ADOPTION - ACHIEVING THE RIGHT BALANCE

INTRODUCTION

1. This circular raises a number of issues for the overall improvement of the adoption service provided by local authority social services departments, approved adoption agencies and other organisations. It focuses attention on adoption as an important and beneficial option in the care of children and is intended to bring adoption back into the mainstream of children's services. The circular emphasises the importance of strategic planning, the responsibilities expected of senior managers, avoidance of delay and drift in the care system, race and culture, health, the recruitment of prospective adopters and intercountry adoption; it also builds on existing adoption guidance.

THE ADOPTION SERVICE

2. The Adoption Act 1976 and its regulations place duties and responsibilities on local authorities to provide, or arrange to provide an adoption service. Many local authorities achieve high standards in the provision of children's services and provide models of good practice in some or all of their work. However, recent Social Services Inspectorate reports involving a number of local authorities demonstrate a lack of consistency and co-ordination in England in the overall quality of their adoption services. Although variations in the delivery of services are not always a bad sign they should be minor and limited to local circumstances and need. This circular addresses some of the main causes of inconsistency associated with adoption and some of the problems uncovered by inspections. It also takes account of the House of Commons Second Report on ´Children Looked After by Local Authorities', published on 16 July 1998.
BENEFITS OF ADOPTION

3. The importance of family life to a child cannot be overstated. It is the fundamental right of every child to belong to a family; this principle underpins the 1989 United Nations Convention on the Rights of the Child which the United Kingdom ratified in 1991. Where children cannot live with their families, for whatever reason, society has a duty to provide them with a fresh start and where appropriate a permanent alternative home. Adoption is the means of giving children an opportunity to start again; for many children, adoption may be their only chance of experiencing family life.

4. Adoption has become firmly entrenched in the social fabric since enactment of the first adoption legislation; many thousands of children have benefited from the generosity and commitment of adoptive families. Adoption is not an option of last resort; to regard it as such is a failure to understand the nature of adoption and its advantages for a child unable to live with his own family.

5. Adoption continues to provide an important service for children, offering a positive and beneficial outcome. Research shows that generally adopted children make very good progress through their childhood and into adulthood compared with children brought up by their own parents and do considerably better than children who have remained in the care system throughout most of their childhood. Adoption provides children with a unique opportunity for a fresh start as permanent members of new families, enjoying a sense of security and well-being so far denied them in their young lives.

6. It is important that those responsible for the adoption service, its policies and procedures - elected members, directors, managers, practitioners and adoption panel members - should understand the benefits of adoption and not see it as an acknowledgement that other possibilities have failed.

GETTING THE BALANCE RIGHT

7. Where a child is in the care of a local authority, the Children Act 1989 places a duty on them to make all reasonable efforts to rehabilitate the child with his or her family whenever possible, unless it is clear that the child can no longer live with his family or that the authority has sufficient evidence to suggest that further attempts at rehabilitation are unlikely to succeed. In this context, there is a common perception among too many in the field that efforts to rehabilitate a child should be constrained by no timetable: that every effort should be made and all possibilities exhausted to try to secure the return of the child to his family - no matter how long it might take.

8. Such a perception lacks proper balance. Time is not on the side of the child. Efforts to return a child to his or her family should of course be reasonable and will require intensive work; time spent in such work with families and children should be constructive and should be recorded in detail. A stage is reached in many cases, however, when it is apparent that rehabilitation is unlikely to be successful. Experienced practitioners are aware that knowing when the time is right to plan for alternative forms of care is one of the many skills expected of social services staff; that it includes an awareness of the importance of time in the rehabilitation process and of the damage which might be done to children where time is allowed to pass without any visible signs of their future being secured. Where it is clear that they can no longer live with their birth family, decisions about placing children with permanent families should be made as a matter of priority. Managers should therefore include effective measures to monitor progress of these cases, ensuring that they are formally reviewed at regular intervals to prevent a child drifting in the care system.

