

# adoption counts

## Good Practice Guidance    **Birth Records Counselling – Access to Records**

The Adoption Support Services Regulations 2005 specifies that Adoption Support services must be extended to Adopted Adults, their parent, birth parent and former guardians. The services they are entitled to include, counselling, advice and information. This is commonly referred to as Birth Records Counselling and includes requests from other LAs for a summary of an individual's Adoption file ( schedule 2 report).

Any requests to access an adoptees Looked After file is not dealt with by this process. This requires a separate application to access their Local Authority care records through the Access to records teams in the Local Authority that they were in the care of.

This practice guidance needs to be read in conjunction with the procedure for Access to Adoption records on Tri.x and the statutory guidance.

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/459609/Adoption - Access to Information and Intermediary Services.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/459609/Adoption_-_Access_to_Information_and_Intermediary_Services.pdf)

[http://www.proceduresonline.com/stockport/cs/chapters/p\\_acc\\_adop\\_recs.html](http://www.proceduresonline.com/stockport/cs/chapters/p_acc_adop_recs.html)

Adoption counts can support an adopted person who is 18 years or over and who lives in the adoption counts region (Manchester, Stockport, Trafford, Salford & Cheshire East). This can be ascertained from information about which Local Authority they pay their council tax to.

### Process from Enquiry

- See attachment

If an adoptee has an urgent need to access their records due to their age, health, personal circumstances, then this needs to be allocated as a priority.

### Initial meeting

- An adoptee can bring a another person to support them when first meeting with us to discuss accessing their records . If appropriate they can continue to be present at any future sessions.

- When working with an adoptee it is imperative to check their identity to ensure they can legally access the adoption records relating to them. This will involve meeting them face to face and providing evidence of their identity. We must record that we have seen a photo identification and proof of their current address (This can be an in date driving licence or passport and a utility bill or council tax bill) to confirm their identity.
- During the first session it is important to explore the adoptees support network. Check out their network of family and friends who will support them.
- Use the interview questionnaire attached as a guide for your first meeting with the adoptee.
- If concerned about the mental wellbeing of the adoptee when you make contact with them, openly discuss the feelings that accessing adoption records can trigger. Do not be afraid to suggest they seek medical support to assist them in coping with this process.
- You will need to seek their consent to find out more about their particular support needs if necessary eg if they have a mental health support worker. This is important to assist you in deciding the right time for them to access their records., as the agency has discretion to share their information. If appropriate and with consent , the adoptees support worker may join them in their appointments with you. This may provide some longer term support after you have shared their records with them. If necessary the GP or specialist worker may give advice about the adoptees ability to engage in accessing their records .
- Any decisions made about not allowing an individual access to their records , needs to be agreed by the Adoption Support Manager , and recorded on the file with evidence to support the decision.
- Locating adoption records can take time, so it is important to keep the adoptee updated on progress. Advise them that a realistic timescale for receiving information is between 6-9 months from when the work was allocated to a Social Worker.

### Accessing Records

A formal process needs to be followed to gain access to the adoptees adoption file . In each of our LAs the details are below ;

- Stockport – contact the Information Governance Team. Complete a records request form and attached to an email , including a reference number.
- Salford - Check the records Database ( see Caroline Simpson) and request file from storage.
- Manchester – contact the contact centre **Telephone** 0161 234 5001 **Email** [mcsreply@manchester.gov.uk](mailto:mcsreply@manchester.gov.uk)
- Trafford – pre 1981 records – admin undertake a file search on RESTORE system and print. Post 1981 the database is checked and request for file made .

- Cheshire East – Jo Appleton checks the Adoption Index and requests file from deep store. contact the Information Governance Team , admin check with deep store for records held.

### The File Summary

- It is important to give the adoptee a summary of their adoption file alongside as much original content from their adoption file as possible. We will retain copies, in case the originals are lost/damaged. This information must be redacted to remove any 3<sup>rd</sup> party information.
- There is a clear format for the file summary – attached, with helpful guidance that can be deleted from the final version.
- The file summary will be presented in a protective folder for the adoptee, to acknowledge the significance of the information it contains.
- The following forms need to accompany the summary ;

|   |  |
|---|--|
| leaflet on intermediary /tracing services             | To be printed  |
| evaluation form                                       | With return SAE                                      |
| CorumBAAF guidance on tracing & making contact        | To be printed off                                    |
| Compliments & complaints leaflet                      | From host authority                                  |
| Information and confidentiality agreement for adoptee | 2 copies to be signed , one to remain on file        |
| Confirmation of confidentiality ( for requesting LA)  | 2 copies to be signed , one to remain on file        |
| Personal items if appropriate                         | Record on file that these have been given to adoptee |

Ready-made packs will be available from the admin team.

### Additional advice

When writing the summary it can be difficult to articulate challenging histories relating to the adoptees past. To assist with this there is a bank of scripts to assist you with writing this information. It is not an exhaustive list , but is a starting point for you to consider how to write explanations of challenging circumstances. The following topics are covered

- Sexual abuse , conception by rape / incest / prostitution
- Conception from an extra marital affair
- Domestic harm
- Social & economic poverty of the time
- Drug & alcohol misuse

- Transient/ chaotic lifestyle
- Genetic sexual attraction
- Abandonment / Foundlings
- Learning needs
- Sexuality issues
- Mental health
- Relinquished babies
- Religion

### Redacted 3<sup>rd</sup> Party information

- Any concerns about whether or not to include 3<sup>rd</sup> party information should be discussed and agreed with the team manager
- The **practice guidance** states the following ;

### **Information that should not be shared**

*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.*

- The reasons for NOT sharing information need to be recorded on the case file and signed by a team manager.
- The **statutory guidance** states the following ;

### **Confidentiality and access to information**

*10.12 An adoption agency has the discretion under the Adoption Agencies Regulations 1983 to disclose the information it considers appropriate to an adopted person. This enables adoption agencies to provide adopted adults with the information they need about their family history and origins.*

*10.17 Adoption records, like other records, are subject to the provisions of the Data Protection Act 1998, except in one respect. They are exempted from the subject access provisions of section 7 of that Act by virtue of the Data Protection (Miscellaneous Subject Access Exemptions) Order 2000 (as amended by article 2 of the Adoption and Children Act 2002 (Consequential Amendments) Order 2005). This means that the person who is the subject of the record does not have the right to insist on seeing all the records that the data controller holds about them. Nevertheless, in most cases it will be appropriate*

*for the agency to exercise its discretion under regulation 15 of the 1983 Regulations to disclose to the adopted person information that it holds about him or her.*

*10.18 Where it is a question of the possible disclosure of 'third party' information, such as identifying information about members of the birth family or former foster carers, the agency must act in accordance with the principles of the 1998 Act. Although the starting point for disclosure of third party information is that it should only be disclosed with the consent of the person to whom it relates, information about a third party must be disclosed if "it is reasonable in all the circumstances" to do this without their consent; see section 7(4) of the Data Protection Act. A similar approach is likely to be helpful in deciding how to apply the Data Protection Principles to disclosure of adoption information. It will be necessary to consider the impact that disclosure will have on the third party and weigh this against the impact that non-disclosure will have on the person seeking information.*

- The **Local Authority procedures** on tri.x states the following ;

### **Third Party Information**

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

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

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

*All decisions should be based on professional judgment and the adoption social worker should discuss the case with the Adoption Manager before making a decision.*

*All decisions should be recorded on the file.*

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

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

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

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