating effect on his birth mother's welfare of making an approach. At the same time, he felt he needed information about his birth father. His birth mother had refused to disclose any information at the time of the adoption.

The records mentioned an uncle of the birth mother who worked as a doctor at a local hospital. The uncle had played a significant role in relaying information between the birth family and AAA at the time of the adoption.

The adoption worker was able to locate 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 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 the birth mother).

The uncle agreed to meet with Simon and gave him some information about his birth family including a photograph of his mother and half-siblings.

Simon felt able to settle for this.

Case Example 14 Helen

Helen asked the agency providing intermediary services to make contact with 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 any of the residents needed it.

The warden confirmed to the intermediary that Edith was one of the fittest residents but added that all 'her' 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 remarked that Edith had brought the intermediary's letter to show her as soon as she opened it, as she had not known whether to laugh or cry because she was so happy.

25. In the case example above the adoption worker gained useful information without infringing both Helen's and Edith's confidentiality. In all situations issues regarding confidentiality should be considered carefully and discussed with a supervisor, and the decision should be recorded.

26. Some birth relatives will respond very quickly whilst others may take some time. If no response is received consideration should be given to sending a second letter using recorded delivery to confirm that it has been received.

27. The intermediary worker might want to consider if there is any way of making it easier for the relative to respond, particularly outside normal working hours. Some people may not have the facilities to make sensitive and private calls during their working day. Agencies should consider the facilities they are able to offer callers and whether these are compatible with providing an intermediary service.

Receiving and managing a response from the birth relative

28. It is important that the intermediary worker is available to receive the response from the birth relative. Adoption workers acting as intermediaries will need to ensure that other commitments will not unduly delay dealing with any response.

It will be important not to start this process if the intermediary worker is likely to be out of the office for some time, for example, on holiday.

29. 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. The intermediary should consider in advance how to respond if the person who responds is doing so on behalf of the relative.

30. It is important to go at the birth relative's pace, giving them sufficient time to take in the full implications of the enquiry and what this might mean for them and their family. The intermediary should offer birth relatives the opportunity for a full discussion to explore their feelings and thoughts.

31. The intermediary worker must inform the birth relative about counselling and explain that it is possible to arrange for them to receive counselling and support from another adoption agency more local to them, or independent of the agency providing intermediary services for the adopted adult (ISR 10).

32. If the relative does not wish to meet with the intermediary, or declines support and counselling, it may be helpful to seek their agreement to send them some written information about why adopted people seek contact with birth relatives and adoption search and reunion (examples of such information can be found on www.adoptionsearchreunion.org.uk).

33. The response from a birth relative can vary significantly. Some birth relatives are pleased and welcome hearing that the adopted person wants contact, particularly birth parents who feel they had no choice other than to give up their child for adoption. Some birth relatives may wish to have lots of information and express a wish to establish direct contact with the adopted person as soon as possible. Some may be more cautious, and others may be clear from the outset that they do not want any contact with the adopted person.

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.

34. If agreed in advance with the adopted person, the intermediary may ask the birth relative if they will agree to receive a single letter and/or photograph from the adopted person, even if they do not want contact. The intermediary may also consider it appropriate to explore with the birth relative, where they do not want contact, whether they would be happy to provide information and possibly a single letter and/or a photograph for the adopted person.

35. It should be made clear to the birth relative that, even if they are declining contact at this stage, they are welcome to contact the agency at any time in the future, should they wish to pursue the possibility of contact.

36. Sometimes it can take weeks, months or years for birth relatives to feel ready and able to take another step after the initial contact. It is important to allow them to reach decisions in their own time and without pressure.

When there is no response

37. If there is no response within four weeks the intermediary should inform the adopted person and discuss whether or not to follow up the initial letter. It will be necessary to think about all 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 decided not to respond. If the adopted person requests this, a second letter can be sent. 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. This letter should be sent by recorded delivery.

38. Care will be needed to work out what will happen if no response is received to the second letter. Sending letters by recorded post will ensure verification that the letter has been received, as recorded delivery can be tracked online. Agencies may consider it essential to send a final letter to make it clear that no further correspondence will be sent from the agency as to persist could be construed as harassment. Agencies may resist sending a third letter and simply presume that the lack of response should be interpreted as a negative response. 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 that there is no time limit as such. This letter should however indicate that there will no further correspondence from the agency but the person should be made aware that if the adopted person makes contact with them directly the agency would provide support.

Preparing for contact

39. If the response from the birth relative is positive, 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, whilst others may prefer to have indirect contact, such as corresponding by letter, email or text message, for a considerable time before they feel ready to meet or speak on the phone.

40. If the adopted person and the birth relative want to be in direct contact, it can be helpful for them to exchange letters or mini biographies and also photographs through the intermediary, prior to a meeting or a phone call. Some adopted people may want to use email or text messaging as well as letters and/or telephone calls. 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 persons involved can communicate without revealing their home address.

41. The intermediary has an important role in helping everyone involved know that adoption reunion is a living and evolving process and that it is difficult to predict what the long-term outcome will be. It is not uncommon to find that some extra support is needed at some point. The intermediary should ensure that everyone involved knows how to access any help they may need in the future. This may be from the intermediary or from another agency or service.

Follow up

42. Meeting birth relatives can have a very powerful impact on the adopted person and, therefore, it is important to discuss this with them in advance. Sometimes adopted people who thought that they would take the whole experience in their stride, find that they are overcome by the strength of emotions they experience.

43. The outcome of a meeting can vary from being a very positive experience to one that leaves the adopted person feeling frustrated and dissatisfied. How relationships develop post reunion will also vary. It can be helpful if the intermediary contacts the adopted person and the other parties involved soon after the meeting to discuss their initial reactions and to provide an opportunity to talk about how the meeting went.

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

The impact of contact between adopted people and their relatives

45. This topic is covered in Part 5 of this guidance and applies to all situations, whoever has initiated the intermediary service.

Part 4 Providing intermediary services for birth relatives

Introduction

1. Historically, some adoption agencies chose to use the powers available to them under the Adoption Act 1976 to provide intermediary services for birth relatives who wished to let an adopted person know of their interest in contact. However, the availability of intermediary services for birth relatives prior to 2006 was not widespread. The Adoption and Children Act 2002 recognised the life-long implications adoption has not only for adopted people but also for their birth and adoptive relatives. Intermediary Services for birth relatives became a statutory service with a legal framework from 30 December 2005.

2. An intermediary agency can make contact with the adopted person on behalf of the birth relative to let them know of the birth relative's wish for contact. No identifying information can be passed to the birth relative without the adopted person's permission (ISR 7 (1) and (4)).

3. If an agency does not have the capacity to take up all the requests it receives, it is required to give priority to requests where the adoption took place before 12 November 1975 (ISR 5(2)). Priority should also be given to requests from elderly applicants and those suffering life-threatening illness.

4. Birth relatives can now register a wish for contact or no contact on the Adoption Contact Register held by the Registrar General. They can also write to the AAA 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. This provision only applies to adopted people who were adopted before 30 December 2005.

Private adoptions

5. Until the implementation of section 98 of the Act, obtaining sufficient information to undertake an intermediary service where an adoption was arranged privately was difficult.

An agency providing intermediary services can now apply to the Registrar General for the information that will link the adopted person's birth and adoptive identity.

Division of responsibilities

6. The AAA has the responsibility to prepare and send the information it considers appropriate under ISR 12(3) for an agency to have in order to process an application for intermediary services from a birth relative.

7. ISR 12 (3)(c)(i) requires that the intermediary agency requests information for tracing the subject and ISR 12(4) requires the AAA to take reasonable steps to provide the information (including identifying information) as is necessary for that purpose. The AAA may need to share more information with the intermediary agency than simply the information that will appear on the adoption certificate which the intermediary agency may well have obtained from the Registrar General already. Providing background and updating information facilitates the process of location and avoids the use of more intrusive search methods.

8. The AAA should clearly indicate which parts of the information are being provided solely to assist the intermediary agency with locating the adopted person, and not for use in working with the applicant. There is no requirement to seek consent from the adopted person to disclosure for this purpose. The AAA may therefore, for example, disclose to the intermediary a recent address of the adopted person; the intermediary must not disclose that information to the applicant without the adopted person's consent.

9. The agency providing intermediary services must take account of the information and views the AAA has provided, and with its own assessment of the current situation of the birth relative, and any other relevant facts, determine whether or not it is appropriate to proceed with an application.

10. It is important that the decision as whether or not to proceed, and the reasons for this is reported back to the AAA. This will ensure that the AAA can update the adoption record .

The initial enquiry and response

11. Making a decision to apply for intermediary services may have come after a long period of consideration and uncertainty. Therefore, it is very important to respond with sensitivity and understanding to enquiries from birth relatives. The definition of a birth relative is very wide (see section 98(7) of the Act). Before processing an application it will be important to consider whether the relative comes within this definition.

12. If the agency decides to proceed with the application, the birth relative should be asked to provide evidence of their age, identity and their relationship to the adopted person being sought. Evidence of their relationship with their adopted person would include the birth name and date of birth of the adopted person, the name of the birth mother, date of the adoption order and the court which made the order, if known, and copies of marriage and birth certificates. It may be helpful to have a standard letter or form for this purpose.

13. The agency should send information to the birth relative about the services they provide, including any charges they may make as well as information about the Adoption Contact Register and other post-adoption services in the area, including support groups. Booklets prepared by the Registrar General, and BAAF, Children's Society, and AAA NORCAP leaflets may be helpful to agencies when preparing their own information leaflets.

14. Such leaflets should answer people's frequently asked questions and enable them to proceed to the next step. In some situations it is helpful to offer to discuss the enquiry by telephone or through an appointment if there are areas that remain uncertain.

15. Agencies will need to make appropriate arrangements for people with particular needs, for example, for people who have hearing or visual impairments, mobility difficulties or where English is not their first language. When it is necessary to use an interpreter it is important to consider issues of confidentiality. In some circumstances, people may need to be seen in their home or arrangements made for them to be seen at an agency near their home (Adoption NMS 5.2 and ASA NMS 1.5).

16. If birth relatives are seeking contact with an adopted person they should be encouraged to register their wish for contact on the Adoption Contact Register, with the option of naming the agency as an intermediary. Registering on the Adoption Contact Register means that the birth relative will be informed if the adopted person has registered a wish for contact or no contact (Section 80 of the Act). Agencies may also wish to tell the relative about the AAA NORCAP Contact Register. This has been established longer than the Adoption Contact Register, and is the largest in the UK. It is worth noting that AAA NORCAP will accept registration in relation to adoptions that do not meet the criteria laid down for the Adoption Contact Register i.e. they will accept domestic foundlings and non-registerable foreign adoptions.

17. If the birth relative chooses not to register, the intermediary agency should request a check of the Adoption Contact Register 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 Adoption Contact Register and also for a one-off check to be made. However, it is worth noting that a one-off check by an intermediary agency without the birth relative having registered would mean that if the adopted person registered after the check had been made then neither the birth relative nor the intermediary agency would be informed. Therefore, registration is to be encouraged.

18. The intermediary agency should explain to the birth relative how the service will be provided, for example, if the intermediary agency is not the AAA, the birth relative will need to be informed that contact with the AAA will be necessary. This is to check if the adopted person has been in touch and/or has registered a veto. Where the birth relative does not remember the name of the AAA, the intermediary agency should explain that the Registrar General and the court where the adoption order was made can provide this information, and the costs involved.

Leaving information on the agency's records

19. Sometimes a birth relative may decide not to proceed with their application for direct contact. Some may choose instead to leave, for example, a letter, photographs, their current address or information on the AAA's file in case the adopted person initiates an enquiry in the future. Provision should be made to store any letters securely with a clear record of their existence. If the intermediary agency is not the AAA then the intermediary needs to advise and assist the birth relative to contact the AAA or give consent for their details to be passed to the AAA to be retained on the adoption record.

20. Where there is no AAA, for example, when the adoption took place overseas, it may be possible for a birth relative to deposit information with AAA NORCAP or the Intercountry Adoption Centre.

Legacies

21. 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 who was placed for adoption, his/her/their date of birth and the name of the AAA, if known.

22. All enquirers should be given information about the full range of services, contact registers and other relevant organisations.

The content of the discussion and contact details should be recorded for all enquiries for future reference. This information needs to be held by the AAA.

Meeting the birth relative to discuss an intermediary service

23. The birth relative should be asked to bring an agreed form of identification and proof of age with them. The type of interview will need to be determined according to their individual circumstances at the time of the adoption. Sometimes the birth relative is very clear about their desire to apply for an intermediary service but sometimes may wish to discuss other options. The birth relative may want to bring a friend or relative with them to the interview. However, it is important to consider if the presence of a partner or friend may inhibit discussion of personal issues that the birth relative may wish to keep confidential, including mental health/illness, child abuse or neglect, violence, drug/alcohol abuse, involvement with the criminal justice system, the termination of a pregnancy, or that the birth mother had considered terminating the pregnancy that resulted in the birth of the adopted person. Each situation needs to be evaluated. Intermediary workers will receive applications from people whose relative was adopted in very complex circumstances and applications from birth mothers, who felt they had to place their baby for adoption simply because they were not married to the baby's father.

24. 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 adoption worker clarifies whether the birth parent is aware of the request and their views as this may have implications for the adopted person. The adoption worker may need to help the birth relative address issues within the birth family before proceeding with the application.

25. The intermediary agency does not have to proceed with the application if it considers the request for a service is inappropriate (ISR 6 (1)), for example, it will not be appropriate to proceed with applications from birth relatives who want to complete a family history.

26. If the birth relative has chosen an intermediary agency that is not the AAA, then it is important for the intermediary agency to establish as soon as possible if the adopted person has registered a veto with the AAA. ISR 12 requires the intermediary agency to contact the AAA and ascertain whether a veto exists (ISR 12 (3) (a) and (b)). Where a third agency was involved with the adoption, the AAA should make enquiries of that agency.

27. If the birth relative has chosen the AAA to provide an intermediary service there may be sensitive issues which require particular consideration, such as whether a choice of initial interview venue can be offered. If it is possible for the agency to provide a choice of worker, for example, in terms of race or gender, this will need to be explored prior to the appointment being arranged. The adoption worker will need to prepare for the interview and identify any particular issues that may need to be addressed.

28. Where adoption records are available, the adoption worker should read them before meeting the birth relative. They will then be familiar with what was recorded about the circumstances of the adoption, the placement details and any information subsequent to the adoption. The adoption worker will need to bear in mind the time 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. They may also contain remarks or value judgements prejudicial to an objective reading of the case records. Reading the records before an interview may highlight significant areas that need to be addressed, for example, if the information recorded was that the adopted person had died, the worker would need to consider how to relay this, so false hopes would not be raised.

29. Sometimes adoption workers may decide to meet the birth relative without any prior knowledge of information held on record. However, having information beforehand enables a worker to identify any aspects where the recollection of the birth relative varies from the agency record. They are then able to seek clarification and a shared understanding of why the events as recorded on file differ slightly or significantly from the account of the relative.

Case Example 15 Helena

Helena approached the agency to discuss the possibility of getting news of Maria, the daughter she had relinquished for adoption 20 years ago.

The records revealed that Helena had suffered a breakdown after parting with Maria and she had been an in-patient in a psychiatric hospital when the adoption order was finalised. From the records she appeared very vulnerable at the time.

In the counselling interview it became clear that Helena had little recollection of the time and was confused about what had happened and when.

Using the information from the records, the adoption worker was able to help Helena get a clearer picture of the processes. Reading the records prior to the interview also alerted the adoption worker to possible areas of vulnerability that needed to be carefully and sensitively explored.

30. The interview may be the first opportunity for a birth relative to discuss the loss of a child through adoption. It may be a very emotional interview, raising feelings and issues that the birth relative may wish to address through further counselling.

The agency should provide information about the availability of counselling (ISR 10 (4)) and assistance, and inform the birth relative that they may be eligible to request an assessment of adoption support needs through their home local authority.

31. Birth parents may need to talk in great detail about the events surrounding the adoption, and may re-live the intense emotions experienced at that time. This may also be true for closely involved grandparents, siblings or other relatives who have painful memories of the events that led to the adoption. Some may talk of feeling coerced and of being given no other options than adoption. Grief may be expressed and/or anger which may have had an impact on their life over the intervening years, possibly contributing to a lack of self-esteem, anxiety and depression, and difficulties in relationships.

32. Some birth mothers may appear to have cut themselves off from the trauma of separation and buried the memory in order to survive, and may appear to be less emotional. It is not uncommon for people to be unsure of dates of birth, or the names of the mother and baby homes. Some birth mothers may feel they have been able to deal with the issues related to the adoption, but express a wish to know how the adopted person is and to offer the opportunity of contact. Many birth mothers who felt pressured to agree to an adoption report having buried their distress at parting with their baby in order to cope with everyday life. They often report having to grieve the loss of their baby, triggered by contacting an intermediary agency, before being ready to move on to consider possible reunion with the person that baby has become.

33. For more contemporary adoptions the birth parents may express anger as well as grief, particularly if their son or daughter was adopted after state intervention and the court dispensed with their consent. A sibling may have vivid memories of losing their brother and sister through adoption.

They may continue to feel traumatised as a result of this and, therefore, it is important to address the feelings and thoughts they may have.

34. It is essential that the adoption worker provides the opportunity for birth parents and relatives to acknowledge and express past and present feelings about the adoption, preparing them for a range of emotions that may arise should contact be made with the adopted person in the future.

35. It is important to gain a comprehensive knowledge about the birth relative's views and circumstances in order to offer appropriate advice and guidance. This is essential if facilitating contact with the adopted person, as this information will enable the adoption worker accurately to convey the position of the birth relative and to answer any questions the adopted person may have. The adoption worker should check what information the birth relative is willing to share with the adopted person and what information they do not want disclosed.

36. In situations where the birth relative does not want certain information being passed to the adopted person, it is important for the adoption worker to consider how crucial this information is in order for the adopted person to make an informed decision and give consent for information to be exchanged (ISR 7 (3)). The impact of the birth relative withholding information on the adopted person and his/her family, particularly in relation to the welfare and safety of everyone involved (ISR 6 (2) and (3)) should also be considered. If the birth relative will not agree to disclosure to the adopted person of significant information that the worker thinks may influence his/her decision about contact or poses a risk to his/her safety, the agency may decide that it is inappropriate to proceed (ISR 6 (1)). This should be fully explained to the birth relative.

Case Example 16 Keith

Keith was approached directly by an unregistered intermediary on behalf of his birth mother. He was shocked and alarmed by the approach. He told the intermediary he did not want any contact and did not want to discuss the situation further, including the possibility of having an information exchange.

Keith contacted the AAA for advice and it was agreed that the birth mother could be given some non-identifying information. Keith's birth mother was very disappointed he did not want any contact. However, she gained some comfort when told that Keith was married and had two children and worked as an accounts manager. She felt better having this information which indicated that Keith appeared to have a settled life. The activities of the unregistered intermediary were reported to Ofsted.

Case Example 17 Cathy

Cathy's daughter Sophie was adopted against her 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 adoption worker she explained that she has remarried but could not have any more children. Her husband, however, has a police record and is a convicted schedule 1 offender, although this conviction happened 12 years ago.

The adoption worker talked to Cathy about what information should be passed to Sophie to enable her to make an informed decision about contact.

She told the adoption worker that she does not want Sophie to be informed of her husband's police record as it happened a long time ago. The adoption worker explained that this was a very serious offence and important that Sophie should be informed but Cathy remained adamant that this information should not be passed on. She assured the adoption worker that she would inform her once they had met. In consultation with the adoption worker's manager a decision was made not to proceed with the application because of this and the AAA was informed.

Areas to be covered in the interview

37. There is a range of areas that need to be covered and, depending on the particular circumstances and needs of the birth relative, it may be necessary to offer more than one appointment. The following are the main areas that need to be explored:

- The current social circumstances of the birth relative, which may include information about their family situation, partners, details of any other children, and occupation.
- The circumstances of the adoption as recalled by the birth relative. Any different or new information to that given in the records by the birth relative should be recorded. Where there are factual errors or differences of view to those recorded, it may be helpful to invite the birth relative to write their own account to add to the record.
- How they have coped with the fact of the adoption over the years.
- The reason for the enquiry and what the birth relative hopes to achieve, for example, information exchange, contact through letters and/or a meeting.
- 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.
- The birth relative's understanding and insight into the adopted person's and adoptive family's perspective. This will include what understanding they have of the possible impact of the approach and their responsibility in this matter.
- Any circumstances relating to the adopted person, which might deter the birth relative from pursuing contact, for example, what would be the birth relative's reaction if they became aware that the adopted person has a very different lifestyle to theirs. In contemporary adoptions, the adopted person may have had a history during childhood and early adulthood of ongoing therapeutic support services due to the long-term effects of trauma from early life experiences of abuse and neglect. The adopted person may have a history of drug or alcohol abuse, a physical or mental disability, may have been in prison or have changed gender.
- Similarly, any circumstances relating to the birth relative or their family that may be problematic for the adopted person.
- Expectations of contact and exploration of possible outcomes and scenarios. The adoption worker needs to be clear with the birth relative about both the positive and negative aspects of locating an adopted person and seeking contact. It is important to highlight the possible implications for all who are connected to the birth relative and the adopted person. Attention should be given to the possibility of people experiencing intense and powerful feelings, including sexual attraction (See Part 6, *Working with the complexities of an intermediary service*).
- Support available from family, friends and the agency. Adoption workers need to be clear about the degree of support they are able to offer the relative during the process of trying to contact

the adopted person and afterwards. 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. It is possible that this can be provided after an assessment of adoption support needs has been undertaken. Some people may find it helpful to talk with another birth relative who has experience of making contact. This may be arranged through the agency or a support group.

- If the birth relative requesting an intermediary service is not a birth parent, it is important to explore with them the birth parent's view about their application and whether or not they would want contact with the adopted person. The decision whether to proceed with the application will be influenced by the particular circumstances of the case.
- What the agency can offer in terms of trying to locate the adopted person and how an approach might be made; and the cost that may be incurred for the birth relative.
- Whether further action is possible, and what form it will take.

A suggested format for the interview is attached at Appendix 28.

Case Example 18 Barbara

The records regarding Barbara's daughter's adoption stated that the baby was conceived at a party and that Barbara only knew the birth father's first name. She could give no other information about him.

However, during the counselling interview, Barbara revealed that the birth father was someone she had known for many months.

As he was a married man with children, she had not revealed his name in order to protect him and his family at the time. After discussion, Barbara decided to write an amended account including details of the father, to be added to the records to correct the earlier information.

Information from the adoption records that can be shared with the birth relative

38. Where no information has been given to or retained by the birth relative, the adoption 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. Many birth mothers have been pleased to receive an account of what was recorded on the adoption record as this may trigger memories for them, or make them aware for the first time of what may have been recorded and might be shared with the adopted person. If they consider there is inaccurate information recorded they should be invited to write their own account that can also be kept on the adoption record. If the adopted person subsequently asks for access to adoption record information, the worker involved in providing this service will need to explain the implications of the two varying accounts.