Changing nature of adoption
9. The nature of adoption has changed in recent decades. Fewer children are being adopted. Older children rather than babies constitute the main group of children needing new families. They tend to have more complex needs; many have traumatic histories of neglect or mental, sexual and physical abuse; some have complex physical or learning difficulties. The impact of these changes on adoption practices should not be ignored; they have important implications for an agency’s policy, management, staffing and other resources. Some agencies have adapted well to these changes. Finding suitable and committed carers for older children in particular presents considerable challenges to adoption agencies; the time and effort invested to recruit, prepare and support carers for them therefore will be that much the greater.

Keeping Members informed

10. In recognition of their responsibilities and as a matter of good practice, Directors of Social Services should provide reports to Elected Members at regular intervals during the year about children who are in the care of their local authority and who wait to be placed with new families. As a minimum, these reports should include the number, type, age and length of time children have been waiting for placement; progress in the recruitment of suitable adoptive families; the number of children placed for adoption since the last report.

RACE, CULTURE, RELIGION AND LANGUAGE

Understanding the needs of children from black and minority ethnic communities

11. In recent years there has been significant progress by agencies in learning about the particular needs of children from minority ethnic backgrounds and the need to take account of their heritage when making decisions about their future. However, more work needs to be done. The structure of minority ethnic groups is often complex and their heritage diverse, where the race, religion, language and culture of each community has varying degrees of importance in the daily lives of their members. Families from these communities should have confidence that their local social services understands, appreciates and is respectful of their particular racial, cultural, and religious values.

12. A principal tenet in the care of children is the importance of a child’s family background. A child’s ethnic origin, culture, language and religion are significant factors to be taken into account when adoption agencies are considering the most appropriate placement for a child; however, such consideration has to take account of all the child’s needs. Simply identifying a child’s ethnic background is not sufficient in itself. Adoption agencies need to go further and be aware of the implications for a child of these cultural elements - how the culture of a family, community or society can influence the way a child sees the world; the significance of religion in a child’s daily life and the importance of maintaining a knowledge of his history, culture and language.

13. Choice of placement should also take account of a child’s previous family experience and his or her wishes and feelings while recognising that their wishes and feelings may be restrictive or unrealistic. Placement with a family of similar ethnic origin and religion is very often most likely to meet the child’s needs as fully as possible, safeguarding his welfare most effectively and preparing him for life as a member of a multi-racial society. These are, however, only some among a number of other significant factors and should not of themselves be regarded as the decisive ones.

14. Where no family can be identified which matches significantly closely the child’s ethnic origin and cultural heritage, the adoption agency’s efforts to find an alternative suitable family should be pro-active and diligent; this work should also include setting agreed and realistic time limits to avoid a
child having to wait indefinitely for a new family. A child's concept of time differs considerably from that of an adult. **The Government has made it clear that it is unacceptable for a child to be denied loving adoptive parents solely on the grounds that the child and adopters do not share the same racial or cultural background.**

15. All families should assist children placed with them to understand and appreciate their background and culture and to this end enlist the help and support of others; this can include providing opportunities for children to meet others from similar backgrounds, to practice their religion - both in a formal place of worship and in the home. Maintaining continuity of the heritage of their birth family in their day-to-day life is important to most children; it is a means of retaining knowledge of their identity and feeling that although they have left their birth family they have not abandoned important cultural, religious or linguistic values of their community. This will be of particular significance as they reach adulthood.

16. Racism can take many forms and is a destructive force, especially in the life of a child. Children from minority ethnic groups are particularly vulnerable to racism and its effects. The issue of racism will inevitably arise at some stage in the life of a child at school, work and leisure; the adoptive family will need to prepare the child for when it occurs and how to deal with it so that the child can maintain a positive attitude about himself and continue to be proud of his heritage. This is true for all children from minority ethnic communities and therefore the responsibility to prepare children to deal with racism rests with all families caring for them. These families may need help in understanding and preparing their children for the times when they and their children encounter racism.

17. As society becomes increasingly complex with children often having diverse ethnicity and cultures in their background, it is even more important that social workers should avoid 'labelling' a child and ignoring some elements of his background. Children of mixed origin should be helped to understand and take pride in all elements in their racial heritage and feel comfortable about their origins.

