

Name Change for Children who are being Adopted

Practice Guidance

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1. Purpose:

1.1 This guidance relates to children looked after within the Adoption East Midlands, where their permanency plan is adoption.

1.2 The guidance sets out the position of Adoption East Midlands in relation to the value and importance of children's names, and the exceptional circumstances where it may be appropriate for a change of name to be considered.

2. Underpinning Legislation and Guidance:

2.1 The following legislation and statutory guidance also underpin this policy: -

- Section 28 Adoption and Children Act 2002
- Article 7 United Nations Conventions on the Rights of the Child

2.2 Every child has the right to their name, and this is enshrined within the United Nations Conventions on the Rights of the Child which states:

"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents." (Article 7)

2.3 Section 28 Adoption and Children Act 2002 states that whilst a child is subject to a Placement Order, a child's name should not be changed;

"...unless the court gives leave, or each parent or guardian gives written consent".

3. Key Principles:

3.1 Adoption East Midlands is clear in its position that a child's name is an absolutely core component of their identity. Birth parents have a right and a duty to give their child a name. In almost all cases, they will have put a great deal of thought into naming their child and; regardless of the circumstances around the child's entry into care, this name will have value to the child and future adopted adult. We are aware from feedback from adopted adults that retaining their given birth name is important to them.

3.2 Adoption East Midlands is committed to openness in adoption and recognises name changes have implications for keeping in touch arrangements and maintaining meaningful links with birth families.

3.3 It is understood and appreciated that prospective adopters may want the opportunity to change the child's name; however, this should be balanced with the child's right to retain the name that has been given to them at birth, the right to have consistency regarding their primary name and respect given to who they are. Aside from their physical characteristics, once given, their name is the only thing that they own.

3.4 This is also important with regards to children who are placed under Fostering for Adoption arrangements.

3.5 Where the plan is still within the court arena the law is clear that changing a child's name at this time is not permitted, without consent of the Court. This includes the practice of being known as, this is not permitted.

4 Exceptional circumstances where a change of name could be considered:

4.1 There will always be exceptions and in those circumstances careful consideration should be given to the issues by the professionals involved. Exceptional reasons for the agency to consider a name change are:

4.2 If the name has potential to cause emotional harm. A professional discussion would need to take place between the Child's team and Adoption team, with a clear management decision recorded with the reasons.

4.3 If there is a known, identified and significant risk to the child which cannot be ameliorated by the child being placed outside the local geographical area.

4.4 If there is a known, identified and significant risk to the child and it is not appropriate to place outside the geographical area e.g. the child is being placed with a sibling already in an adopted placement.

4.5 The name is more identifiable due to its non-traditional spelling, which would increase a known risk and/or threat to the child. In these instances, the name may be changed to the more common spelling.

4.6 The identified prospective adopter has a child already at home with the same name and they are the only prospective adopters who can adopt the child. The reasons for this must be identified in the matching criteria.

5 Adoption by consent: (previously known as relinquished)

5.1 In circumstances where a child has been adopted by consent, a name change will still not be agreed unless any reasons outlined in section 2 apply.

5.2 In circumstances where a child has been adopted by consent, has not been named and is placed with a concurrency carer or foster for adoption carer from birth, consideration will be given to the involvement of those carers in naming the child.

6 Foster Carers:

6.1 Foster carers are to refer to the child by their given name and not to use 'nicknames' The reason for this is to not confuse the child regarding their own identity when moving onto an adopted placement from their foster placement. However, the foster carer may call the child a different name if there is a justification that relates to section 2 of the policy and again for this to be agreed at management level.

7 Key Factors for Consideration:

7.1 Children, even at a very young age will know their name and it will be a core component of their identity. To introduce a new name at a time when they will be moving to new surroundings and new carers would create significant confusion for the child. Children at an early age will also respond to their name and begin to understand the names of others, including any siblings.

7.2 The impact of changing a child's name is significant and will have a bearing on the child's life story book, especially if this is already completed. It will also impact on the later life letter and have an ongoing impact on any indirect contact with the child's birth family.

7.3 It could also impact on the child's identity and self-worth. When the child later discovers their name was changed, they may consider their new name unsuitable and not right for them.

7.4 The movement of names should not be encouraged, including moving a forename to a middle name, making the new forename the primary name and the child's original name becoming unused or unfavoured. This may be seen as a rejection of the original first name and remains, in practice, a significant change of name.

7.5 AEM would support Prospective Adopters to change the child's family name, following the granting of the Adoption Order.

7.6 In some circumstances prospective adopters may consider giving the child a middle name in addition to their existing names.

8 Practice Considerations:

8.1 Adoption Social Workers should be sharing and discussing this policy as part of the assessment process. This policy should be revisited and discussed with adopters and key professionals once a link has been identified with a child.

8.2 A decision to change the child's name should be recorded on the child's file as a significant event to evidence the reasons why the Local Authority made this decision in order that the child may see this if they choose to look at their birth records later. The decision to agree to a name change should be made prior to the child being matched and before prospective adopters for that child are identified.

8.3 Where prospective adopters change the child's name against Local Authority advice, post order, they will be advised that it would be in the child's best interest for the birth parents to be notified.

8.4 It is of importance that the social worker checks the child's name against their birth certificate to ensure accuracy of the full name and spelling and for this to be checked at stages during case transfer between teams to avoid errors and mistakes.

9 Roles and Responsibilities:

9.1 All staff are responsible for following the guidance within this policy

9.2 Managers are responsible for enforcing this policy