39. Adoption workers must be mindful that information on its own or together with another piece of information should not enable the birth relative to identify the adopted person or his or her family (ISR 7(4)), and that no identifying information may be given to the birth relative without the adopted person's permission (ISR 7(1) and (3)). However, this should not impede the sharing of information recorded about the applicant.

40. Some identifying information is easy to determine. An individual's name, address and occupation are all clearly identifying. The name of the adoptive parents, their address or their occupation is also identifying information. Adoption workers may not disclose even the adopted person's first name as this could be identifying information. Where there is uncertainty as to whether information could identify the subject, adoption workers should consult their manager and/or legal adviser. Decision making about identifying information should not be left to one individual. Even where a veto applies under ISR 8, or consent cannot be obtained under ISR 7, ISR 9 provides that the intermediary agency may still disclose background information to the applicant, i.e. any information about the subject that is not identifying information and that the agency considers it appropriate to disclose.

41. Informing an applicant that the subject is married may not be identifying. However, if the applicant knows, for example, that their adopted relative was adopted by an Italian couple who were engineers, this could enable a determined 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 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 (ISR 7(4)).

42. Non-identifying information will be general information that cannot lead to any identification of the subject. Information could be shared that the adopted person is alive and well, and leading a happy/successful/stable life, that they are in employment, or at college. It may be appropriate to say that they have a partner or are married, but thought will need to be given to whether this information, together with any information possessed by the birth relative, could enable the adopted person to be identified.

It may be appropriate to say that the adopted person has children, but again care may need to be taken, for example, the fact that the children are quads or quins should not be disclosed as they may be in the public eye or easily traceable.

43. Care will need to be taken over whether any indication is given of 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 betray identity. This may be of particular relevance for transracial placements.

44. It is important that all adoption workers keep a written record of what information, identifying and non-identifying, they have disclosed. Where identifying information is disclosed they need also to evidence that this was with the permission of the adopted person.

Decisions about the way forward

45. After the initial interview the birth relative may need time to consider how they want to proceed. It may be that a decision is made not to try and make contact, but that a letter and/or photographs are left on the AAA's record for the adopted person. It may be that the birth relative decides to leave a letter or information to the effect that they do not wish for contact.

46. If the birth relative wishes to use the intermediary service, the actions the agency will take on behalf of the birth relative should be confirmed in writing. 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 being progressed, and that while the agency will take all reasonable steps to locate the adopted person, there is no guarantee that that person will be located.

As the search progresses, care is needed to ensure that the adoption worker does not over-identify with the birth relative, or reveal information that on its own or together with other information in the birth relative's possession becomes identifying information as this is an offence under section 59 of the Act (ISR 17).

47. The agency will need to take responsibility for locating the adopted person since any identifying information cannot be divulged to a birth relative. The intermediary agency may not have the resources to undertake the practical task of locating the adopted person. They may decide to use other agencies or the services of a researcher to carry out this task. 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. Please see appendix 29 for an example of an agreement.

Where there are concerns about offering an intermediary service

48. In processing an application for an intermediary service, the intermediary agency must have regard to the welfare of the adopted person and birth relatives and anybody else that might be affected by the application (ISR 6(2)(a)). Where the adoption worker has concerns about approaching an adopted person on behalf of a birth relative because, for example, of a risk of violence, they should consult their manager to decide if and how to proceed. In reaching a decision not to proceed, the intermediary agency needs to weigh the risks and benefits of making an approach against the risk of a direct approach being made by the birth relative without support or assistance being available for either the birth relative or the adopted person. The intermediary will also need to consider the history of any previous approaches made by the birth relative, the agency or any other agency or intermediary service to either the person now being sought or any other member of the birth family.

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. There is no obligation to proceed if the application is considered inappropriate (ISR 6).

49. It is important that the decision to proceed or not, the reasons for this, and where pursued the outcome of the application is reported back to the AAA. This will ensure that the AAA can update the adoption record. Decisions not to proceed with an application must be made by the agency and not the adoption worker. How the decision was arrived at should be clearly recorded. The birth relative must be advised in writing of any decision not to proceed, with reasons for the decision, and that he/she has the right to seek intermediary services from any other intermediary agency. They should also be advised of the agency's complaints procedure.

Use of the adoption records in the counselling process

50. The AAA has discretion to share information from the adoption record. There needs to be clarity about what non-identifying information may be shared with birth relatives and what information is provided to intermediary services solely to assist in locating the adopted person. Agencies need to be mindful of data protection requirements when drawing up their policies.

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

- Notification of adoption hearing.
- Notification of date of placement.
- Non-identifying information about the adoptive family.

- Name of the court.
- Copies of correspondence written between the birth parent and the agency.
- The application for adoption if signed by the birth parent.

52. It is often helpful for birth parents to be offered an opportunity to read what was written about them and 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. The adopted person may want access to the records after being approached, sometimes before deciding whether or not to have contact with the birth relative. It is helpful if the birth parents are aware of what has been recorded about the birth family.

53. However, sharing records may be a difficult experience for some birth parents, as it may remind them of the feelings and emotions they experienced at the time of the adoption. Furthermore, the records may have been written in a judgemental and critical style, demonstrating little understanding and compassion towards the birth parents and their family. Birth parents and other relatives may find it helpful and therapeutic to write their own account to stand alongside the agency record. If this is subsequently shared with the adopted person, they should be made aware of the discrepancies and/or disagreements about what was recorded on the adoption record at the time of the adoption.

54. Adoption workers must not give birth relatives identifying information about the adopted person (ISR 7 (1)) such as:

- Whether or not first names were changed at the time of the adoption. The adopted person should always be referred to by their birth name, unless the birth relative is already aware of the adoptive name.

- Name of the adoptive family.

- Any other information which taken on its own or together with other information processed by the birth relative is sufficiently identifying to enable the birth relative 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)).

55. Where the enquiring birth relative was not a party to the proceedings, they would only be able to receive information relating to themselves and very general non-identifying information about the adopted person.

56. In such cases, care should be taken not to reveal details and information about the birth parents or other people involved without their agreement. However, this will not prevent information that is recorded about the applicant being shared with them if considered appropriate.

Case Example 19 Tammy

Townborough were approached by an ASA acting on behalf of Tammy, the birth mother of David her 19 year old son who was placed for adoption when he was 2 years old. The adoption followed on from care proceedings associated with Tammy's drug abuse and consequent difficulties caring for David.

On reading the file the Townborough adoption worker discovered that the authority had provided post adoption support to the adoptive family when David was 16 years old, because David had been taking drugs and was in trouble with the police. There were two other adopted children in the family aged 12 and 15 who had been placed by another authority.

The Townborough adoption worker felt it appropriate to contact the adoptive parents in this particular situation. During her initial appointment, Tammy had been made aware by the ASA worker that the AAA might want to approach David's adoptive parents and had agreed that she still wanted to proceed with her application for an intermediary service even if this was considered necessary.

The adoptive parents informed the AAA worker that David had recently returned home following a period spent in prison for possession of drugs with intent to supply. The birth mother of their 12 year old son James had recently died following a drugs overdose and James had taken it extremely badly. The adoptive parents felt that an approach from David's birth mother at this time would be potentially disruptive to both David and James. They agreed to keep Townborough informed of developments as they felt the situation was likely to settle down given some time, at which point they felt it would be appropriate for David to know of Tammy's approach.

The Townborough adoption worker was also aware that Tammy was involved with the local Child and Family Consultation Centre. Tammy had successfully ceased using drugs herself many years ago and had two more children who were able to remain with her. However, her 15 year old son, Steven, was presenting with behaviour problems at school and it was suspected he was experimenting with drugs. The school had referred the family to the local Child and Family Consultation Centre who had approached the Social Services Department for information, given the family history, and there were notes of this on file.

In view of all this information, the Townborough adoption worker made an assessment that it would not be appropriate for an intermediary approach to be made on behalf of Tammy at this time. In reaching this view she gave particular regard to the welfare of James and Steven. The ASA agreed with this decision. Tammy was disappointed but she was told her request would be clearly recorded on the AAA file in case David sought contact himself in the future. In addition it was suggested she re-approach the AAA directly in a year or two when the decision could be reviewed.

Sharing information received after the making of the adoption order

57. Sometimes adoption records will 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 as to the reason this information was provided to the agency and whether this information should be passed on to the birth relative. If the information was provided with the clear expectation that it should be passed onto 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 has to give consent to any identifying information being disclosed about them. However, in the event that the adopted person refuses to give consent the agency has the discretion under ISR 9 to disclose non-identifying background information.

Sharing adoption agency records with an agency undertaking work on behalf of the intermediary agency

58. When an AAA is also providing an intermediary service, but has commissioned another agency or a suitably qualified counsellor to do this on their behalf the AAA will need to decide what information from its records it is appropriate to share with the other agency or counsellor. It is important to be clear with the agency undertaking the counselling about 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 with the adopted person in the teenage years, the AAA may share this with the adoption worker undertaking the counselling so they can take account of this in the counselling interview. However, they may make it clear that the information should not be disclosed.

Birth relative lives abroad

59. Arrangements should be made to link the birth relative into a local social work service or voluntary agency, which is experienced in this area of work (ISR 10 (4), statutory Adoption Guidance, Chapter 10, paragraph 75).

60. It may be difficult to evaluate services abroad. However, the GRO can be contacted direct for information about agencies that have provided statutory birth records counselling services to adopted persons in individual countries. These agencies will have some understanding of adoption issues and this may enable them to work with birth relatives. The intermediary agency or AAA should carefully check out what is offered and how it will be provided.

61. When a suitable service cannot be located, telephone counselling and correspondence can be used.

As with face-to-face interviews, it will be necessary to have documentary evidence of the birth relative's age, identity and their relationship to the adopted person being sought.

Locating adopted people

62. Agencies that provide an intermediary service to birth relatives, including locating the adopted person, should undertake this task with regard at all times for the privacy of the adopted person and their family. The agency must take responsibility for checking and confirming identified addresses only using records that are publicly available. Where the intermediary agency is unable to undertake the work needed to locate the adopted person, it may consider requesting that this part of the service is provided by another agency.

Sources of help for locating people

63. Research using public records, such as the birth, marriage, civil partnership and death indexes, should be undertaken to locate a current address for the adopted person. It is usually possible to obtain a current address for someone through research in various public records. These include birth, marriage and death records, wills, electoral rolls and telephone directories. Where adoptions were arranged through a religious based agency, it might be possible to locate people through religious networks. There are also many resources available that give information on how to go about locating people, particularly via the internet.

64. Sometimes it may not be possible to locate the adopted person through public records. In these circumstances, it might be necessary to use the information in the adoption record to locate and contact the adoptive parents or another adoptive relative to ask them to forward a letter to the adopted person. If using this avenue the intermediary agency should take account of the fact that the adopted person may have feelings about not being contacted directly.

They should also ensure that they have discussed the situation with the birth relative who has asked for the intermediary service. Some birth relatives may be pleased that the agency is able to seek assistance from the adoptive parents or other adoptive relative, 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.

65. On rare occasions it may be considered necessary to make a decision to approach someone outside the adoptive family to ask for their help in locating the adopted person/family. Such contact should only be made with the greatest discretion and only when other enquiries, including through public records have been unsuccessful. The nature of the enquiry and the fact of the adoption must not be divulged.

66. If all efforts fail, the adoption worker should seek specialist advice and/or consult with their manager. Where the research is proving difficult, it may be helpful to check reunion websites or other similar sites to see if there is any indication of the location of the adopted person. However, it should be emphasised that it is not appropriate to use these routes to actually initiate contact with the adopted person.

67. If the adopted person cannot be found it is possible that he or she may have died. The NHS registry is the best means of making an up to date check on this. This route will not provide a current location for an adopted person but will confirm that the health records have been located and the adopted person is registered with a GP, that there is no record of a current registration with a GP, or that the adopted person has died. In the latter case a link is provided to the registration of the death and this information can facilitate appropriate work with the relative.

When assistance is needed to locate the adopted person

68. Some intermediary agencies will not have the resources available to undertake the search for the adopted person, but still want to be responsible for making the approach once the adopted person has been located. The intermediary agency can request assistance from another agency or individual that does have the resources to search. It is acceptable for an agency to use the services of an independent researcher/genealogist who is not required to be registered as an adoption support agency, as long as their service does not include an element of intermediary work, i.e. contacting the adopted person.

Deciding when and who to approach

69. In some cases it may be appropriate for the intermediary agency to approach the adopted person directly.

70. However, there may be occasions where the agency considers it is necessary to seek the view of the adoptive parents before contacting an adopted person, for example, where the adopted adult has younger siblings within the adoptive family who are not yet 18 (ISR 6 (3)) or the intermediary agency may have concerns about the maturity or independence of the adopted person, where the records indicate that the adopted adult had particular needs during childhood and/or adolescence, necessitating additional support or help.

71. If it is considered appropriate to contact the adoptive parents in the first instance, the reasons for this should be explained to the birth relative and their agreement to this course of action sought. If the birth relative does not agree to the adoptive parents being approached, this may cause the intermediary agency to determine that it is inappropriate to proceed with the application.

72. In some cases the intermediary agency may advise the relative that if a new application is made at some future date (which may be specified), then it is possible that the intermediary agency might then consider it appropriate to proceed.

73. Alternatively the intermediary agency may advise the applicant that, while it does not consider it appropriate to provide an intermediary service which includes the facilitation of contact, it would be willing to offer a general adoption support service with the aim of achieving an updating exchange of information. However, this may lead to direct communication between the applicant and the adoptive family and/or the adopted adult.

74. The intermediary agency could let the birth relative know that it would be willing to approach the adoptive parents and ask if they would be willing to share information about their adopted son/daughter with an enquiring birth relative. They may also let the adopted person know about the enquiry. The birth relative then has a choice, either to wait for a service when the intermediary agency considers it appropriate to approach the adopted person directly, or to accept the alternative service offered of an enquiry to the adoptive parents in the first instance. However, the birth relative may choose to approach another intermediary agency.

75. Adoption workers may want to consider the following:

- Other known significant information e.g. level of understanding, ill health, recent death of significant family member, recent marriage or parenthood.
- Knowledge of any previous enquiries made either by the adopted person or their adoptive family.
- Knowledge of younger siblings in the adoptive family or contact between siblings that are placed in different adoptive families.

- The accessibility of the different parties. However, all reasonable steps should be made to locate the adopted person in the first instance. If this proves unsuccessful then an agency may decide to seek assistance from the adoptive parents to locate the adopted person with the agreement of the applicant.

- The response of the birth relative to all the options detailed.

- The nature of the enquiry and information to be passed on.

- Whether the adopted person was adopted as a result of child protection issues (see Part 6, *Working with the complexities of an intermediary service*).

76. It is often helpful to consult other experienced intermediary workers in situations when the way forward is not clear. It is important that the intermediary is not operating in isolation within their agency and making important decisions without their manager being consulted and involved.

77. If there is a clear indication that the adopted person may not know of their adoption, then this factor must be carefully considered (see Part 6, *Working with the complexities of an intermediary service*). However, the adoption worker/intermediary worker should be prepared for the fact that the adopted adult may not have been informed of their adoptive status.

Case Example 20 Diane

Diane's daughter, Anna, was adopted 32 years ago. Diane later married and had 3 sons who were all aware of Anna. They had all hoped that Anna would have searched for Diane when she had turned 18 and now felt anxious for their mother that this might not happen.

They supported their mother's decision to make use of the adoption agency's intermediary service for birth relatives. Diane valued the service she received from the adoption agency and found it helpful to explore the issues and think about some of the possible outcomes.

Anna was located twelve months later and on receiving the letter from the agency, responded immediately. 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 counsellor 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 appreciated the counsellor's concern that she was not giving herself time to think things through, but 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 counsellor set the meeting up but was not present. The meeting went well. Two years later Diane contacted the agency to let the counsellor know that her relationship with Anna continues to develop and that she 'fits in' with her half-brothers. Anna's adoptive parents have also met all Diane's family. The counsellor had encouraged Anna to get in touch but Anna had not had any further contact with the agency. The counsellor initially felt concern that perhaps she had not done her job properly as she had not 'counselled' Anna in the way she would have liked, but on reflection she accepted that it was Anna's choice to make her own decisions about the way forward.

Before the approach

78. When the adopted person has been located, the agency needs to consider having a further discussion with the birth relative by telephone or further appointment about whether they are ready for contact to be made, timing, things 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 he/she needs to respond to the birth relative's request for contact. Some adopted people will make a decision in a relatively short timescale, whilst others may need months or even years to decide whether or not to have contact or exchange information with the birth relative.

Making the approach

Approaching the adopted person directly

79. The initial approach may come as a surprise to the person being approached, particularly if they are not aware of the existence of intermediary services (see Part 5, *Implications for all those involved*).

80. The first approach should, therefore, be in the form of a carefully worded letter outlining who is being sought and not going into details about the enquiry. Caution needs to be exercised, as there is the possibility that the person being contacted may not be aware that they are adopted. The agency's headed paper should be used to show that the letter is from a bona fide source. Agencies will need to consider whether it is appropriate to exclude the word 'adoption' in the letter and whether it should be excluded from the letterhead or workers' titles. The letter may give the information that the agency has received an enquiry but not go into detail about it (see Appendix 23).

When an adopted person cannot be found

81. If the adopted person cannot be located and the only option appears to be to ask the adoptive parents to assist, a decision will need to be made in discussion with the birth relative whether to use this route. The discussion with the birth relative will need to cover whether to explain to the adopters the reason why the intermediary agency wishes to contact their adopted son or daughter, or just to ask them to pass on a letter or to let the agency know the adopted person's current address.

82. When the letter is sent, the adoption worker should ensure that he or she is available to deal with the response. It is important to remember not to post letters to arrive at a time when the adoption social worker is not available, for example, at weekends or annual leave. Adoption workers will want to ensure that they avoid the letter arriving at known sensitive times, for example, the adopted person's birthday, adopter's birthday or wedding anniversary, or the adoption day.

Managing the response

83. Some adopted people and adoptive parents 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, giving thought to whether this or a subsequent letter should be sent recorded delivery to confirm that it has been received.

When an adopted person responds

84. When an adopted person responds to an initial enquiry, it is important to verify that they are the person sought. If it is unclear from their response whether or not they know of their adoption the worker will need to handle this sensitively.

Consideration needs to be given as to how best to clarify the situation. By asking carefully chosen but indirect questions the adopted person may reveal that they do know of their adoption, 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. If it remains unclear as to whether they know of their adoption, the worker needs to consider if and how to share this information with them (see Part 6, *Working with the complexities of an intermediary service*) or whether to try to involve their adoptive parents. Whatever decision is made it is crucial that the worker is able to deal with this situation immediately, as delay may make the adopted person extremely anxious. The worker must, therefore, be well prepared and supported to face and handle this possibility.

85. When it is established that the adopted person is aware of being adopted, the main task is to convey to them the fact that there has been an enquiry from a birth relative. The adoption worker should be careful not to give details of the enquiry unless the adopted person indicates a wish to know more. It is important to go at the adopted person's pace, giving them sufficient time to take in the full implications of the enquiry and what this might mean for them and their families. The adoption worker should offer to help the adopted person explore their feelings and thoughts, and encourage them to see an adoption worker for a full discussion or engage in a full discussion over the telephone.

86. It is important to discuss the implications of the contact as soon as possible after their initial approach. If the adopted person is in another part of the country it may be necessary to arrange for them to be seen by an adoption worker from another agency.

87. Adopted people should not be charged a fee for information about their adoption, for example, access to their adoption records.

88. If a charge is to be made for any counselling and support the adopted person may need, the agency has the discretion to request that the birth relative covers the cost. This possibility needs to be discussed with the relative at an early stage of their application.

89. Responses to an enquiry vary tremendously. Some adopted people are pleased and welcome the enquiry. They may wish to have full details of the enquiry immediately, and quickly to establish direct contact with the birth relative. Some people are more cautious while others are clear that they do not want any information. Whatever the reaction, it is the responsibility of the intermediary worker to balance the wishes of those involved to try to agree a way forward.

90. It is important to stress that it is up to the adopted person to decide whether and how they wish to respond. It is the role of the intermediary worker to try to facilitate the making of informed decisions. 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 over 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.

91. If the adopted person does not want contact, the intermediary worker may consider it appropriate to explore whether a letter and possibly a photograph may be provided for the birth relative with the adopted person's consent. ISR 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 be advised of the option for placing a qualified or absolute veto with the AAA and/or a wish for no contact on the Adoption Contact Register held by the Registrar General if they wish not to be approached at the request of other relatives or by other Intermediary agencies.

92. Sometimes it can take weeks, months or years for adopted people to feel ready and able to take another step 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 (see Part 5, *Implications for all those involved*).

When an adoptive parent responds

93. 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. It is often helpful to talk with the adoptive parent in order to gain an understanding of 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. Many adoptive parents are understanding about the approach and wish to be involved in discussing how to proceed. However, they may also feel upset and anxious, perhaps more than they had expected.

94. In situations where adoptive parents respond by clearly expressing the view that they are not in agreement with telling their adopted son or daughter about the enquiry, it is important to inform them that they do not have a right to prohibit an approach. It is also important to listen to the reasons for their views and give them due consideration. The adoption worker will need to discuss with their manager how to meet 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 paramount when making decisions about how to proceed. Agencies should give full consideration to this area when drawing up policy and practice guidelines.

Part 5 Implications for all parties affected by an intermediary service

Introduction

1. When people request an intermediary service, it is important to help them consider the impact that contact and possible reunion may have for them and members of their family.
2. This section of the practice guidance highlights some of the issues that need to be thought about when providing intermediary services and making contact.

Impact on the adopted person when approached at the request of a birth relative

3. Some adopted people and their adoptive families may not be aware that adoption legislation now gives birth relatives the right to request intermediary services. An unexpected approach, therefore, from an intermediary agency letting them know of a birth relative's desire for contact may have a profound impact on the adopted person and adoptive family. Adopted people who have not initiated their own enquiries about their origins or contact with birth relatives may be unprepared for such an approach. Their initial reaction may be surprise that may then give way to a range of feelings including elation, excitement, curiosity, panic, fear, anxiety, confusion and anger. Many adopted people have described this as like being on a 'roller coaster'.
4. Some have described having a sense of not being in control of the situation they find themselves in. Whilst one of the underlying principles of intermediary work is to give adopted people the opportunity to make their own decisions, some adopted people may experience this as an intrusion. They may feel they have been placed in a position not of their choosing. It is vital to acknowledge this and to help them retain a sense of control.

5. Care must be taken not to give an adopted person more information than they feel ready for. Where adopted people are elated by learning that a birth relative is enquiring about them, it is especially important to encourage them to consider their response so that they do not rush into contact without thinking through what it might mean for themselves and their adoptive family.

6. Learning of a birth relative's enquiry may trigger all manner of emotions, thoughts and questions for the adopted person about their adoption and birth family. This may be very unsettling, particularly if they have not consciously addressed issues about being adopted.

Case Example 21 Denise

Denise was a successful career woman and mother of two young children. She had a good relationship with her adoptive parents. Only one close friend knew she was adopted and it was something she rarely thought about or spoke about with her adoptive parents.