18. The increase in the number of couples who are not of the same ethnic origin or who are of mixed origin should provide adoption agencies with an opportunity to address more effectively the needs of a range of children who are themselves from different backgrounds including mixed and minority ethnic backgrounds. The availability of such couples should not therefore be an obstacle to the placement of these children. Any practice which classifies such couples in a way that effectively rules out the adoption of a child whose origins differ from either or both prospective adopters is unacceptable. The issue is, as in every case, that the prospective adopter is sympathetic to and understands the issues to be confronted by a child of minority ethnic or mixed race origins who, growing up, will face discrimination and racism. This applies equally whether a child is placed with a black or minority ethnic family, a white family or a family which includes members of differing ethnic origins.

**Wishes of birth parents**

19. Where a birth parent decides to place his or her child for adoption, the adoption agency works closely with them in making plans to secure the child's future. Part of this preparation includes finding out the parent's wishes about the qualities and skills they wish to see in the adoptive parents for their child. Birth parents differ in their priorities and wishes; some place cultural ties or religious preferences above all other considerations while others express a preference for their child to be placed with adopters of the same age or from a similar background to themselves. Where birth parents say that they want their child to be brought up in their own religion, this wish should normally be
respected unless, because of a shortage of adoptive parents in that religion, the child's prospects of having a permanent family would be threatened.

20. Adoption agencies are obliged to take the wishes of birth parents into account and should do their best to place the child with a family which comes as close as possible to that envisaged by the parents. However, it may not always possible to do this; their wishes may be too restrictive, looking to their own needs rather than the child's, or may be unrealistic or even misguided. Adoption is a service essentially focused on meeting the needs of children as the first consideration. It may also be the case that the particular needs of a child are so complex or diverse as to limit the availability of choice.

AVOIDING DELAY

Children who wait

21. The Government is concerned about the length of time some children have to wait before being able to join an adoptive family. The social and emotional development of children is strongly influenced by their early childhood experiences, especially the quality and security of their attachment relationships with their birth family, relatives and carers. Allowing children to 'drift' is never in their best interests and is likely to make successful placements all the more difficult to achieve. It has to be recognised that certainty is rarely possible: professional judgement has to work with the balance of probabilities. The longer a child spends in temporary care before being placed with permanent carers, the more difficult it is likely to be for that child to make the necessary social and emotional adjustments within the new family. Delay deprives children of the opportunity to form long-term relationships and many, especially those who have spent some years in care, find it difficult to do so as they become older, often an underlying cause of subsequent disruptions.

RESPONSIBILITY OF SENIOR MANAGERS

22. The Department expects senior managers to implement and maintain effective measures for improving both the efficiency and the quality of management and administration in the adoption service. They should ensure that their strategic plans for children's services place adoption firmly at the centre of options available for the long-term care of children. It is a function of senior management to ensure that their strategic plans provide for sufficient numbers and range of adopters to be recruited to allow choice in the placement of children.

23. Senior managers must also take more direct responsibility for monitoring the time children spend in care, both where there are attempts at rehabilitation and also the interval between coming into care and being placed with adoptive families. They will be expected to pay particular attention to the time children from minority ethnic backgrounds wait for a substitute family; managers will also be expected to look critically at the causes of delay in placing all children with new families. Senior managers should introduce effective systems for monitoring progress in implementing plans for their future - particularly that a plan's objectives are met and within the agreed timescales - and ensure that the necessary work of their legal advisers maintain the same rate of progress. Senior managers should also ensure that responsibility for making important decisions involving the placement of children is given to members of staff with the appropriate level of skill, experience and seniority.

Children's services plans
24. Preparation and publication of children's services plans provided for by The Children Act 1989 (Amendment) (Children's Services Planning) Order 1996 relate to services for children in need. Some of these children are eventually placed for adoption. Local authorities therefore should consider including adoption services within their service plans for children, where appropriate. These plans may include arrangements for the provision of services in consultation with other agencies, such as local education and medical services, up to and beyond the making of an adoption order to ensure the continuation of these services to meet the needs of particular children.

Effective planning

25. A common cause of delay is the time taken before adoption agencies make clear plans for adoption, or revised plans where adoption has become the preferred option. There are sometimes good or unavoidable reasons for delaying the placement of a child; for example, many adoption cases have been preceded by a series of legal challenges by a birth parent or relative who oppose the plan for adoption, or delay is due to a series of meetings with families to explore the possibility of a suitable relative caring for the child. But this is not invariably the case. Too many children ‘drift’ in the care system where few or no plans are being made to secure their future; this will do little for the child's wellbeing and therefore cannot be in a child's best interests. Drift has much to do with the lack of effective planning and diligent management within some social services departments. Local authorities have other responsibilities to children, particularly child protection; however, senior managers should ensure that these responsibilities are not carried out at the expense of children waiting for placement.

26. An adoption plan should give clear indications how it is to be achieved and the timescales envisaged. The statutory review process for looked after children provides an ideal opportunity for senior managers to consider adoption as a possible option for children; if appropriate, such reviews should be brought forward to facilitate early discussion and decision making.

27. There should be few inherent difficulties in adoption agencies preparing provisional contingency plans for a child in the event of attempts to rehabilitate the child with his family proving unsuccessful. However, these plans need sensitive handling and are only likely to operate successfully with selected families. To avoid any sense of duplicity or bad faith, the child's family should be fully informed of the proposals and give their consent to any contingency arrangements. Contingency planning should be applied in such a way as to avoid prejudicing the original aim of rehabilitating the child with his birth family. Such contingency planning can save valuable resources and reduce the time some children spend in temporary care before joining new and permanent families. To avoid the risk of unnecessary delay in another context, agencies should give priority to dealing with issues needing lengthy consideration such as finding a suitable placement for siblings and the possibility of children remaining with foster carers who wish to adopt them.

Care proceedings and adoption

28. In some applications for a care order, it becomes apparent that adoption will be the preferred option set out in the care plan, should a care order be made. Some courts are presented at the final care application hearing with evidence of the steps that have been taken (short of introducing the child to prospective adopters) but elsewhere courts are informed that no or only minimal preparatory work has been undertaken. This poses the likelihood of serious delay before placement and, as such, is detrimental to the child's welfare.

29. The Children Act Advisory Committee Handbook of Best Practice in Children Act Cases (June 1997) said in respect of care plans:
"If the plan is for an adoptive placement, the court will be handicapped in assessing the plan and the timescales, unless the child concerned has already been considered and approved by the adoption and fostering panel, and potential suitable adoptive families have been identified. It is not good practice to await the making of a care order before obtaining such information because the court is deprived of important background information and significant delay can occur in placing the child in the event of the court approving the plan."

30. Before reaching a decision that adoption should be the principal aim of the care plan, local authorities and approved adoption agencies must be satisfied that sufficient assessment has taken place to rule out rehabilitation or placement with relatives, for example, under a section 8 residence order. Where adoption is envisaged in preparing the care plan, the following steps should be undertaken before the final care hearing:

a. BAAF Form E (details about the child) is prepared;
b. the adoption panel has considered the case;
c. the local authority has identified the keys steps and timetable leading to the adoptive placement;
d. the local authority initiates a search for an appropriate placement, including the involvement of the Family Placement section.

31. By the date of the final hearing for a care order, the following should have been achieved:

a. prospective adopters have been identified;
b. BAAF Form F (details about the family) is completed;
c. the adoption panel has considered the Form F and made a recommendation;
d. the adoption panel has recommended the match of the child with the prospective adopters.

32. However, it is not appropriate before the final care hearing for there to have been introductions between the child and the prospective adopters or for the agency to have confirmed the panel’s recommendations.