An approach from an agency on behalf of her birth mother was unexpected by Denise. She declined contact but agreed to share some non-identifying information to be passed on to her birth mother by the intermediary worker.

Several months later Denise contacted the adoption worker. The approach had set her thinking and she now felt she would like to take up the offer of viewing her adoption file which had been suggested at the time of the intermediary approach.

At her meeting with the adoption worker Denise spoke of how she had started counselling in relation to some issues she felt she had in relation to trusting other people. She wondered if this was associated with her adoptive status.

She learned, on viewing the records, that prior to her adoption at 2 years old she had been in an adoptive placement which disrupted when she was 18 months old.

Denise felt this information would be helpful to share with her counsellor. She still feels she does not want any contact with her birth family although she said she felt no blame towards her birth mother, who had relinquished her because she was a young unmarried mother.

7. Sometimes, the adopted person may prefer not to change the status quo and the adoption worker should respect this. The worker can perform an important role as an anchor for adopted people, as they acknowledge and deal with their feelings.

8. While adopted people may intellectually acknowledge the reasons why they were placed for adoption, emotionally they may carry a sense of rejection and abandonment. Hearing of a birth relative's enquiry may have a significant positive impact in that it may enhance their sense of worth. Alternatively, it may trigger feelings of rejection and abandonment that can be frightening, particularly if the adopted adult is not given help and support to understand and manage these feelings.

9. Many adopted people will be concerned for their adoptive families. It may be difficult for an adopted person initially to separate their own feelings and wishes about the birth relative's enquiry from their concerns about their adoptive family. It will be important for the adoption worker to understand and help the adopted person to navigate their way through what may feel like conflicting views and feelings. Adopted adults should not be put under any pressure to make decisions which do not reflect what they need or want and/or which they are not yet ready to make.

10. Where an adopted person has been adopted from the care system, it is especially important that they are given the opportunity to consider the full implications of renewing contact with their birth relatives, especially if they were in care as a result of abuse or neglect by their birth family. The intermediary agency has an important role in advising an adopted person and ensuring that any contact is managed in a safe way. Facilitating an exchange of information through the agency in the first instance can enable an adopted person to move forward without actually sharing their contact details with the birth relative.

Impact on adoptive parents and family

11. An approach from a birth relative can be challenging for adoptive parents and other members of the adoptive family. Some adoptive parents respond positively, with understanding about the birth relative's need to enquire. Some may find it helpful to have up-to-date information, particularly about the birth mother, whom they may have thought about over the years. However, for many adoptive parents learning of a birth relative's enquiry will be a surprise. If the approach is unexpected the adoptive parents may not feel able to deal with the situation immediately. Adoptive parents need time, understanding and support. They may require help to separate their own anxieties from those of the adopted person. They may fear that knowledge of the enquiry and/or contact with the birth relative may threaten their own relationship with their son or daughter, and affect the stability of their whole family unit.

12. They may have anxieties that the adopted person may not be able to cope with the knowledge that a birth relative is enquiring about them and worry about the impact on the adopted person and others involved in finding out about an approach. They may also feel concerned about the impact on their other adopted sons or daughters who have not received a similar enquiry from a birth relative.

They may find it particularly difficult trying to balance everyone's interests if some of their children are under 18 but others are adult. ISR 6 (2) (a) and (3) make it clear that the adoption worker is obliged to consider 'any other person who may be affected by the application' and particularly if they are under 18. Therefore, the type of service offered to the birth relative and needed by the adoptive family, will need careful consideration and skilled intervention.

13. Adoptive parents may feel that their own position and needs are being ignored. It is important to acknowledge the adoptive parents' perspective, especially those not directly engaged in the agency's dialogue between the birth relative and adopted person and to offer appropriate support and counselling. Sometimes adoptive parents may not feel able to engage with the intermediary agency. In these circumstances, it may be helpful to put them in touch with a self help organisation, such as Adoption UK (see Appendix 1).

14. For contemporary adoptions, where there is likely to have been some link retained with the birth family, such as letter box arrangements, adoptive families are likely to be better prepared for some form of birth relative contact.

15. Although some adoptive parents may be unaware that birth relatives may request intermediary services, almost all will be aware that their son or daughter, on reaching the age of 18 years, has the right to information about their origins and the opportunity to locate birth relatives if they so wish.

16. Research has shown that the majority of adoptive parents welcomed the legislation in 1975 that gave adopted people the right to apply for information to enable them to obtain a copy of their original birth certificate.

However, this does not mean that they have no anxieties about how their relationship may change once their son or daughter has located members of the birth family, or fears that their son or daughter's approach to the birth family may be rejected, and that this may affect his or her self-esteem.

17. Adoptive parents whose son or daughter has been approached via an intermediary service may feel equally concerned about the impact such an approach has on their son or daughter, for example, they may be concerned that the birth mother may usurp their role as parents. Understandably, adoptive parents may be generally cautious about the impact of change and fearful of the unknown.

18. It is important that adoptive parents and other members of the adoptive family are offered the opportunity to discuss their expectations, hopes and fears about the adopted person's reunion with birth family members and are provided with any support they may need.

Impact on birth relatives who are approached

19. Adopted people have had the statutory right to access their birth records information for many years, and most birth relatives will be aware that an adopted person could search for them and make contact. However, some birth parents and relatives may not be aware of the legislative change in 1975 or that it was retrospective. Birth relatives often anticipate that an adopted person who wants contact will make an approach immediately when 18 and may, therefore, be taken aback by an approach many years later, when the adopted person is in their middle years, having presumed their adopted relative was not interested in contact.

20. Some birth mothers, whose children were adopted when unmarried parenthood was unaccepted, may feel concerned and worried about the approach.

They may have kept the adoption secret from partners, subsequent children, family and friends and, may therefore, be anxious about if and how to tell them after so many years.

21. 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 require help to consider how they will manage their feelings if and when their expectations are not met.

22. In situations where the birth parents have died or cannot be located and the initial approach needs to be made to another relative, it is important to think about the impact this may have on them, for example, if the birth relative was unaware of the adopted person's existence they may feel surprise, anger and sadness or delighted and overjoyed.

Impact of contact and reunion on birth relatives and adopted people

23. When people request an intermediary service, it is important to help them consider the impact that contact and possible reunion may have on them and on members of their family.

24. For birth mothers in particular, who may have wondered for many years about their son or daughter and whether they are alive and well, the opportunity to receive current information about them is likely to bring a great sense of relief.

25. However, it may also trigger a long suppressed grief reaction, with the birth mother displaying emotions that are difficult for others to understand. Reunion may be a very joyful time and making contact may help assuage feelings of guilt about parting with their child, but it may highlight and bring into focus the years of separation and loss that can never be reclaimed.

26. When an adopted person initiates the contact they can be taken aback by the need their birth parent(s) may have to touch them, and it can be helpful to remind them that the birth parent may be trying to condense all the missing years into their initial reunion meeting.

27. Birth parents who opposed the adoption may be particularly motivated to seek to 'reclaim' their child and bring them back into their place in the birth family. Whilst this is not impossible, it may well lead to confusion and feelings of rejection if the adopted person resists the birth relative's request for contact. Birth relatives may need extra help to understand and accept that the adopted person may have ambivalent feelings about them and not wish to renew links or only have limited contact. They may also need to revisit the reasons why the adopted person was removed from the birth family. One role of the adoption worker is to help the birth relative consider the degree to which they are able to accept responsibility for the situation that resulted in their relative being placed for adoption.

28. Sometimes birth relatives who request an intermediary service will have to cope with learning difficult or tragic information about the adopted person. Some people sought may have died or have been imprisoned. Others may suffer from physical or mental illness, or have experienced family breakdown through adoption disruption or following divorce or death of adoptive parents. Some birth parents in particular may find it painful to learn that the adoption has not worked out well – this may increase their sense of loss and guilt in relation to their son or daughter (see Part 6, *Working with the complexities of an intermediary service*).

29. Equally, adopted people searching for birth relatives may also learn that their birth parent or other family member has died. It is important not to underestimate how devastating this can be and acknowledge the loss that is likely to be felt by the adopted person in these situations.

30. Some adopted people leave searching for birth relatives until after the death of their adoptive parents, in order to avoid causing them distress, but this can increase the risk of finding that their birth parents too have died, creating a further sense of loss.

31. At any stage during the process, unresolved issues around the original adoption may surface. These feelings may be overwhelming. For birth parents this may include memories and feelings about the other parent, who may also be their current partner, and feelings of anger towards the birth mother's parents may surface when the adoption was due to social pressure. Adopted people, who were adopted as babies, will not actually remember the event but may find themselves overcome with feelings of having been rejected and a profound sense of loss. People who were older when adopted may have confused memories about events. They may have experienced multiple losses, not only of birth parents but also of siblings, grandparents, foster carers and friends, simply as a result of placement in another area. Ambivalent feelings towards the adoption agency and/or social worker may be resurrected and the risk of this will be greater if the adoption has not worked out well. All these feelings may affect the way in which contact develops and the overall satisfaction with the reunion.

32. Over the years birth relatives and adopted people may have imagined how life has been for their relatives and wonder if they are thought about, especially on significant occasions such as birthdays. They may also wonder how their 'lost' relatives may feel about them. Making contact may put them in a position where they have to face a reality that is totally different from what they envisaged, or hoped. There may be unforeseen effects on members of their family, which they will need to address and understand.

These might range from feelings of jealousy, rejection of the 'found' person, to feelings of love, including the possibility of sexual attraction (see Part 6, *Working with the complexities of an intermediary service*). Sometimes the person initiating contact may be disappointed with the level of involvement the 'found' person is able to give to them. If all contact is rejected the person who asked for an intermediary service may be devastated, and may need support to work through a range of very difficult and painful emotions. For birth relatives who do not have identifying information about the adopted person, the sense of frustration and helplessness may be enormous as they cannot make their own approach. In contrast, adopted people usually know the name of the birth relative and very often have located them so may feel overwhelmed with the inclination to try again and make their own approach.

33. Sometimes the birth family and adoptive family may have had different opportunities in life that may make it more difficult to feel that they have common ground on which to build a relationship. Where there has been a transracial adoption, there may be additional issues to manage, for example, the birth relative may be sad and distressed that their son or daughter has not been brought up in a same race placement and may not have had the opportunity to experience their cultural and racial heritage. Adopted people of dual heritage may particularly want to contact their black parent, if brought up in a white adoptive family. For some the practical reality may be that the only chance of identifying a black birth father will be through first locating and seeking information from the white birth mother.

Different stages in the process of reunion

34. The way reunions develop will be affected by a range of factors, such as age, a person's readiness, personal circumstances, feelings and the attitudes of significant others, and a person's ability to deal with sometimes intense, deep-seated feelings connected with the adoption. While it is not possible to predict how any reunion may develop, there are some common stages. It is important that agencies provide as much information as possible so those involved have a greater understanding of how reunions may or may not develop. A leaflet, 'Approaching Reunion' is available on the Adoption Search Reunion website www.adoptionsearchreunion.org.uk

35. If the initial approach has been received positively contact may follow straightaway. There may then be a period of intense contact characterised by feelings of excitement and euphoria. This is sometimes called the 'honeymoon period', when there is a lot of concentration on finding similarities, shared interests, and a mutual celebration of having made contact with each other.

36. Alongside the euphoria, feelings of sadness and loss may arise and this can be quite confusing for all concerned. Acknowledgement that these emotions are common may be helpful.

37. Some reunions begin more tentatively, with occasional contact and less intense feelings. Initial caution may be expressed as well as a need for a more prolonged introductory period. This may last for months and sometimes years.

38. At some point in the reunion there may come a time when either party needs to step back and take stock of their feelings and the situation generally. This may happen early on or at any subsequent stage in the reunion process. Although it may be a necessary step in the process, it may cause a lot of anxiety for the other person for whom fears of abandonment may be stirred up once again. The adoption worker has an important role in helping both parties to understand what is happening, enabling them to express their feelings and needs to each other at this time.

39. Sometimes an individual's needs and circumstances may be such that they cannot cope with the stress of the different needs and expectations of the other parties involved in the reunion relationship. This may lead to a withdrawal of contact that may be either temporary or permanent. This can be extremely painful for both, often giving rise to feelings of anger, loss and rejection. The worker will need to try to help those concerned understand what has happened. Where people are able to work on issues arising in their relationship, and accommodate possible differences, the relationship is likely to reach a stage where both parties feel relatively settled and secure. At this point the reunion relationship may become an integrated part of both their lives.

40. However stable the relationship has become, the process of reunion is not static. It is possible that feelings may surface at different times over the years and they will need to be addressed. It is, therefore, important that people should know how to seek out help and advice when needed.

41. No two situations are the same, and assumptions cannot be made about how a reunion will proceed. Adopted people and birth relatives need to be prepared for the possibility that things may not work out, and that they may feel rejected. They also need to be prepared for the possibility of overwhelming attention, and expectations that it may prove impossible to fulfil. They need to be informed that even the most experienced of adoption workers may not be able to mediate between the different needs and expectations to the satisfaction of all those concerned.

Part 6

Working with the complexities of an intermediary service

Introduction

1. Providing access to information to adopted people, and intermediary services for both adopted people and their birth relatives, can present many challenges for adoption workers and their managers. It is not always easy trying to balance the range of needs that may be presented by all the people that may be involved. This part of the guidance therefore provides examples of complex situations and illustrates how they were resolved. It is crucial that when adoption workers are faced with complex and difficult situations that they are able to access the support and guidance they may require from their manager and agency.

Making an informed decision and providing informed consent – ISR 7 (3)

2. It is important that both the applicant receives sufficient information about the potential outcome of their application for intermediary services and that the subject receives enough information to be able to make an informed decision as to how to respond. A subject who does not want to respond to the enquiry still needs to be aware of who initiated it. They also need to be aware of the services, including counselling (ISR 10), that they can request either at the time or in the future, and that they can contact the agency again at a later stage. They need sufficient information in order to be able to make an informed decision about responding. If there are any areas of concern that have been highlighted these need to be conveyed. Adopted people need to be aware of the implications of sharing their own contact details at the initial stage, rather than communicating through the intermediary agency. Birth relatives need to be aware that even if declining contact, it is likely that the adopted person knows their location or has the information necessary to find it out.

Medical information and issues

3. Sometimes a birth relative or adopted adult approaches an adoption agency because they want to inform the relative separated through adoption about a serious hereditary illness. In such cases, it is important to establish whether the person just wants to pass on this medical information or whether they are also seeking contact with the relative.

4. If the concern is solely to pass on medical information, there is provision for this through the National Health Service Central Register (NHSCR). The NHSCR provides a service to facilitate information being passed on in circumstances where there is a stated medical/health need. Contact can only be made between the birth relative's and adopted person's general practitioners (GPs) or other doctors e.g. hospital consultants. For further details about this service, the NHSCR Adoption Section should be contacted:

NHS Adoption section
PO Box 106
Southport
PR8 2WA

5. Although a birth relative or adopted adult can contact the NHSCR directly, it may be helpful for the agency to be involved. The adoption worker may be able to include a letter with the medical information being sent by the NHSCR, making themselves available to both the GP and the relative, should either wish to discuss any issues arising from the information.

6. There may be situations where an agency is in touch with an adoptive family or a birth family and, therefore, they would be best placed to pass on any significant medical information rather than involving the NHSCR.

7. Where the person approaching the agency wants contact with the relative and there is also medical information they want conveyed, it will be important to follow the agency's normal procedures for offering an intermediary service. Before initiating any contact, it will be necessary for the agency to establish full details of the medical condition. In most circumstances, consultation with the agency's medical advisor or another medical practitioner will be necessary and important.

Case Example 22 Vera

Vera contacted the adoption agency to ask whether her daughter Alison, who was adopted at birth, could be notified that Vera had breast cancer and that there was a high incidence of the disease in the family. Although Vera was very interested in possible contact with Alison, her prime concern was that the medical information should be conveyed to her as soon as possible. Following consultation with the agency medical advisor, the agency liaised with the NHSCR who agreed to forward medical information from Vera's GP, consultant and geneticist to Alison's GP. A letter was enclosed for the GP from the adoption agency worker advising of her willingness to speak with the GP and/or Alison. The GP contacted the worker to confirm he had spoken with Alison about the medical information. Some months later Alison contacted the worker direct, as she needed to talk about questions that had been raised for her regarding her birth mother and possible contact with her. The worker arranged to meet with Alison and after consideration Alison asked the agency to act as intermediary in opening up contact with Vera.

Genetic sexual attraction

8. It is not unusual for people involved in adoption reunions to experience intense emotions, including feelings of 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 (Fitsell 1994 and Greenberg 1993). For some people this may be part of the process of reconnecting in a physical and emotional way after the early separation. The possibility of genetic sexual attraction should always be talked over in the initial interview with the birth relative, and it should also be raised with the adopted person as and when appropriate. Such feelings may cause anxiety and may or may not be reciprocated. The adoption 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 adoption worker 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. The Post Adoption Centre in London has undertaken useful work in this area (see useful addresses at Appendix 1).

Case Example 23 Richard

Richard (25) responded very positively to his birth mother Pat's (43) wish for contact. They met quickly and a period of intense contact followed. Pat told the agency worker that she was becoming uncomfortable about the feelings she was having towards Richard. She said there was a lot of physical contact between them, which felt more like that of lovers than of mother and son.

The worker had spoken with Pat before contact was made about the possibility of genetic sexual attraction occurring and this helped Pat to understand what was going on.

The worker helped her set boundaries of the relationship so that it could develop more appropriately. Pat particularly needed support in being clear with Richard about the ways they could show their affection, because she feared that he might feel rejected and that she could then lose him again. The situation was made more difficult in that Richard did not want to talk with the worker about what was happening.

Where both birth parents request an intermediary service

9. It is not uncommon for both the birth mother and the birth father to approach an agency, either together or independently. When birth parents are married to each other, they may make a joint approach or one parent may initiate the enquiry. The other partner may or may not know of the enquiry and may or may not be supportive.

10. Working with both birth parents can create very complex situations as they may have different motivations and needs. There may also be complicated issues around confidentiality. If the birth parents are living together or are in touch with one another and only one parent makes the approach it is important to try to ascertain the wishes and feelings of the other parent.

11. These situations need to be managed very carefully and consideration given to using more than one worker where a conflict of interests may arise. It will be important for the adoption worker to work closely with and consult their manager during supervision. It may also be useful for complex situations and issues to be discussed with other organisations, for example, with a post adoption forum or a consortium.

Case Example 24 Anthony

Anthony contacted the adoption agency to ask for help in contacting his son Paul, placed for adoption 25 years ago. Anthony had married the birth mother, Angela, and they subsequently had 4 other children, none of whom knew about the adoption. Anthony explained that Angela had never got over the loss of Paul and although she yearned for knowledge of him she could not cope with talking with anyone about it at this stage.

The adoption worker agreed to offer Anthony an intermediary service and respected his wish not to involve Angela at this stage.

Contact was eventually made with Paul who was delighted to hear about the enquiry and wanted to open up contact straight away. It was only then that it came to light that Angela did not feel able to have contact with Paul, and was angry and distressed that her husband had initiated the contact through the agency without her agreement.

The worker then had to manage an extremely difficult and upsetting situation, particularly for Paul.

Following this experience the agency reached a decision that in future both birth parents who are still living together should be interviewed and their wishes and feelings ascertained from the outset.

Birth siblings and other relatives where the birth parent is alive

12. Birth siblings sometimes make an enquiry on behalf of a birth parent or independently of a birth parent. In such cases, the adoption worker should explore thoroughly the background to the enquiry and what the sibling understands of the birth parent's wishes and feelings. Where it seems that the birth parent would welcome news of the adopted person, all efforts should be made to involve him/her 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.

13. The approach to the adopted person in these circumstances would give both a positive message from the sibling 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.

14. There may be situations where a birth sibling does not want to tell the birth parent of the enquiry. This may be for various reasons, for example, a breakdown in their own relationship. Careful exploration of all the relevant circumstances and the possible implications will be necessary.

15. Apart from in exceptional circumstances it is important for the intermediary agency to have independent direct contact with the birth parent to learn their views, rather than relying solely on the information provided by the sibling. In the following example the adoption worker is weighing up the risks and benefits of offering an intermediary service and considers how the adopted person could react.

Case Example 25 Robert

Robert learned through an extended family member that his mother had a daughter, Rose, who she had placed for adoption when he was two years old. The daughter had been born of an extra marital relationship. Robert's mother initially denied the existence of this child but went on to confirm that the birth and adoption had taken place. She was adamant that she could not contemplate having any contact with Rose should Robert decide to try to make himself known to her. In discussing an intermediary service, the agency worker was careful to explore with Robert the possible impact on Rose of learning that her birth mother was not prepared to have any contact with her.

Case Example 26 Christian

Christian was adopted and approached the agency whilst undergoing gender reassignment treatment. He was seeking information about his birth family so that he could try and make contact with them. The intermediary worker discussed with Christian the implications of seeking contact whilst at the same time undergoing intensive treatment. Christian decided that he wanted to go ahead now and the intermediary worker agreed to undertake a search. It was decided that Christian and the intermediary worker would be open with his birth family from the first contact about his gender change.

Gender and sexual orientation issues

16. Gender reassignment or sexual orientation 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 and reunion. This should be discussed and decisions made jointly about what information will need to be shared, when and by whom. The implications of gender change should also be raised during the initial interview(s).

17. Section 22 of the Gender Recognition Act 2004 imposes a criminal offence for unauthorised disclosure of information on gender recognition. Adoption workers are advised to contact the agency's legal advisor before making any mention to a subject or applicant of a gender reassignment.

Case Example 27 Joan

Joan asked the agency to act as intermediary for her in approaching her son Peter who had been adopted as a baby. The worker discussed with Joan what information about herself she would want the worker to share with Peter at the point of contact. Initially, she felt she did not want Peter to know straightaway that she was in a lesbian relationship for fear this would prejudice him against her. The worker respected Joan's wishes. However, after reflection and discussion with her partner, Joan decided it was important that she should be open about her sexual orientation from the outset.

Conception as a result of rape or incest

18. Sometimes children are placed for adoption when the birth mother has been sexually assaulted, such as through incest or rape. This may have been declared at the time and recorded in the adoption records. However, it may have been concealed and be disclosed for the first time in the interview with the birth mother. Such situations obviously need careful counselling, both around the issue of the assault suffered by the mother, and how the information is to be conveyed to the adopted person. It may be helpful to consult the agency's medical advisor about any potential genetic complications of incest for the adopted person. Some birth mothers may have said at the time, or some records may state, that she was raped, but when the worker now talks this though she says that was not true. Sometimes birth mothers felt they had to say this because of the stigma of becoming pregnant outside marriage. This is a useful opportunity to record what actually happened and details of the birth father.