33. Where adoption may also require the child to be freed, it is important that there is full discussion with the local authority’s legal advisors so that evidence and timetabling of the court hearings can be co-ordinated. It is expensive for the local authority and stressful for the parent to have a contested care application followed months later by a contested freeing application. There have been examples of freeing applications being thwarted by mothers leaving the country immediately following the making of a care order.
Collaborative working

34. Directors of social services are reminded of the potential benefits in engaging in collaborative ventures with other local authorities and approved adoption agencies in the provision of an adoption service to meet local needs. Advantages include the avoidance of unnecessary duplication, promoting good practice more widely, retaining expertise and making best use of scarce resources such as recruitment of prospective adopters, finding families for older children or children with special needs and certain post adoption work. Combining services in this way can help to provide a co-ordinated and comprehensive service. Also, people who enquire about the possibility of becoming adoptive parents should be re-directed to other agencies if the first agency is unable to take them on, particularly in response to enquiries from black or minority ethnic families.

TRAINING

35. Placing children for adoption makes a variety of demands on the skills and experience of social workers. Sufficient training opportunities should be made available to them to carry out these demanding and sensitive functions more effectively. Adoption agencies are therefore expected to make training a high priority. Senior managers should identify training needs and satisfy themselves that social workers specialising in adoption or who work with children and families take advantage of opportunities to improve their skills in working with families and children.

36. Staff cannot be expected to provide good quality counselling and otherwise work productively with children, birth families and adoptive families if they have little or no opportunity to develop the necessary skills to do so. Gaining a child's confidence and learning about the traumatic experiences and their effects in their young lives requires skill and patience. Managers should ensure that the workload of social workers allows sufficient time for them to devote to the children, getting to know them and their history, assessing their needs, preparing them for adoption and identifying the most suitable family for them.

37. Training and preparation of carers is a major task of adoption agencies in planning for the placement of children. The Children Act 1989 Guidance and Regulations, Volume 3: `Family Placement' issued by the Department in 1991 included helpful advice to local authorities on this subject. Participation of experienced adopters is particularly important in the preparation and delivery of training programmes, making the content of these events appropriate both in meeting the needs of children and the parenting experience of prospective adopters. Two national voluntary organisations, British Agencies for Adoption and Fostering (BAAF) and National Foster Care Association (NFCA) provide training courses and materials to assist local authorities and voluntary agencies in this task.

PROSPECTIVE ADOPTERS

Recruitment

38. Adoptive parents are a valuable resource to all adoption agencies. The work of recruiting suitable parents to care for older children, many of whom have challenging patterns of behaviour, is an on-going task of adoption agencies. Social services depend on the response of families to come forward as adoptive parents. Agencies have to take a positive attitude to recruitment. Preparation of prospective adopters should be designed to draw out their strengths - to discover the qualities they have to offer a child and build on those strengths in working with them and assessing their suitability to become adoptive parents. Reasons for an adoption agency deciding not to accept an applicant as
an adoptive parent must be sound and defensible. In this context attention is drawn to Regulation 2(10) of The Adoption Agencies and Children (Arrangements for Placement and Reviews) (Miscellaneous Amendments) Regulations 1997 about informing adoptive applicants of the reasons why the adoption agency decision maker is minded not to accept their application.

39. Programmes specifically aimed at developing and sustaining recruitment of prospective adopters from minority ethnic backgrounds must form part of the planning strategy for the adoption service prepared by each social services department. More work may need to be done to encourage families from within those communities who do not have a tradition of adopting children unrelated to them to consider becoming adoptive parents. It is also important that adoption agencies maintain active and regular links with their approved prospective adopters about the type of children needing new families. Where an agency has approved a particular family but, after a year or two considers that they are unlikely to be able to place a child with them, they should discuss the situation with the family and, with their agreement, be prepared to make that family available to other agencies. This can be carried out, for example, by reference to the national resource linking programme operated by BAAF or the scheme operated by Parent to Parent Information on Adoption Services (PPIAS).

40. Where a local authority is aware that the needs of a child can best be met by a particular adoptive parent recruited and approved by another adoption agency, they should give serious consideration to negotiating with that agency about the possible placement of the child with that family. Unwillingness to pay an inter-agency fee should not be made the sole determinant for not placing the child.

41. Caring for unrelated children - whether care is provided for the short or long-term, or permanently through adoption - requires careful preparation if the quality of care is to be beneficial to the child. The importance of preparation and training for prospective carers is recognised by agencies. Many children needing alternative families have already experienced difficulties and trauma in their lives which can be manifest in many ways, particularly in extreme forms of behaviour. Agencies should prepare their training programmes on the basis of knowledge and experience in placing older children with prospective adopters and their outcomes.