19. Disclosures of sexual assault or abuse, by any of the parties involved, even many years after the event, could have implications for civil or criminal legal actions. Agencies need to consider their responsibilities in such circumstances and adhere to their child protection and historical abuse procedures. (ASAR 12 and ASA NMS 2.2-2.4; VAR 10, LAR 9 and Adoption NMS 32.2 – 32.4)

Case Example 28 Susan

Susan had conceived her baby June as a result of sexual abuse by her elder brother. It was stated in the records that Susan had conceived the child at a party and did not know who the father was. Susan felt she would want to tell her daughter herself if contact was established, as and when the time felt right.

Susan and the worker discussed what the worker could say if June asked directly about her birth father. After a successful search contact was established and Susan was very apprehensive about how revealing her abuse would affect the reunion. She did tell June but whilst June was very understanding initially, she found herself becoming increasingly disturbed by the knowledge and needed to seek counselling.

Case Example 29 Julie

Julie, now aged 30, was hoping to trace her birth family. She told the adoption worker from the intermediary agency that she had had no contact with her adoptive parents since she left home at age 18. She had been sexually abused by her adoptive father and had never felt able to tell her adoptive mother.

Julie did not wish to talk to the police about the abuse. She was anxious when informed by the worker that she would need to pass the information Julia had given her onto the appropriate agencies. Her adoptive parents had been foster carers for the local authority and might still have access to children through their professional and family life.

The intermediary agency contacted the local authority (the AAA) who referred the matter to the police and social services in line with their historical abuse procedures.

Julie's adoptive parents were located and checks carried out. It was established that Julie's adoptive mother had died. Her adoptive father was no longer working as a foster carer and did not have any significant access to children. The police and social services decided to take no further action.

Julie's adoption worker supported her during the investigation and ensured she received feedback about the outcome. Julie was relieved that no further action was to be taken and also to learn her adoptive father no longer fostered children. She was shocked to learn of her adoptive mother's death and needed time to work through her feelings in relation to this before proceeding with her search.

She has now traced her birth family and is currently discussing with her worker how she will deal with telling them about her difficult adoptive experience in the future if a reunion is achieved.

Partners and other children who do not know of the adoption

20. Some birth mothers 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. They 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. However, although it may come as a surprise and cause short-term upset, birth siblings are often pleased that the information has been shared, and show concern and understanding for the birth mother's experience. Siblings have a right to know about each other, and there can never be guarantees that the 'secret' will not come out. These issues need to be explored in the initial interview, and the birth relative needs to be fully aware of the impact on the adopted person of being kept secret from the rest of the family.

Case Example 30 Pauline

Pauline asked the adoption agency if they could contact her son, Robert, or his adoptive parents to find out whether he was alive and well. She hoped Robert might want contact with her. She had kept Robert's existence a secret from her husband and was reluctant to be open with him until she had some indication of Robert's response. In the event, Robert did want contact with Pauline and she needed a lot of support in telling her husband, at the same time as dealing with the emotions raised by contact having been made with Robert.

Case Example 31 Sue

Sue had not told her son (26) and daughter (29) that she had had a son, Michael, adopted when she was 17. She feared they would judge her harshly and she might jeopardise her close relationship with them. She decided, with her husband's agreement, that she would delay telling them until she knew Michael's response to the adoption agency's approach on her behalf. Michael responded positively and wanted to know whether he had any brothers and sisters. Sue and her husband told their son and daughter together about Michael. They were initially shocked and had lots of questions and wondered why they had not been told before.

Sue was relieved and surprised at how understanding they were about her situation when Michael was adopted and how open they seemed about contact with Michael now.

Criminal convictions

21. Enquiries may be received from an adopted person or birth relative who has a record of criminal convictions and may be, or has been, in prison. Careful consideration would need to be given around issues of confidentiality, which may depend upon the nature of the offence, and a risk assessment should be carried out. The offences may have occurred prior or subsequent to the adoption, and may or may not have been disclosed at the time.

22. The adoption worker should try to work in partnership with the enquirer/applicant about what information needs to be shared, when and by whom. It is preferable to be as open as possible, otherwise such information may come out in an unplanned way if and when contact has been established. The worker will also need to consider in which circumstances they would not share information about a criminal conviction – under ISR 7(3). The subject/person being sought needs to make an informed decision about contact and in order to do this they may need to know that their relative has criminal convictions, such as for rape, manslaughter and murder.

23. Making contact with the subject of an application may lead to the discovery that they have committed an offence and may be in prison or on probation. The same aim of working in partnership and with openness should apply and these issues and scenarios need to be explored with the applicant beforehand. If the adoption worker decides that it is inappropriate to proceed due to lack of consent to disclosure of significant information this should be recorded and the AAA advised.

Case Example 32 Brian

Brian (38) asked the adoption agency to contact his younger half-brother, Steven, who had been adopted separately. Brian had run away from home at 16 and during his late teens and early 20s had had a very unsettled life. He became involved with drugs and petty crime and served a short prison sentence. For some time now he had been leading a more settled life and was married with two children. It was agreed that the worker would initially indicate to Steven that Brian's early life had been unsettled and that he had been in trouble with the police at some stage. Brian was aware that Steven might want fuller information either from the worker or Brian himself.

Case Example 33 Iris

Iris approached the adoption agency to ask for help in locating her son Geoff who was placed for adoption 35 years ago. The worker was impressed with how much thought Iris had given to the matter. She counselled Iris about the possible positive and negative outcomes of an approach, and also whether or not there would be any circumstances where she would not want to have contact with her son.

Iris told the worker that she had thought about this for many years and assured the worker that she was 100% sure that she would want contact, no matter what. The worker felt sure that Iris' genuine desire and longing to contact her son meant that she would not withdraw. Geoff was located six months later. He was serving a long prison sentence for murder. He was thrilled that his birth mother wanted contact. He had wanted to trace but feared rejection so never took any steps to find her.

Iris wrote a brief note to Geoff and he responded quickly expressing his delight on hearing from her. He was looking forward to her first visit. Iris never replied. She felt guilty about not replying and finally told the worker that she could not cope with the fact that Geoff was a convicted murderer and in prison. He had not turned out the way she had imagined and hoped.

Geoff's initial elation on hearing from his birth mother turned to bitter disappointment. He became depressed and resentful and found it hard to understand why she had bothered to contact him. Geoff felt that he had been rejected for a second time.

Adopted person does not know they are adopted

24. While most adopted people will know of their adoptive status, there will be a small number of cases where this knowledge has been kept secret from them. 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. In these circumstances, 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 highly 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.

25. If the approach is made direct to the adopted person, the adoption worker will need to prepare for the possibility that the person may not have been told they were adopted. It is not always easy to ascertain whether the person is aware of their adoptive status. Adoption workers should give adopted people every opportunity to make the connection with adoption themselves.

26. Where this does not occur the adoption worker will need to make a difficult judgement; 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.

27. Although such situations are likely to be rare, adoption workers need to give priority and time to supporting people who discover in this way that they are adopted. 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. However, some adopted people may be very angry about having lived a 'lie' all their lives and the need for more intensive counselling and support may be necessary. Situations such as these can provoke anxieties for the adoption worker, and it is important that they access the support they need from their manager and agency.

Case Example 34 The Smiths

The adoption agency approached Mr and Mrs Smith to ask them to forward a letter to their adopted son James, who was 22 years of age. They explained in their covering letter that James' birth mother had made an enquiry about him. Mr and Mrs Smith contacted the worker in response and expressed how shocked and upset they were. They explained that they had never told James he was adopted. The worker arranged to see them to discuss the situation and to agree how James should be informed of his adoptive status and the timescale for this information to be passed on.

Case Example 35 Rosemary

Rosemary, aged 28, telephoned the adoption agency worker on receipt of a letter asking her to make contact with the agency. From the way she responded to questions aimed at ascertaining whether Rosemary was aware of her adoption, the worker suspected that she did not know. Rosemary pressed the worker to explain exactly what was going on. The worker said that she thought that the agency held information about Rosemary's early life that she may or may not be aware of and suggested she meet Rosemary to share this. Rosemary insisted she be told what the information was and so the worker explained how, according to the agency's records, she had been adopted through them in 1970. Rosemary expressed shock and confusion and accepted the worker's offer to see her as soon as possible.

Mental health

28. There may be mental health problems affecting either a birth relative or adopted person. Where it is apparent that the enquirer may have a history of, or current, mental health difficulties, it is important to find out what support is available to them as the process of trying to make contact with their relative could put them under considerable stress. Wherever possible, it should be agreed what information can be shared with the subject about any difficulties they have, so that the person approached can make an informed decision about how they want to respond. It may be very helpful if the applicant agrees to the adoption worker having contact with their key worker.

29. Where an applicant does not want information disclosed, the adoption worker will need to consider the implications of this. The agency will need to decide what kind of service they are able to offer, and whether or not they should proceed with the application for an intermediary service (ISR 6).

30. Similarly, the subject may suffer from a mental health problem. Although this will have been considered during the counselling interview, the applicant is likely to need support and guidance in dealing with the issues raised and with future contact. It is important to be clear with the person found about what information about their mental health can be shared. It is also important to identify what support might be available during contact from family and friends.

Case Example 36 Brenda

Brenda aged 46, approached the agency, as she wanted to have up to date information about her daughter, Andrea, who had been placed for adoption 30 years before. During the counselling interview it became clear to the worker that Brenda had suffered from mental health problems for several years. Brenda agreed that the worker could contact her community psychiatric nurse (CPN) as the worker felt she needed a full picture of Brenda's circumstances before any approach was made. The CPN informed the worker that Brenda had been diagnosed as having schizophrenia. She had not been admitted to hospital for six years but continued to need a lot of support. The CPN told the worker that Brenda had difficulty looking after herself. With Brenda's consent, the intermediary worker was able to talk with Andrea about Brenda's vulnerability and need for additional support in their reunion. Andrea was very understanding of this having experienced depression in the past.

Adopted person has died

31. In the course of enquiries or at the point of making contact, it may be discovered that the adopted person has died. If this information emerges in the course of looking for the adopted person, consideration will need to be given to how best to tell the birth relative. Although outside the remit of the Regulations agencies may wish to consider whether they continue their enquiries by locating a close relative, for example, a spouse, civil partner, adoptive parent or sibling, who might be willing to share information which would be helpful to the birth relative. It is important carefully to consider the timing and sensitivity of such an approach, particularly if the death occurred recently. The adoption worker will need support from their manager and agency.

32. When the fact of the adopted person's death is discovered on contact with the close relative, the adoption worker will need to acknowledge that making contact in such circumstances is likely to stir up very painful and sad feelings for all concerned.

33. It may be very stressful for the adoptive parents to deal with the enquiry. This may be particularly so if their son or daughter died since 30 December 2005 and before death had recorded a veto. (A veto lapses on the death of the adopted person). They may have issues and anxieties about their own or their other children's anonymity being compromised, particularly when they are already grieving. They may be feeling they failed as parents, particularly if their child has died as a result of suicide, drug abuse or in other difficult circumstances. It is important for the worker to respect the adoptive parents' feelings. It may be possible to work with them to open up some channels of communication with which they are comfortable. Some adoptive relatives may feel able to communicate with the birth relative. They may be willing to provide photographs and other information, and to meet the birth relative.

34. Whatever the degree of contact offered, the worker will need to help the birth relative deal with the shock and grief of learning of the adopted person's death. They will inevitably need more support in situations where the adoptive parents or other adoptive relatives feel unable to offer any form of communication or information. Under ISR 7 (2), if the subject has died the intermediary has the discretion to disclose identifying information about them, if appropriate, but needs to have regard to the matters referred to in ISR 6(2). The understandable concerns of the surviving members of the adopted person's family have to be balanced against the equally understandable wish of the birth family to visit any grave or memorial, which would almost inevitably lead to them learning the post adoption identity of their relative.

Case Example 37 Molly

Molly had relinquished her son George for adoption 40 years ago. After a long search the adoption worker located the adoptive parents who informed her that George had died when he was 31 years old. The adoptive parents were extremely distressed by the enquiry from the birth mother and did not feel able to give any information to the adoption worker. Talking about George was too painful.

Although Molly had explored the possibility that her son may have died, when this became a reality she felt totally unprepared for the emotions that surfaced within her. She needed to know the details, to find out what he was like, how he died and to have a photo. She found it difficult to understand why the adoptive parents would not divulge information. The adoption worker explained that perhaps with time, the adoptive parents might feel able to share the information Molly wanted.

In the event, after correspondence over a period of time with the worker, George's adoptive parents took up the offer to meet with the worker. At the meeting they shared the fact that George had died from a drug overdose. Following George's death they had felt that they had failed him in some way and the enquiry from his birth mother initially intensified their feelings of guilt.

However, through the contact they had with the adoption worker, they came to feel more at ease with Molly's enquiry and reached the stage where they felt able to share photos and information about George with Molly.

After three weeks she became anxious and asked the worker to telephone her mother but the next day, before she could make the call the intermediary worker had a phone call from the Mother's son. His mother had had a stroke two weeks ago and died the next day. He and his wife were tidying up after her funeral and found the letter from Margaret and the covering letter from the intermediary worker in the back of his mother's bedside book. Could she explain the situation to him? The intermediary worker faced the challenging task of explaining to the recently bereaved man the background to the letters and then of having to tell Margaret that her birth mother had died shortly after receiving her letter.

Case example 38 Margaret

Margaret felt unable to trace her birth mother whilst her adoptive parents were alive; she said she would have felt disloyal even though she suspected her adoptive mother would have supported her in doing so. She eventually applied for access to birth records when she was almost 50 and was quite surprised to learn her birth mother had been 32 when Margaret was born – she had hoped and expected that her mother had been a teenager when she was born.

The birth mother was located quite easily and the adoption worker checked with social work colleagues in the area where she lived and established that she was not receiving any support services. An approach was made and she responded positively and agreed to receive a letter from Margaret which she said she would show to her son. Margaret wrote a letter via the intermediary worker and expected to receive a reply before long.

Contested adoptions

35. Nowadays, the majority of children are adopted from the care system. There may have been a prolonged confrontation between the local authority and the birth parents during the care proceedings and the agency's decision that adoption was in the best interests of the child. The parents may be left with unresolved feelings such as anger, sadness and guilt.

36. These children may be part of a sibling group, and may have lived with their families for several years before they came into care. They may have come into care, for example, as a result of abuse or neglect by their birth parents. In these situations they will bring to their adoptive families their own personal history and memories. Brothers and sisters may have been separated as a result of the adoption, for example, when it was deemed not to be in one of the sibling's interest to be adopted. Providing intermediary services can be complex and challenging, depending on the reason for the adoption.

37. For adoptions since the 1990s, consideration is always given to what links should be retained with the birth family. These may be by letterbox arrangement or face-to-face meetings with one or several members of the family. Where links have been retained, it is likely that the nature and need for an intermediary service will be different. However, there will be situations where it was considered not to be in the adopted person's interest to maintain contact, and also where the adopted person may not be fully aware of the reasons and the background that led to their adoption. Providing intermediary services where there was a history of neglect or abuse will bring forth complex issues for the adoption worker involved. It is crucial, therefore, that the worker reads the adoption record, and has access to supervision and support when making decisions about whether or not it will be in the adopted person's and his or her family's interest to proceed with the application for an intermediary service. There should be a clear written account of the discussions and the decisions made (see the case example below).

Case Example 39 Gemma

Gemma's three children Rodney, Terry and Rosie were removed under an interim care order when they were 7, 4 and 2 years of age. They are now 20, 17 and 15 years old respectively. They were taken into care because of emotional abuse and physical neglect. It was also suspected that Gemma's partner at the time had sexually abused Rodney, but this was never proved. Rodney, Terry and Rosie were subsequently adopted with the same family, but the adoption broke down for Rodney and he went back into care when he was 15 years old. He remained in touch with his siblings but had little to do with his adoptive parents. Contact with Gemma was severed as it was considered not to be in the children's interest.

Gemma applied to the local authority for an intermediary service as she is aware that she now has a legal right, particularly as Rodney is over 18 years old. Rodney has often spoken about his mother so the worker is aware that Rodney is likely to be pleased to re-establish contact with his mother. However the worker is concerned that this will lead Gemma to try and re-establish contact with her other two children who the worker feels are too young to have contact. She is also concerned about the impact that this may have on the adoptive family and the fear and insecurity that this may generate for them.

The worker explained to Gemma that she had a responsibility to take account of the welfare of all others who might be affected by her application, including the adoptive family and particularly children who were still under the age of 18. She explained to Gemma that she would need to contact the adoptive parents in order to fulfil her responsibilities and Gemma agreed to her doing this. The worker contacted the adoptive parents who provided information about Terry's and Rosie's circumstances which indicated that an approach at this time would not be in their interest. The worker discussed the situation with her supervisor and also presenting the case at the post adoption forum. It was decided not to proceed with the application because it was considered that any contact at this time between Terry and Gemma may pose an unreasonable threat to Terry's and Rosie's emotional security. This was explained to Gemma and it was agreed that she should reapply in a few years time when Rosie was 18 years old. In the meantime, with the adoptive parents' consent, the worker was able to give her some up to date information about Terry, Rosie and Rodney.

Services for birth relatives where the adopted person is under 18

38. The ISR stipulates that an application for an intermediary service cannot be accepted from anyone (the applicant) under the age of 18; neither can it be accepted if the person to be contacted (the subject) is less than 18 years old (ISR 6(4)). However, it may be possible to respond positively if birth relatives only seek reassurances that the adopted person is alive and well. In such cases the adoptive parents would need to determine precisely what information could be passed to the enquirer through the agency.

39. If the birth relative has some important information to be passed on to the adopters, each situation will need to be judged on its merits, bearing in mind that the adoptive parents will have full parental responsibility for the adopted child. It must also be borne in mind that birth parents and birth siblings are entitled to request an assessment for adoption support services.

Part 7 Post-commencement adoptions

Introduction

1. This section provides practice guidance in relation to managing and disclosing information to adopted people and their birth relatives in relation to those people whose adoption order was on, or after, 30 December 2005.

2. It focuses on the information that should be retained on the file when a child is placed for adoption and what information can be passed on to adoptive parents and birth family members. Unlike pre-commencement adoptions, there is no body of practice to draw upon therefore this section can provide limited guidance only. Alongside this practice guidance, adoption workers should refer to the regulations and statutory Adoption Guidance to help them fulfil their responsibilities and duties in relation to post-commencement adoptions. In time, the post-commencement practice guidance will be developed as more knowledge and practice is gained.

3. Post-commencement adoptions mainly concern children who have been adopted from the care system. Such children have usually been adopted as a result of intervention from local authorities and often against the wishes of their birth parents. They are likely to have complex backgrounds and, therefore, this may impose additional issues and potential difficulties when gathering background family information, and dealing with requests for the disclosure of information and intermediary services.

4. The welfare of the adopted person remains paramount throughout their life, although this will need to be balanced alongside the interests of birth relatives, other children in the family and the adoptive family.

Legislative framework

5. The legal framework for post-commencement adoptions is provided by Sections 56 to 65 of the Act, the AAR, the AIR and Chapter 11 of the statutory Adoption Guidance.

The key changes

- The Regulations set out what information agencies are required to keep about a person's adoption – this is termed 'Section 56 information'.
- Section 56 information can be either identifying (i.e. protected information) or non-identifying and the AIR make it clear that disclosure of protected information is restricted.
- Section 56 information must be kept for 100 years from the date of the adoption order.
- Adopted people no longer apply to the Registrar General for the information to enable them 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 everything that the adoption agency was required to give to their adoptive parents at the time they were placed for adoption.
- Those adopted on or after 30 December 2005 do not have a right to register a veto but can register a wish for contact, specific contact, no contact or specific no contact on the Adoption Contact Register.
- Any person may apply to the AAA for disclosure of protected information about any person involved in an adoption. (Sections 60, 61 and 62 of the Act).

- Adoption agencies are required to consider the adopted person's welfare before making any determination whether or not to disclose protected information.
- People may request an independent review if an agency proposes to disclose or withhold information.
- There is no legal requirement for a person to receive counselling before information is disclosed but the agency has a duty to secure counselling if requested.
- Adopted people can apply to the court for copies of documents relating to their adoption.

Section 56 information and implications for practice

6. Although some of the legal requirements in respect of post-commencement adoptions may not apply for a few years, they do have implications for practice today. It is important therefore that adoption agencies and adoption workers think about how they need to collect and maintain information so that they adhere to the requirements of the new legislation.

7. Section 56 information is the information that agencies are required to keep about the child and their birth family, which is used to inform the Child's Permanence Report (CPR). Additionally, subsequent reports such as the Adoption Placement Report, the Adoption Placement Plan and the Adoption Support Plan also contain information about the adoptive family. Section 56 information is also information that is given to the agency post order and kept on the child's case record.

8. Section 56 information can be both identifying and non-identifying. If it is identifying it is then called 'protected information' and may only be shared in certain circumstances.

9. Non-identifying information can be shared by the agency at its discretion (AIR 8 (1)).

10. When the care plan for a child becomes adoption then a separate case record should be established (AAR 12).

11. Information to be kept includes:

- 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.
- Information supplied by the adoptive parent(s) after the adoption.
- Information supplied by any foster carer.
- Information that the adopted person has asked to be kept, this would include their views on any contact.
- A copy of the CPR.
- The prospective adopters' report.
- 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.
- The Adoption Placement Report.
- The Adoption Support Plan.
- The Adoption Placement Plan.

- Any other information the agency considers necessary to keep.

The Child's Permanence Report

12. The CPR will contain identifying information concerning the birth family.

13. AAR 17 prescribes the content of CPR and refers to Schedule 1 parts 1 and 3, which specifies that the CPR should include identifying information about the birth parents, siblings and other relevant family members. However, adoption workers must consider carefully what information the child and their adoptive family will need to know and limit the report to such information. For example, detail of a putative father's alleged abuse of another child for which he was not found guilty is not appropriate whereas a general statement of concern about the safety of children in his care may be appropriate. Information about a birth mother's previous termination of a pregnancy may not be appropriate unless there is a particular issue relevant to this child, such as future medical implications for the adopted person.

14. Adoption workers writing such reports must always be mindful that the adopted person may read the report at a later date, and care should be taken to ensure accuracy and sensitivity.

15. Adoption workers writing CPRs should also make arrangements for birth parents to see what has been written about them and, if appropriate, let them see a copy of the full report. The permission of others whose information is included in the report should be obtained first – this would include information about other birth family members.

16. When a child has been placed for adoption and the adoption order has been made, the case record must be maintained (AIR 4 (2)) and any information given subsequently by birth family members that is intended to be kept for the adopted person must be kept on that file (AIR (3)(a)).

Any information provided by the adopters should also be kept (AIR 4(3)(b)) and if the adopted person has requested that information should be kept on file, that too should be retained (AIR 4(3)(c)). There is no expectation that agencies will be expected to keep bulky items or gifts. If agencies have a separate letterbox file or post adoption file this must be referenced on the child's case record enabling the agency to have comprehensive information.

Information that needs to be given to prospective adoptive parents

17. 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 31 and 35). 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.

18. Any other reports such as medical reports, educational reports and psychological assessments should also be given with the author's permission. It is good practice for this permission to be given in writing.

19. 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 the adopted person at the time or to the adopted adult 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, 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.

20. It is important that the child's case record contains the detail of what written information has been given to the adoptive parent(s) during the adoption process. This is because adopted people are entitled to receive a copy of this information when they reach the age of 18. It will need to be borne in mind that this information will go to the adopted person.

Information that should be given to the child

The Child's Life Story Book

21. All children who are placed for adoption should have a Life Story Book, which is a clear, honest, 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 Permanence Plan the date by which the Life Story Book will be passed to the prospective adopters (Schedule 5 of the AAR).

22. The Life Story Book will also contain identifying information about the birth family; this is the child's information to have. Most information available at the time of placement should be included in the CPR and/or the child's Life Story Book and go with the child to their adoptive placement.

23. The Life Story Book is a vital tool in helping both the adoptive parent(s) and the child to understand the child's past and as such needs to be given to the child, if they are old enough or to their adoptive parent(s) as soon as possible after placement. The book 'Life Story Work' by Roger Walker and Tony Ryan and 'My Life and Me' (BAAF) are an excellent starting point for those who have limited experience of such work. It is important for those undertaking life story work to use their imagination and a number of tools to ensure that the child's Life Story Book is comprehensive, accurate, accessible and appealing. Appendix 30 contains a possible list of contents.

24. Experience tells us that the Life Story Book, although vital, 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, good 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 should be retained on the case record. Adoption workers should 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.

25. If a memory box was collated, this too should go with the child to his/her adoptive placement. However, it is good practice for a photograph to be taken of the contents and this, along with a list of contents, be placed on the child's case 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.

26. When compiling Life Story Books birth parents have a great deal to contribute and are often in possession of information, photographs, and certificates that would provide a child with vital 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.

27. In cases where the birth parents are not in agreement with the plan to place the child for adoption, it may prove difficult to obtain information for the Life Story Book. Sometimes it can be helpful to use other workers to engage the birth parents and extended family so that full information can be obtained for the child.

It may be that birth parents feel more able to provide this information when they have accepted that the child will not be returning to them, and are more able to acknowledge the importance of this information for the child in the future.

Later Life Letters (Letters of Origin)

28. The adoption agency AAA 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 will be passed to the prospective adopters (Schedule 5 of the AAR).

29. This letter, written preferably 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). It is a narrative and expanded version of the Life Story Book and gives more detail of the child's history and the decision making process. When the child has read this letter they should be clear about their history and why they were adopted. If this letter contains anything beyond the most basic of identifying information about the birth parents and siblings (i.e. name, date of birth), their permission must be sought.

30. If other third parties such as foster carers, teachers or members of the extended birth family are to be named or identified then their permission should be sought.

31. A copy of the letter should also be given to the child's adoptive parent(s) so they too are aware of its content and are then able to make an informed decision about when to share this with the child.

32. It may be helpful to show the letter to a colleague who is unaware of the case detail. This is often useful as the child's social worker may know the case almost 'too well' and may inadvertently omit certain details. Someone new to the case may be able to spot any gaps. Most agencies have experienced workers who may be able to show less experienced workers some examples of how these letters should be written.

33. A copy of the letter must be kept on the case record. If a separate post adoption file is established it may be good practice to include a copy of the letter in this file so that any emerging issues over the years can be effectively addressed.

34. If information becomes available after placement or after the making of an adoption order a decision will have to be made to determine if it is identifying or non-identifying and whether or not it is appropriate to give this to the adoptive family to be added to the child's Life Story Book. In some cases, it may be more appropriate to keep it in the case record until the adopted adult requests further information. In most cases this should be discussed with the adoptive family and if it is sent on to them a copy should be placed on the case record and a note made of the transfer. Consent to disclosing information, which is identifying (i.e. protected), will need to be sought.

Case example 40 Sally

Sally has one child, Theo who was placed for adoption. The adoption order was granted 5 years ago. When Theo was placed Sally was very young and did not wish to engage in letterbox with his adoptive parents and there is no contact with any other member of the birth family. Sally has had another child, Annie. She is now in a stable relationship and the local authority are not involved with her and do not anticipate becoming so. However, her previous social worker met her whilst out shopping and Sally told her about Annie. The social worker returned to the office having not asked Sally if she could pass on this information to Theo's adopters and she wonders what information can be passed to adoptive family. She cannot visit Sally to ask for her permission to pass on the information, as she is unaware of her current address.

In discussion with her supervisor it was decided that the social worker could inform the adoptive family that Sally has had another child and that it was a girl but could not disclose her name or date of birth without consent as this was identifying information.

35. If the adopters cannot be traced or if they refuse the information then any information received by the agency should be clearly recorded on the case file. Particular care should be taken concerning any subsequent medical information, deaths in the birth family, subsequent birth of siblings and any other information that may assist an adopted person to know more about their birth family.

36. If medical information comes to light and the adoptive family cannot be found advice should be sought from the agency's medical adviser about the importance of finding the adopted person so that this information can be passed on. If the medical view is that they should be traced this must be put in motion. Traces for medical reasons can be made via the NHS CR – (General Registrar) and advice from NHS CR staff should be sought (see Part 6 paragraph 4).

37. A note of any decision should be made on the file and reasons added.

Information the birth family can be given during the adoption process

38. Workers writing CPRs should, where possible, make arrangements for birth parents to see what has been written about them and, if appropriate, let them see a copy of the full report, excluding third party information unless permission has been given. Birth parents should be encouraged to contribute their views to the report and be supported in doing this. The child's case record should note what information has been shared or given to the birth family. If information has not been shared, reasons for this should be noted on the case record.

Case Example 41 Faye

Faye and Mike have 2 children and despite the involvement of the local authority and an extensive amount of support being offered, the children are to be placed for adoption. Both birth parents are drug users and there is domestic violence. Members of the extended birth family are unable to care for the children but have been a significant support both emotionally and practically to the children. They also support the plan to place the children for adoption. When writing the CPR both parents agreed to contribute to the section about themselves although the information they gave was limited. Other members of their family also provided information about the children and their family history. There have been several assessments and these are summarised in the report. The social worker writing the report showed the sections of the report about the birth parents to Faye and Mike but they refused to sign it as they thought that this may show that they are in agreement with the plan to place the children for adoption. The worker noted on the form and the agency's case records that they had been shown part of the CPR but had not signed it and giving the reasons why. The worker did not disclose the whole report in this instance and her reasons for this were recorded on the case file.

39. It is not uncommon for birth parents and adoptive parents to meet. Such meetings may be before the placement of the child but can be at any time after placement, according to individual needs and circumstances. These meetings can be a positive starting point for any future contact arrangements either direct or indirect. Prior to such meetings it is helpful for birth parents to receive, with the adopters' consent, a short profile about the adoptive family. Adoption workers involved in these meetings should also be mindful of the need for confidentiality in the sharing of information, particularly concerning the adoptive family.

40. The adoption agency has the discretion to share non-identifying information with birth parents concerning an adopted child's progress. However, social/adoption workers must always remember that it is adoptive parents who, after the making of an adoption order, hold full parental responsibility and need to be empowered to be parents. It is only in a very few circumstances that non-identifying information concerning an adopted child would be shared with birth family members without first seeking the permission of the adoptive parent(s).

Case Example 42 Susie

Susie, a birth mother, telephoned the local authority because she is convinced that her daughter, Emily, who had been placed for adoption some time ago, has died. At the time of placement Susie had refused to participate in letterbox contact. Emily's adopters continue to have an exchange of information with the paternal grandparents so the local authority is aware of her current well-being. The worker was, therefore, able to reassure Susie that Emily was alive and well and considered that this was appropriate to give immediate reassurance, but with no disclosure of identifying information or other details without further consultation with Emily's adoptive parents. The worker went on to discuss with Susie how the letterbox service worked and encouraged her to think about participating both for her own sake but also for Emily's, as she may be thinking that Susie had died. Susie agreed to a post-adoption worker visiting her to discuss this more fully.

Recording and sharing other third party information

41. It is inevitable that the CPR will contain information about other third parties such as grandparents, uncles, aunts, foster carers, therapists, teachers etc.

42. If their names are mentioned in full within the CPR this would be deemed identifying information and their permission must be sought and recorded in the case file. However, if they have provided a written report then the report can be retained on the case file (AAR12(1)(i)), but if this is later to be shared with the prospective adoptive family or the adopted person, the author's permission must be sought. It is far easier to obtain this permission at the time the report is written than many years down the line.

Adopted children seeking more information

43. Children have no right of access to information from their case record until they reach the age of 18. However, in some circumstances it may be appropriate to respond to the request.

44. Any requests for more information or direct contact from any adopted child should be dealt with under the ASR. An assessment of the need for support must be carried out in accordance with these Regulations. Each case must be considered on an individual basis and the views of the adoptive parent(s) as well as the child considered. Consideration must also be given to any other children in the household who may be affected by any disclosure of information.

45. Often children making a request for a face-to-face meeting are, in reality, asking for more information and the repetition of life story work may be the most appropriate first point of involvement. For children to understand that their request has been heard and that there are options available can be helpful for them in order to feel that they have some control.

46. If the request comes from a child who has returned to the care system the social worker must be clear about who holds parental responsibility, and in most cases the adoptive parents must be consulted. Children in such situations may seek to re-establish contact with birth parents/relatives but the appropriateness of this must be assessed and adoptive parents must be invited to be part of the decision making process.

47. Most children placed for adoption today are involved with an exchange of information between their birth family and adoptive parent(s) via the placing agency – letterbox contact. When a child is seeking further information, the adoption/adoption support worker should check out the current involvement of any exchange as this may provide further detail. If no exchange of information was established at the time of placement, it may be appropriate to consider establishing this at a later date as this may well satisfy the child's need for information.

Birth relatives seeking information about an adopted child

48. If a birth relative approaches the agency asking for some up to date information about a child, now adopted, the agency can choose whether or not to proceed with the request. Any request should be in writing but adoption workers should be aware that some people may not have the literacy skills to manage this without support.

49. Most children placed for adoption today will have some form of on-going contact with birth family members, usually indirect, so such requests may be less common. It is important, therefore, for the adoption worker to check if such an arrangement was established at the time of placement and, if not, why not. If arrangements were set up but have lapsed, the adoption worker may be able to help re-establish this contact in liaison with the person responsible for the operation of the indirect contact service (letterbox).

50. There may be some situations where indirect contact was not established and workers must be clear about the reasons for this before determining any course of action.

Case Example 43 **Beth**

When it was decided to place Beth, aged 3 years, for adoption a new assessment of Beth's contact needs was undertaken. Beth had been sexually abused by her birth father, Scott, and her birth mother, Helen, had been unable to protect her. It emerged that Scott had connections with other men who had abused children, he was prosecuted and served a custodial sentence. The placing agency decided that it was not in Beth's long-term interests for there to be any contact between Scott and her adoptive parents and clear, sound reasons were noted on the case record. The adoptive parents were aware of these reasons but were also aware that if Beth's needs were to change they should contact the agency. When Scott was released from prison he contacted the agency and asked for information about Beth and an up to date photograph. The worker checked the file to ascertain why contact had not been established and with this knowledge was able to again explain to Scott why this was not considered to be in Beth's interests. He was informed, with adopters' permission, that Beth was happy and well.

51. In all cases where a child is concerned, their adoptive parents must be consulted and their views taken into account. Similarly if the child is of sufficient age and understanding then this should also apply to the adopted child.

52. In all cases where the subject of the application is an adopted child the AAA can decide not to proceed, and in these circumstances the applicant has no rights to request an independent review.

Adoption agencies responsibilities for storing, maintaining and preserving adoption records

53. Agencies have to keep adoption record information secure at all times and protect that information against damage and loss. Information should be kept in lockable cabinets and should be accessible only to authorised personnel.

54. The same applies to information stored digitally, electronically or on microfiche.

55. With the increasing trend towards the paperless office the question of adoption records has caused some debate. There is nothing to prevent agencies from transferring paper records into another format but the statutory Adoption Guidance clearly states that original documents such as cards and letters should be kept in their original form. Therefore, in the context of adoption records, a totally paperless adoption file may be impossible. When life story work has been undertaken with a child to help them to understand their past and assist them with transition to a permanent family, it may also be important to keep examples of some of the child's work in its original form.

56. The AIR require agencies to keep all Section 56 information for a minimum period of 100 years from the date of the adoption order, be it in paper or any other format. When this time has elapsed, if it is to be destroyed, then it must be shredded and treated as confidential waste. Agencies may choose to keep information longer than this if they so wish.

Transferring adoption information

57. The statutory Adoption Guidance gives advice on transferring any section 56 information held by a Voluntary Adoption Agency when it ceases to operate or exist (See Chapter 11 in the statutory Adoption Guidance, AIR 7).

Providing information about services and counselling

58. A range of public information leaflets on adoption have been provided by the DCSF and can be found on

www.direct.gov.uk/parents/AdoptionAndFostering/fs/en

59. In addition, adoption agencies need to provide written information about the services they can offer and the counselling they provide to all those affected by adoption. This information should include details of any fees that the agency may charge:

- a) adopted adults
- b) birth parents and birth relatives
- c) adoptive parents
- d) any other person applying for the disclosure of protected information
- e) any person whose views have been sought regarding the disclosure of information about themselves
- f) any person entering into an agreement with the agency under AIR11

60. Although there is no legal requirement for a person seeking help and advice from an adoption agency to receive counselling, the agency must provide information about the counselling available and secure it if a person requests it.

Applications for disclosure of adoption information

61. Any person may apply to an AAA for the disclosure of protected information about any person involved in an adoption. However, the AIR set out the requirements regarding disclosure.

62. Section 61 applications relate to disclosure of information about adults and Section 62 applications relate to requests for information about children.

63. When an application is for protected information about children the applicant has no access to an independent review of the agency's decision. However, in Section 61 applications where the request for information is about an adult, the applicant can apply to have the agency's proposal not to disclose the information referred to an independent review panel.

64. Applications for section 61 and 62 can be received from any person, for example, from a former foster carer or a birth parent. The agency has a responsibility to verify the identity and age of the applicant. This should be in the form of a photo ID such as a passport or driving licence. The agency can request any other documentation it considers necessary.

65. Sometimes the person applying for disclosure of protected information is unable to submit the application themselves and needs someone to do this on their behalf, for example, they may have a physical or learning disability. In these circumstances the AAA must be satisfied that the person acting on behalf of the applicant has the authority to do so.

Case Example 44 Donald

Donald's adoptive parents contacted the adoption agency to make a section 61 application on his behalf. Donald has severe disabilities. He is blind and is confined to a wheelchair. He also has learning difficulties and is unable to read or write and has a mental age of approximately 10 years. However he has been asking his adoptive parents for more information about his siblings as he would like to know if they would like to have contact with him.

The adoptive parents would like to act on Donald's behalf and contact the siblings and have therefore asked the adoption agency to help them.

After all the necessary ID checks and verification of the circumstances the adoption agency agreed that Donald's adoptive parents could act on his behalf.

Adopted adults

66. Adopted people who are 18 years and over can apply to the AAA for the information they require to obtain a copy of their original birth certificate. It would be unusual for people adopted on or after 30 December 2005 not to have a copy of this and other information included in the CPR and Life Story Book. However, if they do not know the name of the AAA they should write to the Registrar General who will provide them with this information (AIR 20 (1) (a)).

67. In rare and exceptional cases the adoption worker may consider that the information that will enable the adopted person to obtain a copy of their original birth certificate should be withheld, for example, where the agency has grounds to believe that disclosing birth records information to the adopted person could place others at risk of harm. If information is to be withheld, an order of the High Court will be needed. In these circumstances it is important that the adoption worker consults with their manager and legal department before deciding whether to make an application to the High Court for an order denying the adopted person this information (section 60(3) of the Act).

Case Example 45 Warren

Warren is 19 years old and adopted when he was 12 months old. His adoption broke down when he was 14 years old and he is no longer in touch with his adoptive parents. Warren wants to make contact with his birth mother.

On the adoption agency record there is correspondence from the adoptive parents who wrote to inform the adoption agency that their son Warren had severe mental health problems. They described him as being abusive, violent and had been sectioned under the Mental Health Act on several occasions. As a child and adolescent he expressed anger about being adopted and paranoid thoughts about his birth mother.

During the interview 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 adoption worker felt very concerned about giving Warren the information he needed to apply for a copy of his original birth certificate. She therefore consulted with her manager and their legal department who agreed that it was unsafe to proceed with Warren's application and that they needed to apply to the High Court in order that they could withhold this information from Warren.

68. The adopted person may also request other background information about their origins and adoption. Just as with pre-commencement adoptions it is important to arrange to see the adopted person before information is disclosed. This provides an opportunity for the adopted person to talk about their adoption experience, and their hopes and expectations about receiving information. It also gives the adoption worker the opportunity to assess how much information the adopted person already knows about their background and circumstances of their adoption, and whether information they are not aware of could be distressing and upsetting.

69. Anyone involved in sharing information with adopted people should read the section in this guidance on the role of the birth records counsellor in pre-commencement cases as the issues and principles remain the same.

70. An adopted person has a right to receive the information that was disclosed to the adopters at the time of their placement, such as the CPR. This report will contain identifying information. When identifying information is not on the CPR but is on the agency's records, it is important to check out whether or not permission has been given by the subject that identifying information may be released.

71. Where the adopted person wants to obtain identifying information from the agency's records they would have to make an application under section 61.

72. Sometimes the agency 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 needs to be informed that they can seek an independent review of the agency's determination by an Independent Review Panel (Chapter 11 of the statutory Adoption Guidance).

73. When permission has been sought from a third party and they have given the agency permission to disclose, the agency may still decide not to disclose or, if permission was refused, to disclose even without the subject's permission (but in this case they would need to be satisfied that any disclosure is compliant with the Data Protection Act and does not breach any confidentiality).

Disclosure of Protected Information under Sections 61 and 62

74. There is no current practice to inform this practice guidance but the statutory guidance provides a flowchart and comprehensive information about the process of disclosing protected information where the agency decides to proceed with an application and the role of the independent review panel where the agency decides not to disclose protected information (Chapter 11 of the statutory Adoption Guidance, AIRs 4, 15 and 17).

Applications to the Registrar General

75. In very rare circumstances where the AAA no longer holds the information to enable the adopted person to obtain a copy of their original birth certificate, for example, because the adoption record has been destroyed, the AAA can apply to the Registrar General for this information. The AAA must put their request in writing and provide the Registrar General with certain information, if known, such as the name, date of birth and country of birth of the adopted person, the names of the adopted person's adoptive parent(s) and the date of the adoption order.

76. Sometimes adopted people may not know the name of the AAA. In these circumstances the adopted person can apply to the Registrar General for this information. The Registrar General is required to give this information to the adopted person.

77. When section 60, 61 and 62 applications are received the agency can apply to the Registrar General who holds the Adoption Contact Register for any relevant information to the application they have received.

Part 8 Cross border and intercountry adoption issues

Pre - commencement adoptions

Introduction

1. This part of the guidance relates to additional cross border/intercountry adoptions and the issues adoption workers need to consider when providing intermediary services and access to information.

Legislative framework

2. The ISR regulate the activities of local authorities, voluntary adoption agencies and adoption support agencies in England, and the extent to which they are able to assist adopted people who wish to search for or be reunited with members of their birth family, or vice-versa. However, the ISR do not impact on the activities of adoption agencies (or their equivalents) in other countries. Any search involving an agency in another country will, therefore, also need to take account of and respect the legal requirements of that country. It should not automatically be assumed that there will be access to adoption information, even if records are available.

3. Legislation in some countries specifically prohibits the release of this type of information and it may be an offence to contact the birth family, regardless of the circumstances.

Provision of non-discriminatory services

4. Adults who have been adopted from another country and/or transracially may have particularly strong identity needs. Even the smallest amount of information is likely to be of great value to the adopted person regarding their identity and will enhance their understanding of the circumstances surrounding their birth and adoption. It is important to provide a non-discriminatory service that seeks to meet the needs of adopted adults and birth relatives where there are cross border or intercountry issues, despite the additional challenges which are set out below.

Accessing information on an adoption which took place outside England

5. The extent to which information on the adoption will be available will depend on the country in which the adoption took place and whether it was solely a domestic adoption in that country, or an intercountry adoption under the Hague Convention, or from a 'designated' or 'non-designated' country.

Case Example 46 Maria

Maria originated from a non-Convention country in South America and has recently moved to England. Her sister had two children placed for adoption in two different European countries. Maria managed to trace her adopted niece and has applied for intermediary services in this country to trace her adopted nephew aged 20.

As the receiving State of the nephew had ratified the Hague Convention, it was possible to check the Hague Convention website to identify the Central Authority in that country www.hcch.net/index_en.php. The intermediary agency requested advice from the Central Authority in the receiving State as to how this application could be taken forward under the laws of their country. The Central Authority confirmed that under their laws the matter could not be taken forward, but agreed to receive a letter from the aunt via the Central Authority in the UK, to place on their file. Should the adopted person contact the Central Authority in the future, they would pass on the letter to him.

Although the authorities in the UK played no part in this adoption, the birth relative was profoundly disappointed and needed support and counselling.

Domestic adoption outside England in another part of the UK

6. Wales, Scotland and Northern Ireland have their own regulations on access to information (see links below).

<http://www.wales.gov.uk>

<http://www.scotland.gov.uk>

<http://www.dhsspsni.gov.uk>

Adoption outside the UK

7. There may be cases where a family has lived and worked outside the UK for an extended period, during which time a domestic or intercountry adoption was completed through the procedures in that country. In such cases it is unlikely that any records will exist in England. However, if the adoptive family subsequently returned to the UK there may have been an Immigration Application for the child's entry into the UK, possibly followed by an application to a court in the UK for an adoption order.

Intercountry Adoption under the Hague Convention

8. Adoption records held in the State of origin may or may not be accessible. However, the Central Authority in England should hold information about the background to a Hague Convention case in which England was the receiving State. The information provided by the State of origin about the child will be held in England by the local authority or voluntary adoption agency involved in the adoption at the time, and should be kept with the adopter's record. This may contain information about the birth family. It may be possible to obtain information from the court papers either in the UK or the court abroad depending on what proceedings there were.

9. A list of countries that have ratified or acceded to the Convention, as well as contact details for Central Authorities can be accessed via:

http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid

Intercountry adoption outside the Hague Convention

10. There may be records held in the State of origin, which may or may not be accessible. In addition, the adoption agency that assessed the adoptive parents should hold some information about the background to the adoption. From 30 December 2005 it is possible that the adoption agency would have been involved in discussions with the adopters at the matching stage.

11. In most adoptions from non-designated and non-Convention countries, there would be an application to a UK court for an adoption order and, therefore, a report to the court and court records. However, if an adoption took place from a 'designated' country, it is unlikely that a local authority in England would have been involved in any application to the court for an adoption order unless, exceptionally, the child was also adopted in a UK court. See DCSF Intercountry Adoption website for more information:

<http://www.dcsf.gov.uk/intercountryadoption/faq.shtml#dlq1>

'Non-Agency' or 'Private Adoptions' Outside England

12. There are some cases where the arrangements were made without any agency involvement, for example by hospital personnel, doctors, midwives, lawyers or religious/spiritual leaders by way of a traditional ceremony. These adoptions may have had little or no official scrutiny in the State of origin and, prior to 1989/90, without any reports in this country about the suitability of the prospective adopters.