Sharing information

42. It is essential that adoption agencies make available to adoptive parents all material facts about children to be placed in their care. It is unacceptable for adoption agencies to withhold information about a child to the extent that the picture of a child provided to prospective adopters is so lacking in substance as to bear little relation to reality. Supplying information to adoptive parents is a legal requirement. It should include details about a child's background, history in care, including number and duration of placements, educational progress and special medical conditions. Such information is a vital tool for prospective adopters if they are to be able to understand and deal effectively with the particular needs of a child. One source of helpful information for this purpose is the material collected by local authorities as part of the 'looked after' review of the child.

ASSESSMENT CRITERIA

Age

43. Many women are choosing to have their children later in life and it is less unusual now for mothers to have their first child in their late thirties or even forties. This should be reflected in the approach of adoption agencies to this issue. The acceptability of an adopter's age must be considered
in the context of the children who need to be adopted. Fewer babies have been placed for adoption in the last two decades; the focus has shifted to the adoption of older children. In this respect, older and more experienced people could take on the care of these children, provided that they enjoy sufficient health and vigour to meet their varied demands. The more mature person has a greater experience of life; some may be established in their careers and others may have already brought up children of their own and have developed good parenting skills.

44. There is no upper age restriction to people applying to become adoptive parents. Age is one consideration among many taken into account in assessing the suitability of prospective adopters. Age is also necessarily linked to general health, fitness and emotional wellbeing. Some older people may score higher in this regard than some younger ones. Adoption agencies are therefore expected to recruit adoptive parents who will have the health and vigour to meet the many and varied demands of children in their growing years and be there for them into adulthood.

45. The age of a prospective adopter must also be considered in the light of the gap in age between them and the child to be placed with them. Too large a gap may have an adverse effect upon the child and possibly upon his relationship with the adoptive parent. Where a child has already suffered change, deprivation and loss in their early years, demands on adoptive parents, both physical and emotional, are likely to be considerable, particularly as the child grows older.

Health

46. Agencies have a duty to satisfy themselves that adopters who are about to have a child placed with them have a reasonable expectation of continuing to enjoy good health. The opinion of the adopter's general practitioner and the agency's medical adviser about the health status of prospective adopters needs to be given sufficient weight by adoption panels and agency decision makers. Mild chronic conditions are unlikely to preclude people from adopting provided that the condition does not place the child at risk through an inability to protect the child from commonplace hazards or limit them in providing children with a range of beneficial experiences and opportunities. More severe conditions must raise a question about the suitability of an applicant; in such cases the agency will need to give such factors very careful consideration in its decision to accept an application.

Smoking

47. Following reports in the early 1990s from the Royal College of Physicians and the Chief Medical Officer's Expert Group on Cot Deaths, there was sufficient evidence for the Department to be concerned about the effects of passive smoking where babies and very young children were being placed for adoption with families who smoke. A local authority may have to restrict smokers in the age and type of child who may be placed with them, especially a baby or very young child or a child who has a heart or chest complaint or a history of asthma.

48. An adoption agency has a duty to consider the effects of smoking on children in their care; therefore agencies should discuss with prospective adopters the issues and implications of smoking such as expecting them to ensure that a child does not spend its time in smoke-filled rooms. However, the use of criteria whose application is in reality to ban people who smoke from adopting is not appropriate.

49. In all these areas - age, health and smoking, including health risks and life-style - the agency should expect its medical adviser to investigate and obtain relevant information about an applicant in order to be satisfied that the applicant is able to take on the task of adopting a child and has the expectation of caring for the child through childhood and into adulthood.
INTERCOUNTRY ADOPTION

Children in need

50. Many children living abroad, for whatever reason, have been abandoned or relinquished for adoption by their birth parents. Their chances of being adopted or otherwise cared for by substitute families in their own country are often remote. Both the 1989 United Nations Convention on the Rights of the Child and the 1993 Hague Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption acknowledge the right of a child to belong to a family and recognises that intercountry adoption may offer the advantage of a permanent family to a child for whom a suitable family cannot be found in his or her state of origin. The realistic alternative for the vast majority of these children is a childhood spent in institutional care.

The nature of intercountry adoption

51. The primary purpose of intercountry adoption is to provide a child with a family where this cannot be provided in the child's own country; it is not about improving the material quality of life of children from overseas, although this is likely to be one of its effects. Intercountry adoption is now a major feature of adoption in the United Kingdom. Most intercountry adoption applications involve a child leaving his or her own country to live permanently with families in the United Kingdom. This necessarily brings radical changes to the life of a child in many ways. Intercountry adoption also brings profound changes to the lives of the adopters and affects not only their immediate families but their relatives and friends. Adoption agencies need to be satisfied that prospective adopters are not only equal to the task of adopting a child from overseas but that they fully appreciate the implications of bringing an unrelated child from abroad into their own family. Prospective adopters also need to understand the implications for a child to be taken from his or her own country, family, friends, familiar environment etc. and begin life afresh in a totally unfamiliar setting.

Assisting prospective adopters

52. The Government recognises and understands the humanitarian and altruistic response of some people who wish to adopt children living overseas, particularly those described as orphaned or abandoned. Adoption agencies should be aware of both the nature and effects of intercountry adoption in their assessment of applicants. However, it is not acceptable for an applicant to be denied the opportunity to be assessed by an agency on the grounds that the agency does not agree with the notion of intercountry adoption or that the applicant does not share the same ethnic or cultural background as children from their country of choice. Local authority policies therefore must reflect the positive view of adoption referred to in legislation and in Government guidance and not support policies and attitudes of their own. Thus, people seeking to adopt children from overseas should have the opportunity to be assessed as prospective intercountry adopters. Senior managers should satisfy themselves that arrangements are in place to meet requests for assessment or for them to be carried out on their behalf.

Applying the same principles

53. Assessments and checks are necessarily thorough to ensure that prospective adopters are equal to the task in the very serious commitment they wish to undertake and, so far as possible, avoid future disruption of a placement. Such assessments and checks are also important to the countries from which the children originate; countries seek the assurance of the United Kingdom that prospective adopters have been assessed as suitable by agencies authorised to do so. The standards and criteria applied in domestic adoption concerning the assessment of prospective adopters are to be
applied to families seeking to adopt a child from overseas. To do less would leave the United Kingdom open to accusations of applying double standards in their assessment process. These standards and associated criteria allow agencies to apply sufficient measures of flexibility and discretion to reflect conditions of children commonly encountered in intercountry adoption.

**POST ADOPTION SUPPORT**

**Duties of adoption agencies**

54. Post-adoption support for families and children affected by adoption is a requirement of the Adoption Act 1976. Post-adoption support can be difficult in many cases, particularly for example where the child is placed outside the local authority area or when, after some years, the placement is under threat as a result of a child's challenging behaviour. Adopted children and their families are entitled to the same range of social services and other support as other families in having access to special educational and medical services as well as advice and counselling. Most parents who adopt children who are not babies will almost certainly require on-going support from these services. Support may also be sought by adopters whose children have become older, particularly when they reach their adolescent years. Adoptive parents should not be left with the feeling of being isolated once the adoption order is made. There should be a continuing 'partnership' between the agency and adoptive parents to ease the parents' task, particularly in the first few years following adoption, to ensure the best possible start for the child and his new family. With this in mind, agencies should have clear policies and procedures in writing, setting out their range of services for post adoption support which should be made available to all prospective adopters.

**Adoption allowances**

55. The Children Act 1989 provided for regulations to be prepared which would permit adoption agencies to make assessments about the payment of adoption allowances in certain circumstances; these were introduced under the Adoption Allowance Regulations 1991. Agencies are reminded that under section 57A of the 1976 Act, they have a duty to make available information on adoption allowances to prospective adopters. Guidance on the operation of these regulations is set out in The Children Act 1989 Guidance and Regulations, Volume 9: "Adoption Issues". One of the main purposes of the 1991 Regulations is to provide adoption agencies with sufficient flexibility to be able to respond to the individual needs of an child and his circumstances in order to secure an adoption placement. Support for adoptive families in the form of adoption allowances should be considered in every case whether the circumstances require consideration of the payment of an adoption allowance. Payment of an adoption allowances continues the concept of partnership.