13. The local authority responsible for writing a report to the court in England is likely to hold some information, as should the court. Individuals, such as lawyers, in the country in which the adoption took place, may also hold records.

Identifying the relevant agency abroad

Adoptions that took place abroad and where the adopted person lives in England seeking information about their adoption.

14. In some cross border and intercountry adoption cases it may not be possible to identify the relevant agency, either because it was a private or traditional adoption without formal records, or because the key role in the adoption was taken by a government department. Even if there had been a formal adoption process it is possible that no court was involved in the adoption.

Adoptions that took place in England and where the adopted person seeking information is living abroad

15. If there is an identified adoption agency outside England where the counselling is taking place, the adoption worker in this country will need to be satisfied about the bona fides of the agency concerned. The overseas agency should be asked to provide copies of the formal registration giving approval for that agency to act in this capacity, where this is required under local laws. Where appropriate, the relevant overseas agency should be asked for verification of the adopted person's identity and confirmation that the counsellor abroad has had sight of the original documents.

Case Example 47 Dannally

Application for birth records counselling and intermediary services by a man currently living in an African state, who was adopted in the UK in 1987 when he was two years of age.

The intermediary agency (IA) contacted the appropriate adoption agency (AAA) in England to agree procedures for checking the applicant's identity, obtaining information from the adoption file, and identifying a counsellor in the country of origin who could work with Dannally. The IA contacted the child care authorities where Dannally was living and was given the contact details for a counsellor who had previously carried out work for another adoption agency in the UK. The IA was able to confirm the bona fides of the counsellor and obtained a positive recommendation from the local authority in the UK for whom the counsellor had previously worked. Further information was sought from the counsellor as to the following:

- process for verifying Dannally's age and identity
- relevant protocols for undertaking this work
- prioritisation of application and resources available to progress Dannally's application
- arrangements for reporting back to the UK in writing
- arrangements for retention and storage of information
- charges to be made in respect of this work
- mechanisms for user feedback

The IA and AAA drafted an agreement to be signed by each agency and the counsellor, to ensure the confidentiality of any documents sent to the country of origin, to confirm that the documents would be used for no other purpose, and to ensure that Dannally recognised the sensitivity and confidentiality of the information to be provided.

A receipt and confidentiality undertaking was forwarded for signature by the counsellor and Dannally. The IA summarised the adoption file to which it was given access, and obtained the agreement of the AAA to the draft summary for the purpose of birth records counselling. The IA sought the views of the AAA as to the appropriateness of the application for intermediary services as is required by regulation 12 of the ISR. The AAA gave a preliminary view but requested a report from the country of origin following the birth records counselling. After a satisfactory report was received, a decision was reached in accordance with regulation 6 of the ISR to accept the application for intermediary services.

Locating adoption records held outside England

16. It is important to remember that public records such as birth, death and marriage certificates are not always available or may not even exist in some countries. In addition, policies differ from country to country about where adoption records are kept, the length of time they are kept and the manner in which they are preserved.

17. For adoptions that took place in Scotland, Wales, or Northern Ireland, the relevant devolved administration should be contacted.

18. Written confirmation must be obtained from the overseas agency authorising the disclosure of documents held by that agency as part of its own adoption records. However, agencies will still need to consider issues of consent raised by the Data Protection Act 1998 as set out in paragraph 24.

19. For non-UK cases, approach the relevant authority in the other country. The DCSF, the Intercountry Adoption Centre, ISS or the British Embassy in the relevant country may be able to assist.

Making an assessment

20. When an application for information is received, it is important that an assessment is undertaken to identify the benefits and the potential risks. The following additional issues involving countries outside England need to be taken into account:

- In some countries it may be against the law to give identifying, or indeed any information about a birth family, or to attempt to trace them after the conclusion of the adoption or equivalent court proceedings abroad.
- Unlike adoption in the UK the proportion of abandoned children is much higher in intercountry adoption cases. There needs to be a measure of realism about the possibility of obtaining more than the absolute minimum of information about the birth family or the background to an adoption. However, children's homes may hold some information about the adopted person during the time the child was in their care that was not made available to the adoptive parents at the time of the adoption.
- In other countries it may be unlawful to abandon children. Therefore, there could be serious consequences for birth family members if their identity or whereabouts are revealed.
- Timescales with regard to processes in other countries vary enormously, and negotiations may be both protracted and costly. The outcome may not reach the applicant's expectations.
- Working across languages and the need for translations can present a challenge in trying to deal with counselling and access to information, and may compromise confidentiality, for example, where women are not allowed the privacy of being seen on their own, away from other family members.
- In some countries neither the agencies involved in adoption nor birth family members will be aware of the implications of adoption, especially for adopted people who are now living in this country. In some countries counselling may not be available.
- Intercountry adopted people currently living in the UK seeking to trace birth relatives in another country need to be prepared for the factors that may have contributed to their adoption, for example, abject poverty.
- In some intercountry adoption cases it may emerge that the placement involved improper financial gain or corruption and did not take place in the best interests of the child. It is, therefore, important to be aware that birth family members may have complex motivations in seeking to trace their adopted relative.
- Intercountry adopted people need to be made aware of the possibility that, if they are reunited with their birth family, there may be cultural expectations of family obligations and responsibilities, such as financial support for family members.
- The powerful impact of religion in some countries may differ greatly from the adopted person's own experience.
- There may be major differences in culture, language and lifestyle of the parties involved.
- It is not uncommon for siblings to be separated across national borders. This creates extra complexities and costs in trying to trace siblings in other countries.
- There may be data protection issues involved if personal information is to be sent outside the UK.

Validating information from birth family members living outside England

21. It may be very difficult for birth relatives seeking to trace or be reunited with an adopted person to prove their connection with that person. In some countries birth certificates may not exist, neither may any formal documents which connect the birth relative with the adopted person.

The status of adoption records sent from overseas

22. An overseas adoption agency cannot be treated as the appropriate adoption agency within the meaning of the ISR. However, where an overseas agency is working with an English ASA and has passed information to the ASA, it may be appropriate for the ASA to take that agency's views into account in determining, for the purposes of ISR 6, whether it is appropriate to proceed with an application.

23. If the ASA proposes to proceed with an application, the ASA should also take the opportunity to explore with that agency any areas which require clarification, including the social and cultural context to the adoption, prior to sharing the contents of the record with the applicant.

24. If the records are passed to the English ASA, the ASA will become a data controller in respect of that information for the purposes of the Data Protection Act 1998 (DPA). The DPA applies irrespective of the nationality or location of the subject whose personal data is held. While disclosing information to an adopted adult should not raise issues where the information is personal information about that person, the ASA will need to consider whether it is lawful or appropriate to disclose (a) information which is personal to the applicant but which also relates to another person (see section 7 of the DPA), and (b) information in the records which is not personal to the applicant but is personal information relating to another person.

In particular sensitive personal data (such as health information, or racial or ethnic origin) about other individuals cannot be disclosed to the applicant by the ASA unless consent has been obtained from the subject (or one of the other conditions in Schedule 3 to the DPA is met). 'Sensitive personal data' is defined in section 2 of the DPA; the distinction between 'personal data' and 'sensitive personal data' is different from the distinction made between identifying and non-identifying information. The view of the overseas agency cannot be taken as the view or consent of any such other individual. However, it may be possible to obtain the consent of the individuals concerned through liaison with the overseas agency.

25. Agencies holding information in such circumstances should seek legal advice on the disclosure of information from overseas records in relation to the DPA.

Verification of identity for a person adopted overseas and living in England

26. The adopted person may not have a birth certificate or the relevant Statement of Abandonment. In trying to determine whether the applicant (adopted person or birth family member) is an adult, it is important to remember that the age of majority varies from country to country.

Post – commencement adoptions

Introduction

1. The AIR regulate the activities of local authorities, voluntary agencies and adoption support agencies in England, and the extent to which they are able to assist adopted people who wish to search for and/or be re-united with members of their birth family, and vice versa. However, the AIR do not impact on the activities of adoption agencies (or their equivalents) outside England.

2. Any search will need to take account of, and respect, the legal requirements of both countries. It should not automatically be assumed that there will be access to adoption information, even if records are available.

3. Legislation in some countries specifically prohibits the release of this type of information, and it may be an offence to contact the birth family, regardless of the circumstances. It may be helpful to check either with DCSF or the Intercountry Adoption Centre to obtain information about the legal stance of a particular country.

4. Over the last twenty years most of the children placed for adoption overseas with adoptive parents living in the UK have not had a care plan, neither will there be an equivalent to a child's permanence report. However, where a child was placed for adoption from another country within the British Islands, more comparability between their practices and those in England may be found.

5. Since the UK ratified the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption with effect from June 2003 there will be some adopted children in respect of whom a background report will be available. This report should give as much information as is available about the child and his background, providing the child was adopted from a Hague Convention State.

6. As many of the children adopted overseas are abandoned, there may be little information about the child or family history, to the extent that neither the name of the child nor that of the birth family may be known.

Life story books

7. Although some children have pictorial records made for them, it is highly unlikely that children adopted abroad will have a life story book at the time of placement. Therefore, it is probable that much of the information available about the child was given to the adoptive parents at the time of the adoption.

The relevant adoption agency

8. If it has been possible to identify the relevant adoption agency outside England/overseas, and if the applicant is currently living abroad, the adoption worker in this country will need to be satisfied about the bona fides of the agency concerned. The overseas agency should be asked to provide copies of the formal registration documentation giving approval for that agency to act in this capacity, where this is required under local laws. Where appropriate, the relevant overseas agency could be asked for verification of the adopted person's or birth relative's identity and confirmation that the overseas counsellor has had sight of the original documents.

Sharing third party information about children adopted abroad

9. It is unlikely that, at the time the adoption took place, birth family members overseas would have given permission for third party information to be disclosed at a later date. At the time the child was relinquished for adoption abroad, the birth parents may not have been told to which country the child would be sent, or have any understanding of the adoption legislation operating in England with regard to access to information. In many cases it would be unlikely that birth family members and third parties abroad could be traced decades later for their permission to disclose information.

10. It is essential, therefore, that each case is determined on its merits and that the decision-making process is transparent and accurately recorded.

Appendices

- Appendix 1** Useful postal and web addresses.
- Appendix 2** Suggested reading.
- Appendix 3** Three flowcharts detailing the range of processes for intermediary services.
- Appendix 4** Suggested agency letter to adoptive parents on contact and vetoes.
- Appendix 5** Suggested agency leaflet on contact and vetoes.
- Appendix 6** A checklist and pro-forma for interview with adopted person who also wants an intermediary service.
- Appendix 6a** Risk assessment grid for interviews.
- Appendix 7** Form to sign on receipt of records.
- Appendix 8** List of resources for tracing.
- Appendix 9** Checklist of issues to be covered in the interview with adopted person registering a veto – and form to register either absolute or qualified veto.
- Appendix 10** Suggested letter from IA to AAA requesting views re application by adopted person for intermediary services.
- Appendix 11** Suggested letter from IA to AAA requesting access to adoption records and views re application by an adopted person for intermediary services.
- Appendix 12** Suggested letter from AAA to IA following first request for views, where AAA is unsure of the status of the intermediary agency.

- Appendix 13** Suggested letter from AAA to IA in response to request for information from file where AAA is content with the status of the IA.
- Appendix 14** Suggested consent form for adopted person and birth records counsellor.
- Appendix 15** Suggested undertaking to be signed by birth records counsellor.
- Appendix 16** Suggested letter from AAA to birth records counsellor to confirm that adoption file has been located, enclosing summary or file.
- Appendix 17** Suggested letter from AAA to registered IA in response to request for information from files and views re appropriateness of an application for intermediary services by an adopted person.
- Appendix 18** Suggested letter from IA to AAA requesting views re application by a birth relative for intermediary services to make contact with the adopted person.
- Appendix 19** Suggested letter from AAA to IA in response to request for information from files and views re application by birth relative.
- Appendix 20** Suggested letter from AAA to IA following receipt of report re work with birth relative seeking to establish contact with adopted person.
- Appendix 21** Suggested letter from Adoption / Intermediary Agency to a birth parent in seeking to establish his/her current whereabouts on behalf of the adopted person.
- Appendix 22** Suggested reminder letter from Adoption Agency/Intermediary Agency to a birth parent in seeking to establish current whereabouts.
- Appendix 23** 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.
- Appendix 24** Suggested letter from Adoption / Intermediary Agency to adoptive parent where birth relative has applied for intermediary services.
- Appendix 25** Suggested letter from AAA/IA to an adoptive parent enclosing letter for adopted person where positive response has been received.
- Appendix 26** Suggested letter from AAA to adopted person via adoptive parent or direct where adoptive parent has provided current address of the adopted person.
- Appendix 27** Suggested letter to unregistered ASA believed to be providing intermediary services in breach of the regulations.
- Appendix 28** Format for interviewing birth relative.
- Appendix 29** Example of an agreement when using other agency or person to search on behalf of the intermediary agency.
- Appendix 30** Post-commencement – Life Story Books.

Appendix 1

Useful postal and web addresses

Adoption UK

46 The Green
South Bar Street
Banbury
OX16 9AB

Tel: 01295 752240
Helpline: 0844 848 7900
Email: helpdesk@adoptionuk.org.uk
admin@adoptionuk.org.uk
Website: www.adoptionuk.com

Adults Affected by Adoption – NORCAP

112 Church Road
Wheatley
Oxfordshire
OX33 1LU

Tel: 01865 875000
Email: enquiries@norcap.org
Website: www.norcap.org.uk

After Adoption

Canterbury House
12 -14 Chapel Street
Manchester
M3 7NH

Tel: 0161 839 4932
Helpline: 0800 0 568 578
Email: information@afteradoption.org.uk
Website: www.afteradoption.org.uk

Birthlink

21 Castle Street
Edinburgh EH2 3DN

Tel: 0131 225 6441
Email: mail@birthlink.org.uk
Website: www.birthlink.org.uk

British Association for Adoption and Fostering

Saffron House
6-10 Kirby Street
London EC1N 8TS

Tel: 020 7421 2600
Email: mail@baaf.org.uk
Website: www.baaf.org.uk

General Register Office (England and Wales)

Adoptions Section
Room C202
Trafalgar Road
Southport PR8 2HH

Tel: 0151 471 4830
Email: adoptions@ons.gsi.gov.uk
Website: www.gro.gov.uk/gro/content/adoptions

General Register for Scotland

New Register House
3 West Register Street
Edinburgh EH1 3YT

Tel: 0131 334 0380
Website: www.gro-scotland.gov.uk

General Register Office (Northern Ireland)

Oxford House
49-55 Chichester Street
Belfast BT1 4HL

Tel: 028 9025 0000
Email: gro.nisra@dfpni.gov.uk
Website: www.groni.gov.uk

Intercountry Adoption Centre

64-66 High Street
Barnet
Hertfordshire EN5 5SJ

Tel: 020 8449 2562
Advice Line: 0870 516 8742
Email: info@icacentre.org.uk
Website: www.icacentre.org.uk

The National Archives

Kew
Richmond
Surrey TW9 4DU

Tel: 020 8876 3444
Website: www.nationalarchives.gov.uk

Natural Parents Network

41 The Lindens
Friern Park
North Finchley
London N12 9DL

Tel: 0845 4565031
Email: administrator@n-p-n.co.uk
Website: www.n-p-n.co.uk

Post Adoption Centre

5 Torriano Mews
Torriano Avenue
London NW5 2RZ

Tel: 020 7284 0555
Advice Line: 0870 777 2167
Email: advice@postadoptioncentre.org.uk
Website: www.postadoptioncentre.org.uk

Websites:

Adoption Search and Reunion

Website: www.adoptionsearchreunion.org.uk

The Adoption Contact Register

Website: www.gro.gov.uk/gro/content/adoptions/adoptioncontactregister/

Post Adoption Online

Website: www.postadoptiononline.com

Transnational and Transracial Adoption Group

Email: enquiries@ttag.org.uk
Website: www.ttag.org.uk

Appendix 2

Suggested reading

Bouchier, P, Lambert, L and Triseliotis, J (1991)
Parting with a Child for Adoption
 BAAF. ISBN 0903534991

Brodzinsky, D, Schechter, M and Henig, R (1992)
Being Adopted: The Lifelong Search for Self
 Anchor Books. ISBN 0385414269
Looks at identity issues for adopted people from childhood to adulthood.

Burns, E (2003)
Adoption and Loss: the hidden grief
 Clover Publications. ISBN 0646435329

Burns, E (2004)
Adoption and Recovery: solving the mystery
 Clover Publications. ISBN 064633709

Charlton, L, Crank, M, Kansara, K and Oliver, C (1998)
Still Screaming: Birth parents Compulsorily Separated from their Children
 After Adoption, Manchester. ISBN 0953257401
This book provides revealing and hard-hitting accounts of what birth parents themselves think when their children are adopted against their wishes.

Clapton, G (2003)
Birth Fathers and their Adoption Experiences
 Jessica Kingsley Publishers. ISBN 1843100126
Interviews with birth fathers in the UK.

Clapton, G (2003)
Relatively Unknwon: A Year in the Life of the Adoption Contact Register for Scotland
 Scotland Family Care. ISBN 0950811769
This is a collection of over sixty first-hand accounts from those who have used the Register. Useful for everyone affected by adoption and by all those who work with them.

Coleman, K and Jenkins E (1998)

Elephants Never Forget: Reunions between Birth Parents and Adoptees

Signature Publications. ISBN 1902138066

This book addresses the processes, problems, sorrows and joys of reunions between birth parents and adopted people.

Douglas, A and Philpot, T (2002)

Adoption: Changing Families, Changing Times.

Routledge. ISBN 0415256852

Book of contributions from all those with an interest in adoption: adopted people; birth parents and adoptive parents; practitioners and managers in the statutory and voluntary sectors; academics and policy makers.

Feast, J and Philpot, T (2003)

Searching Questions: Identity Origins and Adoption

BAAF. ISBN 1903699479

Book and accompanying video of 10 people speaking about adoption and search and reunion.

Feast, J, Marwood, M, Seabrook, S and Webb, E (2002)

Preparing for Reunion: Experiences from the Adoption Circle (3rd edition)

The Children's Society. ISBN 1899783091

Advice on the reunion process, including personal stories.

Harris, P (2006)

In Search of Belonging: Reflections of Transracially Adopted People

BAAF. ISBN 1903699770

A substantial anthology giving voice to the experience of transracial adoption in the UK through poetry, art, autobiography, memoir and oral testimony from over 50 adoptees.

Howe, D and Feast, J (2004)

Adoption Search and Reunion: The Long-term Experience of Adopted Adults

BAAF. ISBN 189978330X

This book is based upon a large research study on searchers and non-searchers together with short-term and long-term outcomes. Most of the 472 adopted adults had been adopted prior to 1975.

Howe, D, Sawbridge, P and Hinings, D (1998)

Half a Million Women (new edition)

Penguin. ISBN 0952919702

An account of the experience of birth mothers.

Mullender, A, Kearns, S (1997)

I'm Here Waiting: birth relatives' views on part II of the Adoption Contact Register for England and Wales

BAAF. ISBN 18738684103

NORCAP (1998)

Searching for Family Connections

NORCAP. ISBN 0950990159

Perl, L and Markham, S (1999)

'Why Wasn't I Told?' Making Sense of the Late Discovery of Adoption

Post-Adoption Resource Centre, New South Wales. ISBN 0957714505

A report co-written by an adopted person and adoption professional

Powell, S and Warren, J

The Easy Way Out?

Minerva Press. ISBN 1861060580

Thomas, C and Beckford, V with Lowe, N and Murch, M (1999)

Adopted Children Speaking

BAAF. ISBN 1873868782

This book is full of testimonies offering revealing insights into what children and young people think about adoption. Themes covered include the beginnings of the process; matching and introductions; the court; life story work; contact; and adoptive home and school.

Treacher, A and Katz, I (eds) (2000)
The Dynamics of Adoption: social and personal perspectives
Jessica Kingley Publishers. ISBN 1853027820

Trinder, L, Feast, J and Howe, D (2004)
The Adoption Reunion Handbook
Wiley. ISBN 0470094222

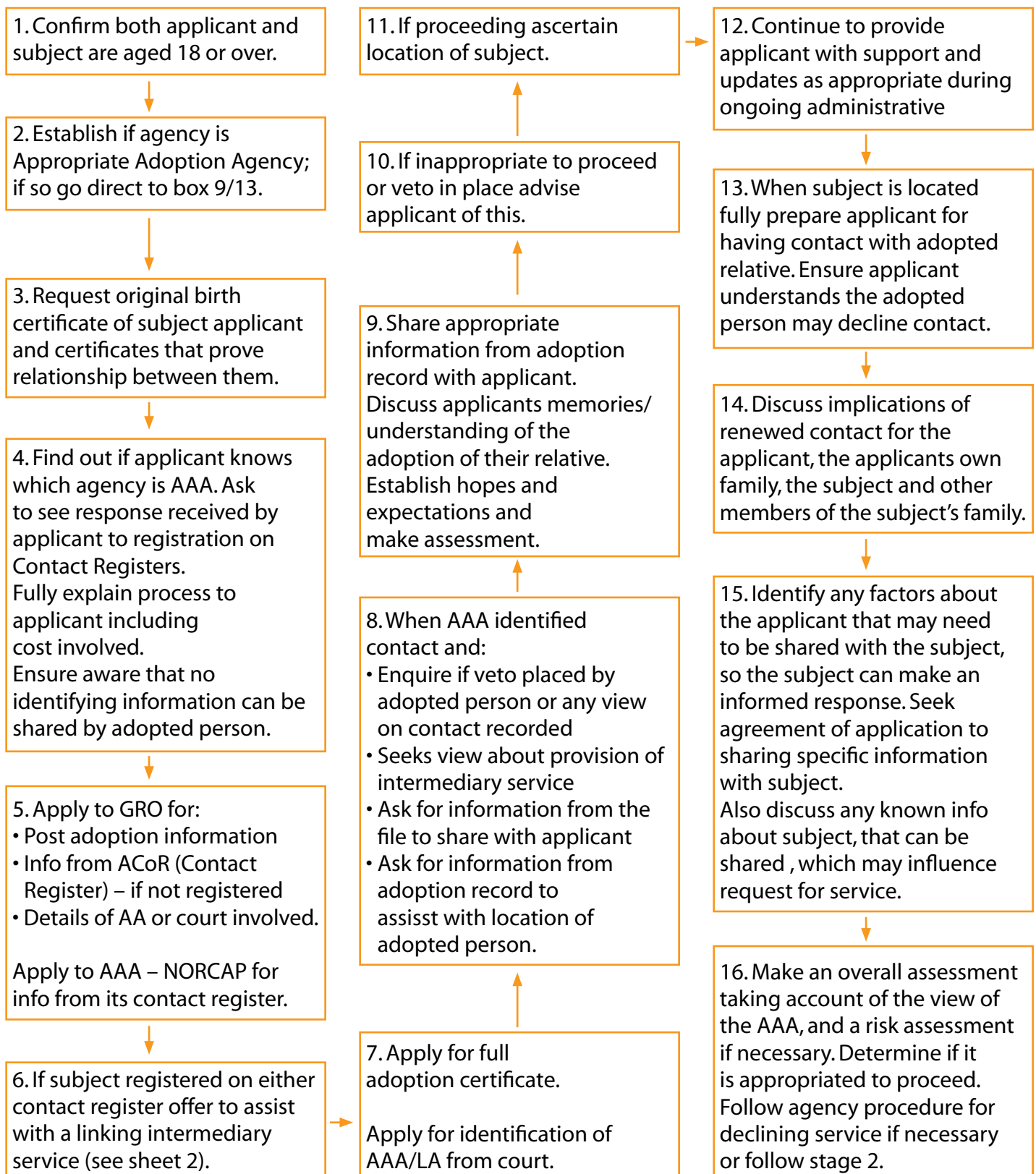
Triseliotis, J, Feast, J and Kyle, F (2005)
The Adoption Triangle Revisited: A Study of Adoption, Search and Reunion Experience.
BAAF. ISBN 1903699711
For all those with an interest in adoption and the search and reunion experience.

Verrier, N (1991)
The Primal Wound: Understanding the Adopted Child.
London: Gateway. ISBN 0963648004
A book about the birth mother-child connection.

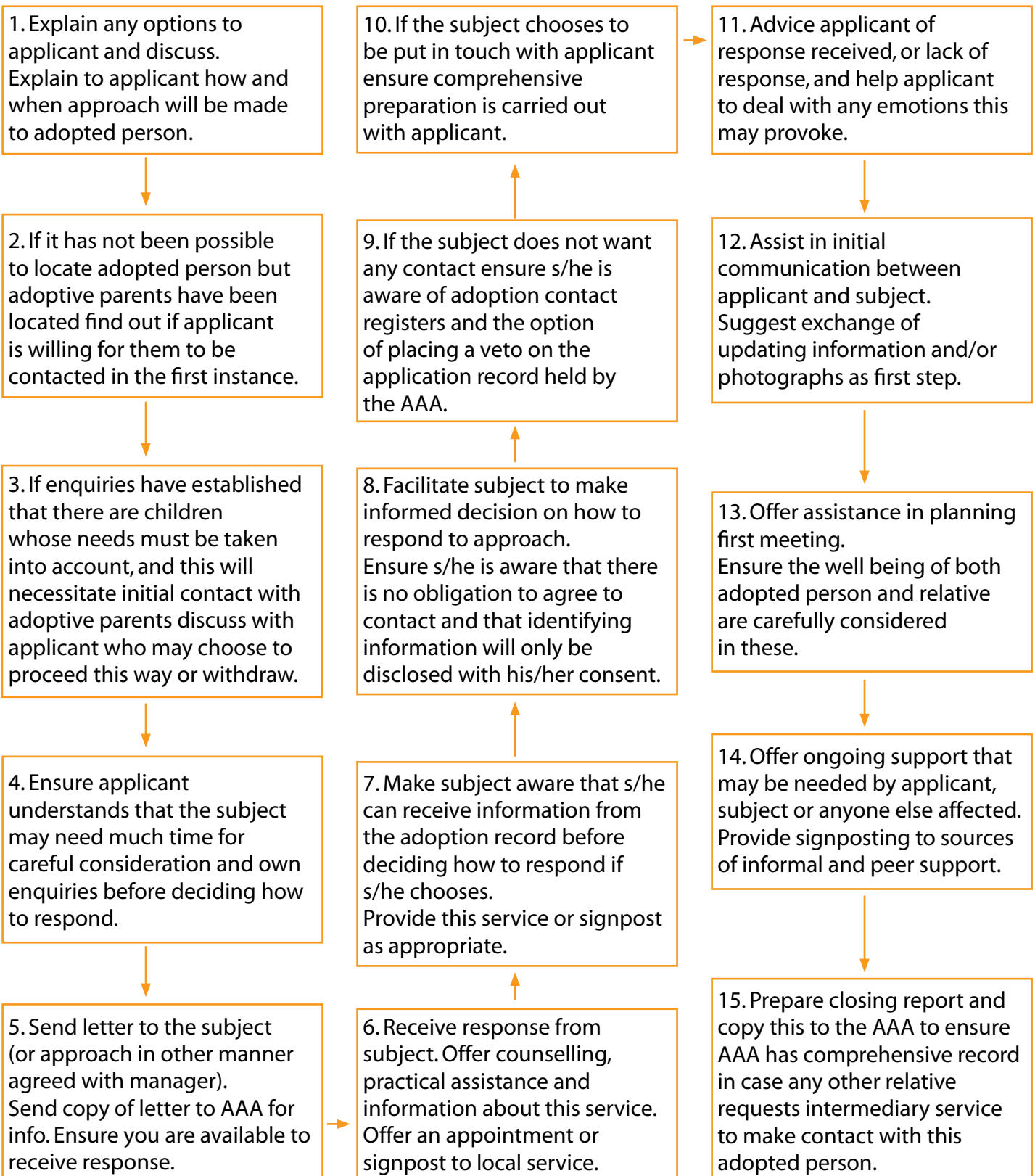
A reading list of personal accounts of the experience of adoption can be found on the Adoption, Search and Reunion website:
www.adoptionsearchreunion.org.uk

Appendix 3

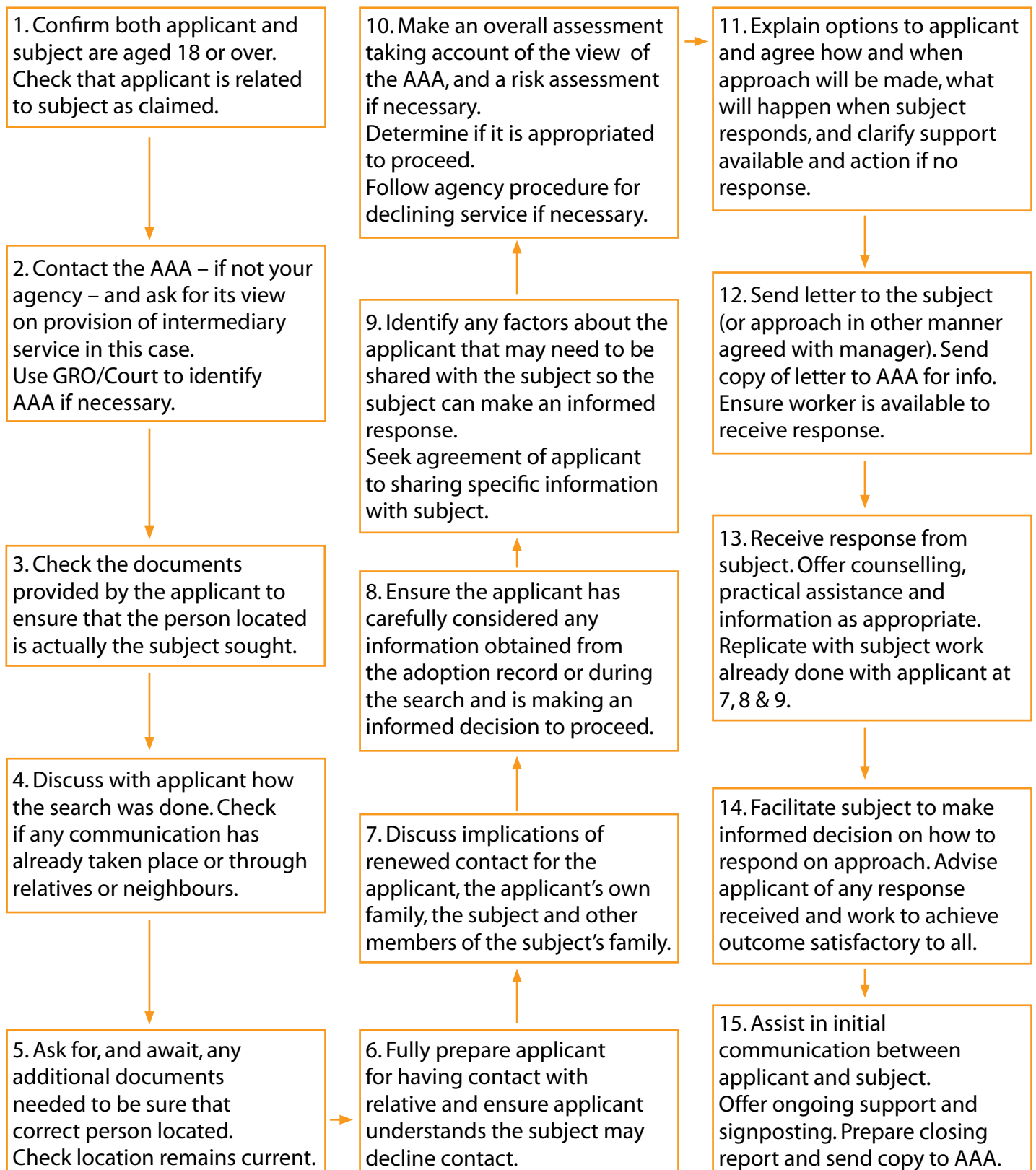
Request from Birth Relative seeking contact with adopted adult stage 1



Birth Relative initiated contact - Intermediary work stage 2



Intermediary work when applicant has located the subject (usually adopted person has located birth relative)



Appendix 4

**Suggested agency letter to
adoptive parents on contact
and vetoes**

Dear

I am writing to all those adoptive parents of children currently aged between 16 and 18 years old, where **[name of agency]** was the agency involved in arranging their adoption. Your family has been identified as part of this group.

You may be aware already of changes to adoption legislation brought in by the Government on 30 December 2005. One of the significant changes was for the provision of intermediary services for birth relatives to assist them in making contact with their adopted relative, once the adopted adult is aged 18 years or over, to ascertain whether they would welcome contact from them. (Intermediary services can be provided by local Authorities, voluntary adoption agencies, or adoption support agencies).

I am enclosing a leaflet, which explains what the new legislation is and how it may affect adopted adults. You may wish to share this with your son/daughter/**[or name of child if known]** so that the options available to him/ her can be thought through beforehand. Many adopted adults are pleased to know that a birth relative wishes to have contact, and some respond immediately to this. For others they may be pleased to know their birth relative is thinking of them, but the timing of the approach may raise problems eg if they are about to go to University, embark on a gap year, or are getting married and so forth. Some feel that they do not have much choice and have to respond because otherwise they would be rejecting their birth relative, and this would be very hard to do. Adopted adults will feel differently at different times of their lives. Therefore provision has been made in the legislation so that adopted adults can retain control over the timing of contact if, they wish to exercise this, by using a veto. The leaflet gives full details about what a veto is, and how it can be used. Briefly, a veto can place a complete stop on contact from a birth relative, or a stop until a particular time specified by the adopted adult.

There are various websites giving further information, which you may find helpful – **www.adoptionsearchreunion.org.uk** for example.

I am aware that the new legislation may cause some anxiety or raise particular issues for adopted youngsters and their parents, and I would be willing to discuss these and any queries you may have. I am usually available between **[insert time and days]** and would be very pleased to hear from you.

Yours sincerely

Appendix 5

Suggested agency leaflet on contact and vetoes

Contact with your birth family

What to do if you want it

What to do if you don't

What to do if you're not sure what you want

A leaflet for adopted adults and young people who were adopted through **(name of Agency)**

Services for adopted adults who wish to make contact with 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. If 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 ourselves, 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, once you are 18, 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 them.

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.

Great! I'd really like to hear from my birth family...

You may think it's really good 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.

Oh no! I really 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:

1. An **Absolute Veto**. This says that in no circumstances do you wish to be approached by an Intermediary Agency.
2. 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.

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 forbids that 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.

How to register a veto

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 (see below).

I'm not sure what I want...

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]. In fact we would welcome hearing from you if you would like to talk over anything to do with your adoption.

For more information see:

[insert Agency website details]

www.adoptionsearchreunion.org.uk

www.gro.gov.uk/gro/content/adoptions/adoptioncontactregister

Appendix 6

Pro-forma headings for recording interview with adopted adult: Pre-commencement adoptions: Access to birth records

Please refer to the agency's policy and procedures covering this area of work.

This pro-forma may be used when interviewing adopted people who are seeking access to birth records. It is important, however, to have in mind the issues covered in the section 98 Adopted Adult pro-forma (Intermediary Service), and to include these here if covered in your Access to Birth Records interview if the adopted person has indicated they wish to search for birth relatives and access an intermediary service.

Date:

Of Interview and type of interview, for example, adopted adult seeking access to birth records information.

Name and date of birth of adopted person:

Also add birth name if known and adoptive name if adopted person has changed their name through marriage or other circumstances.

Confirmation of identity:

Details of identifying documentation seen – 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 locate and seek reunion with birth family members?

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 and attitude of partner/adoptive family to access to records. Be mindful of issues of vulnerability and risk, and explore where appropriate and necessary.

Adoption experience:

When was the applicant told he/she was adopted? How they feel about being adopted? How open are they about it? Was adoption talked about in the adoptive family? How much they have known about the reason for the adoption and what other information do they have? Is their adoptive family aware of the application for birth records counseling?

Sharing information from the adoption record and their reaction:

What information was shared? Was it as much or as little as expected? What was their initial reaction to receiving information?

Information withheld:

Provide details of any information that was not shared from the adoption records, and the reasons for withholding this.

Expectations:

(Include this here if covered in interview) What are their hopes and fears of making/not making contact with birth family? Include advising re: emotional implications and impact, life-style differences, sexual orientation, transsexuality, 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 adult or birth relative (if possible), and a decision made in liaison with line manager and recorded 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
- Inform adopted adult of intermediary service under section 98 of the Adoption and Children Act 2002, which gives birth relatives and adopted people 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 file record.
- Information about the GRO Adoption Contact Register and NORCAP's contact register – they can specify a wish for contact or no contact on the Adoption Contact Register.
- Their right to register a qualified or absolute veto and the procedure for this, and that it has to be registered with the AAA.
- Details of Adopted Adults groups in local area if appropriate. Offer support and give information about Intermediary Services. Give reading list if appropriate.
- Emphasise that they will need time to absorb the information received from their adoption record, and may seek advice or counseling at any time in the future.

Receipt of Records:

It is important to ask the adopted adult to sign a form to confirm they have received information from the adoption record that should be kept confidential. A copy should be given to adopted person and copy also retained on the file.

Evaluation Form:

Explain the importance of obtaining feedback about the services the agency provides and note on file that an evaluation form has been given.

Signature:

Status:

Date:

Supervisor/Manager:

Date:

Appendix 6a

Risk assessment grid

It is the responsibility of all those providing a service to parties involved in an adoption information sharing or intermediary process to consider the welfare of all parties involved. These services can be undertaken by adoption agencies and adoption support agencies, and frequently the provider in direct contact with the service user will not be the record holding AAA. This liaison requires both co-operation and professional respect in order that service users receive a high level of service which is both fair and safe.

It will be necessary for those acting on behalf of the applicant to hear their story, ascertain their expectations and their understanding of the implications. Attention should be given to their support systems. The adoption worker will also obtain a view on this individual's present functioning.

When approached, the agency will be able to consider the past circumstances that led to the adoption. The agency may also have information about the subject post adoption.

While in many cases this may not be new information to the adoption worker, in some cases the version they have of past events may be very different and may require additional meetings with the user. Where concern is identified the workers will need to undertake a risk analysis and it may be that the grid overleaf will be of assistance in giving weight to both concerns and mitigating factors.

The intermediary agency approached by the applicant is the one that has to determine whether or not it is appropriate to proceed. If it concludes it is inappropriate to do so it must advise the applicant of this and provide reasons for reaching that decision. It should also point out to the applicant that another intermediary agency may reach a different conclusion and confirm that the applicant is entitled to request service from another agency. The AAA should be copied into all these communications. In some circumstances, and with the consent of the service user, the intermediary agency may recommend that the AAA is asked to provide the actual intermediary service with the agency selected by the service user continuing to provide additional support.

Appendix 7

Form to sign on receipt of adoption records

NB: Before printing out this form for each individual case, delete those sections which do not apply AND delete all instructions to workers, including this one. Number each document and where possible, give its date.

Name of Agency**Name of adopted person**

Receipt of Records: One copy to be given to Adopted Person
 One copy to be kept on Adopted Person's file

I have received the following copies from the *(name of AAA/ASA)*:

Summary of Case Records/Recordings	
Application for Care/Adoption of Child	
Medical Reports/Cards	
Background Information	
Birth/Baptismal Certificate	
Visiting Officers' Reports	
School Reports	
Forms from the court	
Letters	
Photographs	
Other	
TOTAL	

Please Note

It is important to try to check out and confirm information given in the adoption records wherever possible, as there have been incidents of factual errors, for example in ages and dates of birth, spellings of names, which can be critical when tracing.

It is not always clear who has provided the information given in the records. It is important to be aware of this as different people may describe and interpret situations differently according to their own perspectives.

I understand and accept responsibility for the future safekeeping of the documents I have received. I agree and undertake to keep the documents and their contents confidential, and not to publish or disclose them to any third party without the consent of the *[(name of AAA/ASA)]*

Signed:**Date:****Address:****Adoption worker:****Signed:****Date:**

Appendix 8

Tracing checklist

Method	Date	Outcome
Adoption contact Register		
ONS/NHS Adoption <i>Will do a trace on a birth family member and will confirm if individual is registered with GP or is deceased. Cannot advise if a person has changed their name, ie through marriage.</i>		
Info Disk		
Researcher		
Electoral Roll (Ireland)		
Telephone Books		
Church records		
Agency mailing List		
Sibling Files		
Professional Bodies		
Embassy		
International Social Services		
Probate/Wills		
Local Authority Archivist		
Other Adoption Agencies		
Health Boards (Ireland)		
Schools		
Divorce Register		
London Metropolitan Archives (LMA)		
On Line Services:		
Examples: www.findmypast.com births, marriages & deaths etc for England and Wales www.adoptionsearchreunion.org.uk		
www.192.com Names & Addresses for England, Wales and N. Ireland & some telephone numbers online (based on electoral roll + phone directory)		
On Line phone directories		
http://www.thephonebook.bt.com		

Appendix 9

Registering a veto (Absolute or Qualified)

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 their file.
- 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 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. They should also be advised of the Contact Registers administered by AAA NORCAP.
- 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.

Current Name	
Address	
Telephone number	
Email	
Date of Birth	
Birth name	
Adoptive name	
Date of adoption order	

• 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 by any of my birth relatives named above once ***[insert reason]***

In the event of an approach from a birth relative, 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 a birth relative, 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:

Date:

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/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 /aunt /uncle/ cousin. 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

Registration of an absolute veto

- Adoption and Children Act 2002
- The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005. Regulation 8.

Current Name	
Address	
Telephone number	
Email	
Date of Birth	
Birth name	
Adoptive name	
Date of adoption order	

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:

Date:

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 on computer.

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.

Appendix 10

Suggested letter from Intermediary agency to the Appropriate Adoption Agency requesting views re: application by an 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:

.....
Name of adopted person

.....
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 make contact with his/her **state relationship**.

From information supplied by **[name/Registrar General/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 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.

I look forward to receiving your response.

Yours sincerely

Manager/Intermediary agency worker

Appendix 11

Suggested letter from Intermediary agency to the Appropriate Adoption Agency requesting access to adoption records and views re: application by an adopted person for intermediary services

Dear

ASSA or named manager of AAA

Request for summary of adoption file and views of the Appropriate Adoption Agency re: an application for birth records counselling and intermediary services under regulation 12 of the Adoption Information and Intermediary Services Regulations 2005 by:

.....
Name of adopted person

.....
date of birth

This agency has received an application to provide him/her with birth record counselling. 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/Registrar General/name of court** it appears your agency is the appropriate adoption agency in this case.

For your information I enclose a copy of this agency's registration with the registration authority (Ofsted) under Part 2 of the Care Standards Act 2000, which sets out the conditions of registration.

It would be helpful if your agency would provide a summary of his/her adoption file, indicating which information can be given to the applicant and which information is confidential and provided solely to assist this agency in offering an intermediary service.

Should your agency be willing to send me a copy of the adoption file, I will forward a draft copy of the summary for your approval before sharing the information with **birth name of adopted person** .

In addition, 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 **birth name of adopted person** should be made aware, in seeking to establish contact with his/her **state relationship** .
5. The views of your agency with regard 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.

I look forward to receiving your response.

Yours sincerely,

Manager/Intermediary Agency worker

Appendix 12

Suggested letter from Appropriate Adoption Agency to Intermediary agency following first request for views, where AAA is unsure of the status of the intermediary agency

Dear
named manager of IA

**Request for evidence of your agency's registration by the Ofsted
(Part 2 of the Care Standards Act 2000)**

Thank you for your letter dated in which you state that **birth name of adopted person and date of birth** has requested an intermediary service from your agency under section 98 of the Adoption and Children Act 2002.

I am able to confirm that this agency is the appropriate adoption agency in this case. However, before I am able to provide you with any further information, I should be grateful if you would supply me with evidence that your agency is registered with the Office for Standards in Education, Children's Services and Skills, setting out the conditions applicable to your registration. Also, please enclose a copy of your policy and procedures re: the provision of intermediary services.

When I receive this information I shall be pleased to assist you.

Yours sincerely,

Adoption Manager/Post Adoption Manager AAA

Appendix 13

Suggested letter from the Appropriate Adoption Agency to Intermediary agency in response to a request for information from Adoption file where AAA is content with the status of the Intermediary Agency

Appendix 14

CONSENT TO DISCLOSURE OF ADOPTION RECORD

Section 1 - To be completed by the person to whom the records relate

I hereby consent to information from my adoption file being passed to my adoption counsellor

Signed Date

Name

Address

.....

..... Postcode

Tel no:

Section 2 - To be completed by the adoption counsellor

I hereby confirm that I am the adoption counsellor in this case

Signed Date

Name

Position

Address

.....

..... Postcode

Tel no:

Please return completed form to:

Name and address of adoption agency holding adoption records

Appendix 15

Undertaking to be signed by the birth records counsellor in relation to the adoption records of:

..... DOB:
birth name of adopted person

I,, of
Name of birth records counsellor Name of agency providing counselling

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 birth records counselling work, 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 16

Suggested letter from the Appropriate Adoption Agency to the Birth Records Counsellor to confirm that the adoption file has been located and a summary will be provided or the adoption file is enclosed

Appendix 17

Suggested letter from the Appropriate Adoption Agency to the Intermediary agency in response to request for information from files 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 file 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 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 file 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 file.
- No veto has been placed on the file with regard to any relative
- **[Birth name of adopted person]** came forward in [state 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 file with regard to a wish for no contact from any birth relative.
- **[State relationship of birth relative and name]** came forward in [state month and year] seeking to place a 'no contact' request with regard to [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 [state month and year] seeking information about the circumstances of his/her adoption. This task was completed on [state 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 [state relationship of birth relative and name by which he/she was known] in [state 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 making a decision 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 file 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 18

Suggested letter from Intermediary agency to the Appropriate Adoption Agency requesting views re application by a birth relative for intermediary services to enable them to make contact with an 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 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 (Pre-Commencement Adoptions) Regulations 2005.
7. Whether you levy a charge to provide this information.
8. Whether your agency would consider contributing towards the cost of intermediary services.