**CONTACT ARRANGEMENTS**

56. In any consideration of a child retaining some form of contact with their birth relatives and others, both before and after the adoption order is made, adoption agencies need to bear in mind that the purpose of contact is primarily for the benefit of the child. In some cases contact will not be in the best interests of the child. Contact should never be used as a bargaining tool to obtain parental consent to adoption.

57. The majority of children who are having to live with new families have clear memories of their birth families and relatives. For many children, relationships with members of their family, previous carers and others are valued. Consequently, for some children, contact may provide a
positive aid to a successful placement with their new family. Making contact arrangements is a skilful task, balancing the needs and wishes of the child with the importance of preserving the stability of the adoptive family. Arrangements which tend to have the best chance of success are those which are mutually agreed between the birth family, relatives and others and the adopters and have the details set out and confirmed in writing. The practicalities of arranging for indirect contact such as 'post box' requires careful planning.

58. In the exceptional case where siblings cannot be placed together with the same family, it is important for agencies to ensure that contact arrangements with other siblings are given very careful attention and plans for maintaining contact are robust.

59. Adoption agencies may find it helpful to refer to the judgement given in the Court of Appeal in April 1993 - (Re E. A Minor) (Care Order: Contact) - by Simon Brown LJ who held the view that:

"...contact may well be of singular importance to the long-term welfare of the child: first, in giving the child the security of knowing that his parents love him and are interested in his welfare; secondly, by avoiding any damaging sense of loss to the child in seeing himself abandoned by his parents; thirdly, by enabling the child to commit himself to the substitute family with the seal of approval of the natural parents; and, fourthly, by giving the child the necessary sense of family and personal identity. Contact, if maintained, is capable of reinforcing and increasing the chances of success of a permanent placement, whether on a long-term fostering basis or by adoption." [1994] 1FLR 146-155 (pp 154H-155B).

**ACTION**

60. Directors:

a. arrange to inform Elected Members at regular intervals about the current position of children awaiting placement with adoptive parents;

b. investigate the possibilities of collaborative working;

c. bring this guidance to the attention of all staff working in children's services.

Senior managers:

a. satisfy themselves that adoption services are included in children's services plans;

b. identify who is responsible for managing the adoption service;

c. ensure that adoption services are reviewed every three years;

d. identify staff to be responsible for linking with other agencies, particularly education and health, as part of the arrangements for meeting a child's needs;

e. introduce systems for the effective monitoring of children to be placed for adoption which prevent them drifting in the care system;

f. ensure that important decisions about the placement of children are taken by experienced and senior members of staff;
g. monitor the progress of recruitment of adoptive families, particularly from black and minority ethnic families;

h. ensure that responsibilities for child protection are not carried out at the expense of children awaiting new families;

i. ensure that adoption is given its proper place in the development of strategic plans for children services;

j. make adequate arrangements for staff to attend training opportunities in child care and adoption practice;

k. satisfy themselves that people wishing to adopt children from overseas are provided with relevant information and given the opportunity to be assessed as an adoptive parent without undue delay;

l. review adoption policies and practice in the light of this latest guidance;

m. introduce measures to satisfy themselves that this guidance is understood and implemented without delay.

ENQUIRIES

Enquiries about this Circular should be addressed to:

Michael Brennan
Social Care Group 3B
Department of Health
Room 121 Wellington House
133-155 Waterloo Road
LONDON SE1 8UG

Further copies of this Circular may be obtained from Department of Health, PO Box 410, Wetherby, LS23 7LN. Fax 01937 845381. Please quote the code and serial number appearing on the top right-hand corner. Current Circulars are now listed on the Department of Health web site on the Internet at: http://www.open.gov.uk/doh/dhhome.htm. Full text of recent circulars is also accessible at this site.

This circular may be freely reproduced by all to whom it is addressed.