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 19

Suggested letter from the Appropriate Adoption Agency to the Intermediary Agency in response to request for information from files/records and views of AAA re: appropriateness of application by birth relative, where AAA has verified the registration of the adoption agency or ASA to provide intermediary services

Dear
IA Manager or named intermediary agency worker

Request for information from adoption file – application for intermediary services under section 98 of the Adoption and Children Act 2002 by [state name of birth relative and relationship], to enable him/her to establish contact with birth name of adopted person.

Thank you for your letter dated I confirm that this agency is the appropriate adoption agency in this case and that we hold the relevant adoption file(s).

I regret to advise you that an absolute veto has been placed on the adoption file 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 your client wishes to write a letter or provide some information for **[birth name of adopted person]** I shall be pleased to place it on the adoption file. 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 file which is likely to affect the current application for intermediary services (give relevant details).

OR

No veto has been placed on the adoption file by **[birth name of adopted person]**.

In order 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.

Please send me a report about your work with **[name of birth relative]** to assist me in comparing the birth relative's recollections of events with how they were recorded on the file at the time. It will also be helpful to have up-to-date information about the **[name of birth relative]** to place on the adoption file, should **[the birth name of the adopted person]** subsequently come forward to seek information about their birth family and adoption.

We know of no reason why the application for intermediary services should not proceed.

OR

When I have received your report, I will be in a better position to provide you with the views of this adoption agency about the appropriateness of the application for intermediary services, in accordance with regulation 12 of the ISR 2005. Depending on the outcome of your work with **[name of birth relative]**, I may be in a position to provide you with the identifying information as requested to enable you to make contact with **[state birth name of adopted person]**

This agency does/does not currently charge for the provision of this information. However **[we are/are not]** in a position to contribute to the cost of provision of intermediary services to **[name of birth relative]**.

I look forward to receiving your report in due course.

Yours sincerely,

Manager AAA/ Post Adoption worker

Appendix 20

Letter from the Appropriate Adoption Agency to the Intermediary agency following receipt of report re: work with birth relative who is seeking to establish contact with the adopted person

Dear
 Manager or named intermediary agency worker

Request for views of Appropriate Adoption Agency following receipt of application for intermediary services under section 98 of the Adoption and Children Act 2002

Thank you for your letter dated
 and the report of your work with **[name of birth relative and relationship]** who is seeking to establish contact with **birth name of adopted person**.

[Outline any observations on the comparison between the report and the information recorded on the adoption file.]

Although this agency is the Appropriate Adoption Agency, from the file we hold related to this case, it is clear that **[name of other Local Authority]** were also involved in this case as they were the Local Authority notified of the intention to apply for an Adoption Order. I would therefore advise you to contact them to see if they have any additional information before any decisions are made regarding whether and how to proceed with the application for intermediary services.

After reading your report and the file information we hold, and assuming **[name of the other Local Authority]** has no additional information, I can confirm that **[name of appropriate adoption agency]** knows of no reason why the application for an intermediary service should not proceed.

I hope the following information about name of **[adopted adult]** will be helpful in tracing him/her to ascertain whether he/she wishes to have contact with **[name of his/her birth relative and relationship]**:

[Birth name of adopted adult] was born on **[d.o.b.]** at **[address]**. His/her birth mother's name was **[name of birth mother as recorded on file]** of **[address]**. This was **[her home address/the address of her mother/friend]**. **[Birth name of adopted adult]** was placed with the prospective adopters, **[full name of adoptive father]** and **[full name of adoptive mother on date of placement]**.

They lived at **[address of adopters. Name of adoptive father]** was **[X]** years old, and **[name of adoptive mother]** was **[X]** years old. They married at **[name of register office/church and date of marriage]**, OR **[but the date of the marriage was not recorded]**. The adoption order was granted on **[date]** at the **[name of Court]**. **[Birth name of adopted adult]**'s name was I understand changed to **[adoptive first name of adopted adult]**.

As far as I can tell, **[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]** when the family were living at **[address]**.

There is no indication on the file that **[adopted adult]** has ever sought access to **[his/her]** records.

No veto has been placed by him/her on the adoption file we hold.

Please note that none of the above identifying information regarding name of adopted adult should be shared with any member of the birth family without the express permission of name of adopted adult, in accordance with regulation 7(1) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005.

If you have any questions about the contents of this letter, please do not hesitate to contact me. When you have completed your work in this case, I should be grateful if you would send me a summary for the relevant adoption file.

Yours sincerely,

Manager/ Post Adoption Worker AAA

Appendix 21

**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 apologise for any distress this letter may cause, but would be most grateful if you would contact me either by letter or by telephone. If you prefer to telephone I am usually in the office **[give details]** and can be contacted on **[give details]**.

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

Manager

Appendix 22

Suggested reminder letter from the Adoption/Intermediary Agency to a birth parent in seeking to establish his/her current whereabouts, to be sent by recorded delivery

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 **[date]** but as I did not receive a response I am not sure whether the letter reached you. [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 apologise for any distress this letter may cause, but would be most grateful if you would contact me either by letter or by telephone. If you prefer to telephone I am usually in the office **[give details]** and can be contacted on **[give details]**. Alternatively my email address is:

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. 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 looking for I would appreciate it if you would be kind enough to let me know. I enclose a stamped address envelope for your convenience.

Yours sincerely

Manager

Appendix 23

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 telephone me.

I am usually available in the office **[give details]**. 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, alternatively my email address is:

I look forward to hearing from you.

Yours sincerely

Manager

Appendix 24

Suggested letter from the Adoption/Intermediary agency to an adoptive parent where the agency has received an application for intermediary services from a birth relative of the adopted person

Dear

Name of adoptive parent

It is probably some time since this agency has been in touch with you. I am writing to you at this time to ask for your help in contacting **[name of adopted person]** because we have recently received an enquiry from a birth relative which I would like to discuss with you.

In case you are not aware, the adoption laws changed on 30 December 2005, giving birth relatives the right to apply for an intermediary service to enable the adopted person to be informed of their enquiry. This allows an adopted person to make their own decision about whether they wish to receive **[further]** information about the birth relative.

I should like to contact [adopted person's name] to ask if he/she would like information about the enquiry to be passed to him/her. I should be most grateful for any help you are able to give in putting me in touch with **[name of adopted person]**. I am usually available in the office **[give details]**. If it is not convenient to contact me during these times, please leave me a message, your telephone number and a convenient time for me to contact you.

I appreciate that suddenly hearing of an enquiry from a birth relative may raise anxieties for both you and **[name of adopted person]**. I would wish to be as helpful as possible to you and **[name of adopted person]** in answering any questions raised.

I look forward to hearing from you.

Yours sincerely

Manager/Adoption Agency Worker AAA/Intermediary agency worker

Appendix 25

Suggested letter from the Adoption/Intermediary agency to an adoptive parent enclosing a letter for the adopted person, where the agency has received a positive response from the adoptive parent

Dear
Current name of adopted person

Further to your response to my letter of **[date]** seeking your help in contacting **[current name of adopted person]**, I am enclosing a letter for your **[son/daughter]** for you to pass on to **[him/her]** at an appropriate moment.

This letter does not contain much detail because **[current name of adopted person]** will need to decide whether **[he/she]** wants further information passed to **[him/her]** at this stage.

Thank you for your help in agreeing to pass on this letter to **[name of adopted person]**. You are welcome to talk to me at any time if you feel I can be of any help. Over the next few weeks I am likely to be available in the office **[give details]**.

Yours sincerely

Manager/Agency worker, AAA, or IA worker

Appendix 26

Letter from Appropriate Adoption Agency to adopted person via adoptive parent(s) or direct after address provided by adoptive parent(s)

Dear

Current name and title of adopted person

Your parents kindly agreed to pass on this letter to you **or**

Your parents were kind enough to give me your current address, as we had been unable to locate you using public records. I hope you may be able to help with an enquiry I have received from a member of your birth family.

You may not be aware that adoption law changed from 30 December 2005. Adopted adults and their birth relatives are now able to go through a registered adoption agency or adoption support agency to establish contact between themselves and a birth family member from whom they have been separated by adoption. **[Agency name]** is a registered **[adoption agency/adoption support agency]** assisting adopted people or birth relatives who wish to make contact, by working with all those involved.

Your **[state relationship and first name of relative]** would welcome news of the **[son/daughter/brother/sister/other relative]** who was adopted in **[year]**. **[First name of birth relative]** has given us this information and has requested our help in making this approach to you. **[S/he]** is very much aware of the need to respect your privacy hence asking us to help in this way.

I should be most grateful if you would contact me at the above address or by telephone **[give details]**. I am usually available in the office **[give details]**. If it is not convenient to contact me during these times, please leave me a message, your telephone number and a convenient time for me to contact you. If you would prefer to write to me you are welcome to do so: I enclose a stamped addressed envelope for your convenience.

I appreciate that suddenly hearing of an enquiry from a birth relative can raise anxieties and I would wish to be as helpful as possible to you in answering any questions raised.

I look forward to hearing from you.

Yours sincerely

Manager/Agency worker, AAA

Appendix 27

**Suggested letter from the
Appropriate Adoption Agency
to an unregistered intermediary
agency believed to be providing
intermediary services outside
the regulations**

Dear

Manager intermediary agency

ADOPTION INTERMEDIARY SERVICE – UNREGISTERED ADOPTION SUPPORT AGENCY

It has come to my attention that you appear to be offering intermediary services, which are adoption support services by virtue of section 8 of the Adoption and Children Act 2002. These services are prescribed in regulation 3(1)(c) of the Adoption Support Services (England) Regulations 2005 and the Adoption Agencies (Miscellaneous Amendments) Regulations 2005. The services to which I refer are assisting adopted persons aged 18 or over and facilitating contact between such a person and their birth relatives.

Intermediary services may only be provided by a local authority, or an adoption agency or adoption support agency which is registered, in England, with the Chief Inspector of Education, Children's Services and Skills. The information I have suggests that you are not a registered agency and that you may be providing such services.

If you are carrying out intermediary services and are not registered, this is an extremely serious matter and which carries penalties on conviction. Section 11(5) of the Care Standards Act 2000 sets out the penalties incurred upon conviction.

I will be submitting the information I hold on your activities to Ofsted.

Yours sincerely

Adoption Agency Manager

Appendix 28

Birth Relative Application for Intermediary Service: Pre-Commencement Adoptions (Section 98 of the Adoption and Children Act 2002)

Guidance Notes

In deciding whether it is appropriate to proceed with an application for an Intermediary Service 'the welfare of the applicant, the subject and any other persons who may be identified or otherwise affected by the application' must be considered, and all the other circumstances of the case. 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 (Regulation 6(2) & (3) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005).

Regard must also be given to any views of the AAA (this applies to agencies offering this service, where they are not the AAA), and any information obtained from the Adoption Contact Register (Regulation 6(2)(b) & (c) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005).

Therefore, in view of the Regulations above it will be important to bear in mind throughout the interview that you are making a risk assessment of the person being interviewed and of whether what they wish to do poses any risk to themselves, the adopted adult or anyone else who may be affected by their application. (If you proceed to trace the subject and seek to facilitate contact you may also need to consider similarly interviewing and assessing that person).

Date of Interview:

Name:

State here the name of the birth relative, and their relationship to the adopted person. (Relative, in relation to an adopted person, means any person who (but for his adoption) would be related to him by blood (including half-blood), marriage (Section 98(7) Adoption and Children Act 2002). Proof of relationship will normally have been provided by the birth relative, prior to the interview, but it may be appropriate to list here the documentary evidence confirming this.

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).

Reason for enquiry:

It is essential to explore motivation in detail. Why are they wishing to do this, and why now?

Present circumstances, description, life history and lifestyle:

Pen picture of person and relevant personal details, including family composition, current employment if relevant, stability of current lifestyle. Be mindful of issues of vulnerability and risk, and explore where necessary and appropriate – mental illness, special needs, disability, drug and alcohol misuse, criminal record, history of violence, abusive or threatening behaviour to self or others, literacy etc. Include level of support they have, and seek permission to contact other professionals for example, Community Psychiatric Nurse, GP etc if appropriate. Attitude of other relatives/family members to what the birth relative is seeking to do.

Impact of adoption:

What has been their experience of relinquishment/ removal of child, and the impact this has had on their life subsequently?

What level of insight do they have about how adoption may have affected their adopted relative and his or her adoptive family?

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, to meet, to continue any subsequent relationship?

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?

Response to Intermediary Service conditions:

Has information be given about the time limit, costs, and acceptance of outcome whatever it is? Are they able to afford the full fee for the service? Do they understand that they may be asked to contribute towards any costs incurred in providing counseling for their adopted relative, and what is their view of this? If not, record what agreement the agency has made with the birth relative and include the amount of the fee to be charged.

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).

Reaction to records:

Include this if the birth relative sees anything from the case record held by the agency, for example, any letters that they may have written, or documents that they signed; or if they request to know and are told what they said at the time, or what was said about them. Note if access to records is denied and state the reason for this. It may be useful to verify details recorded on file e.g. name of birth father. If the birth relative's recollection of events is different from those recorded on the file it is important to explore this in detail, particularly where the birth relative denies responsibility or knowledge of reasons for the local authority's intervention in the removal of the child.

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 interview, including the issues discussed and the advice and information that have been given. For example: 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? Has the role and responsibilities of the intermediary been explained

Evaluation form:

Confirmation that this has been given.

Is the birth relative aware of other organisations such as NPN and NORCAP? Give details if not already aware.

Signature:

Status:

Date:

Has the birth relative been given a useful reading list if appropriate; and details of adoption search and reunion website if not already aware of this.

Supervisor/Manager:

Date:

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 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 file. 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.

Appendix 29

Example of an agreement when using another agency or person to search on behalf of the intermediary agency

LOCATION REQUEST FORM

Order 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 order is accepted and the conditions attached to it are understood and will be complied with

Signed

(location agency/individual)

Date:

Appendix 30

**Post Commencement -
Life Story Books**

The following is a list of possible contents. It is not definitive and adoption workers should always use their knowledge of the child and their history to include everything they think will help the child to understand their past. Some things may be too bulky for a book and it may be useful to start a memory box.

It is often difficult to obtain information from birth parents, although they can be supported to share information during the adoption process or at a later stage. A scrapbook should not be used for the completed book; what message does this give a child? It should be a clear sequential story, clarifying who is in any of the photos that are included. It should be appealing and of good quality. It is wise to keep a colour copy on the case record in case of loss or damage. It may be appropriate to consider a smaller photo album containing copies of many of the photos in the life story book so that the child has photographs that can be for 'public consumption' – if they have a friend visiting and want to show them a photo of when they were a baby do they really want to expose their life story? It should be completed in good time so that adopters have the tools they need to help the child placed with them.

- Birth certificate – older children can help to send for these if not available
- Family Tree
- Genogram
- Ecomap
- Handprints, footprints
- Photo & details of hospital where born, cot card, wristband
- Sequential photos and short narrative of the child's history especially baby photos
- Maps – to show where they have lived, may be able to put photos on the map
- Previous carers – photos and memories
- Information from schools, teachers, photos, school reports, certificates
- Friends
- Birthday & Christmas cards & details of gifts
- Favourite food/toys
- Pets
- Photos of social workers involved
- Paintings and drawings they have done
- First teeth
- Baby clothes
- Christening certificate or other certificate record of religious welcome
- Sports certificates, clubs, and organisations

Abbreviations and Glossary

Abbreviations used in this practice guidance:

'AAA' means the appropriate adoption agency.

'AAR' means the Adoption Agencies Regulations 2005.

'AAR 1983' means the Adoption Agencies Regulations 1983 as amended

'Act' means the Adoption and Children Act 2002

'Adoption NMS' means the Adoption: Voluntary Adoption Agencies England and Wales and Local Authorities England National Minimum Standards

'AIR' means the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

'ASA' means an Adoption Support Agency

'ASA NMS' means the Adoption Support Agencies National Minimum Standards

'ASAR' means the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

'ASSA' means an Adoption Support Services Adviser

'ASR' means the Adoption Support Services Regulations 2005

'CPR' means the Child's Permanence Report

'DCSF' means the Department for Children, Schools and Families.

'DPA' means the Data Protection Act 1998

'ISR' means the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005

'ISS' means the International Social Services

'LAR' mean the Local Authorities Service (England Regulations 2003

'VAR' mean the Voluntary Adoption Agencies (Miscellaneous Amendments) Regulations 2003.

Where specific regulation references appear in this guidance as ISR 6, for example, which refers to regulation 6 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005. Brackets indicate paragraphs with a regulation as in ISR 6(1), with this being regulation 6, paragraph 1.

Glossary

Accredited Bodies – Central Authorities may allow certain functions to be performed by accredited bodies, which meet established criteria and standards set out in the Hague Convention.

Adoption agency – A local authority or a voluntary adoption agency.

Adoption Contact Register – Adopted adults or birth relatives wishing to make contact with each other can register on the Adoption Contact Register, a database maintained by the General Register Office.

Appropriate adoption agency – Section 65(1) of the Adoption and Children Act 2002. The agency which placed the child for adoption, or, if different, the agency which keeps information in relation to his adoption. In any other case, the local authority to which notice of intention to adopt was given.

Adoption Society – a voluntary organisation that is an adoption society registered under Part 2 of the Care Standards Act 2000.

Adoption Support Agency – Section 8 of the Adoption and Children Act 2002. An adoption support agency means an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2002 (c.14).

The registration authority means Her Majesty's Chief Inspector of Education, Children's Services and Skills (Ofsted).

Central Authorities – Each Hague Convention State is expected to identify a government or public authority to act as a 'central authority' responsible for implementing this Convention. In England the Central Authority is the DCSF. Before a child can be placed for adoption under the Hague Convention, reports on the child and the prospective adopters are exchanged by the central authorities and a formal agreement to the adoption must be made. This is known as an 'Article 17(c)' agreement.

Birth relative – defined in 98 (7) of the Act: "relative", in relation to an adopted person, means any person who (but for his adoption) would be related to him by blood (including half-blood) or marriage.

Cross border adoption – There are a number of cross border adoption scenarios. The adoption may have been a domestic adoption but subsequently the adoptive parent, the adopted adult or birth family members moved to live in another country. Alternatively, the adoption may have been one where the adopters and child were living in different countries within the British Islands at the time of the adoption. All intercountry adoptions are also cross border adoptions.

Designated List – The UK automatically recognises full adoptions effected in countries on the 'Designated List'. See DCSF Website for more information:

<http://www.dcsf.gov.uk/intercountryadoption/faq.shtml#dlq1>

External adoptions – An adoption, other than a Convention Adoption, of a child effected under the law of any country or territory outside the British Islands (Schedule 4 paragraph 12(3) of the Act).

Hague Convention adoptions – Following the UN Convention on the Rights of the Child in 1989, the Hague Conference began its work to prepare a Convention that would protect children, inviting all Member States and other interested parties to set out a framework for intercountry adoption to take place. This work concluded in May 1993 with the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption (The 'Hague Convention').

The Hague Convention is a framework of minimum standards for regulating intercountry adoption, placing responsibilities on both the State of origin and the receiving State to ensure that effective measures are in place for the protection of the child throughout the adoption process. The Convention also ensures that birth parents and prospective adopters receive the protection to which they are entitled, and puts in place a system of co-operation between countries to prevent the abduction, the sale of, or traffic in children.

Since 1990 over 60 countries have either ratified or acceded to the Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption. A list of these countries can be found online at:

http://hcch.e-vision.nl/index_en.php?act=conventions.status&cid

The UK implemented the Hague Convention with effect from 1 June 2003.

Identifying Information – ISR7(4). Information which, whether taken on its own or together with other information possessed by the applicant, enables the subject to be identified or traced.

Intercountry adoption – The adoption of a child habitually resident in one country, by an adoptive parent habitually resident in another country.

Intermediary Agency – ISR 4(3). A registered adoption support agency or adoption agency that provides an intermediary service in accordance with the regulations.

Intermediary Service – ISR 4(1). An intermediary service is a service provided for the purpose of assisting adopted persons aged 18 or over, who were adopted before 30 December 2005, to obtain information in relation to their adoption, and facilitating contact between such persons and their relatives.

Non-designated countries – Countries which are not on the Designated List. The UK does not accept the effects of adoption orders made in these countries unless the adoption is made under the Hague Convention. In order to obtain formal recognition in this country, it is necessary for the adoptive parents to apply to adopt the child under UK law. See DCSF Website for more information: <http://www.dcsf.gov.uk/intercountryadoption/faq.shtml#dlq1>

Non-identifying information – general information that cannot lead to any identification of the subject.

Overseas adoption – An adoption effected in and under the law of a country on the Designated List (but not a Hague Convention adoption).

Post-commencement adoptions – Adoptions that took place on or after 30 December 2005, i.e. following the implementation of the Adoption and Children Act 2002.

Pre-commencement adoptions – Adoptions that took place before 30 December 2005, i.e. before the implementation of the Adoption and Children Act 2002.

Protected Information – Section 57(3) Adoption and Children Act 2002 covers:

- any Section 56 information that is also identifying information

- any information obtained by the adoption agency from the Registrar General on application from an adopted adult under s79(5) of the Act, and any other information which would enable an adopted adult to obtain a certified copy of the record of his birth
- any information kept by the agency about an entry relating to an adopted person in the Adoption Contact Register held by the General Register Office.

Receiving State – The State where the prospective adopter is habitually resident in intercountry adoption cases.

Registerable foreign adoption – Adopted Children Register – Either an adoption under the Hague Convention, or adoption under an overseas adoption registerable with the Registrar General on the Adopted Children Register (Schedule 1 Para 3(5) Adoption and Children Act 2002).

Section 56 Information – Section 56 of the Adoption and Children Act 2002 and AIR 4 . Information that adoption agencies are required to keep by virtue of the Act and the AIR. Section 56 information might include identifying information and background information about the adopted person, the birth parents, the adoptive parents and others involved in the adoption.

State of origin – The State where the child is habitually resident.

Veto – ISR 8(1) . Enables an adopted adult to formally register an absolute or qualified veto with the appropriate adoption agency. Where the appropriate adoption agency is notified of a veto, it must keep a written record of the veto on the adopted person's case record, and make sure it is made known to any intermediary agency that contacts it in relation to an application under these regulations – ISR 8(2).

- **Absolute veto** – ISR 8(3). Will prevent an intermediary agency from making proceeding with the application in any circumstances. For example, if a birth relative wished to establish contact with an adopted adult because of a possible hereditary medical condition, the intermediary agency would be precluded from proceeding with an application under these regulations by virtue of ISR 8(3) .
- **Qualified veto** – restricts the circumstances in which the intermediary agency can proceed with the application. The adopted adult may have specified those persons on behalf of whom an approach from an intermediary agency would be welcome. ISR 8(1)(b)(ii) also enables the adopted adult to specify the circumstances in which an approach from an intermediary agency would be welcome.

Notes



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