

Adoption: The current challenges

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Adoption is seen to provide children who cannot be cared for by their parents with a stable, permanent home and a normal family life.¹ However the characteristics of children who have been adopted have changed immensely over the years. Adopted children are no longer babies whose mothers have relinquished them to avoid a life of economic hardship and the stigma of illegitimacy. Today, most children who are adopted come from the care system and are older: the average age at adoption in the year ending 31 March 2017 was 3 years and 4 months.² Adoption has changed from being consensual, albeit within the constraints of the realistic options that were available to an unmarried woman or unmarried parents who felt unable to raise a child, to being the outcome of care proceedings in the family courts.

There are particular challenges in adoption and its place in our current child protection system. This article focuses on three individual but interconnected challenges: the tension between a right to family life and child protection, the difficulties that social media pose to the confidentiality of the adoptive placement and the need for more adoption support.

The balancing act before the family court

A delicate balance must be struck between child protection and the right to family life. The consequences of a court decision can be immense: from the unjustified permanent removal of a child from their family, to allowing a child to return home believing there is minimal risk only for the child to suffer further harm or even death.

The majority of adopted children pass through local authority care, after experiencing abuse or neglect at home before being removed from their birth family. The most likely alternative to adoption in our current child protection system, if no family members can care for a child throughout their minority, is long-term foster care. In the case of *Re V*,³ Lady Justice Black considered the differences between foster care and adoption, noting that adoption makes the child a permanent part of the adoptive family to which he or she fully belongs, and that to the child it is likely to 'feel' different from fostering. While adoptions can fail, the commitment from an adoptive family is of a different nature to a local authority foster carer. An adoption order is permanent and routine life for an adopted child does not consist of local authority involvement such as medicals, reviews, regular

¹ For example in The Hopkinson Committee. *Report of the Committee on Child Adoption*, Cmd 1254, 1921, page 5, paragraph 14.

² Department for Education. *Children looked after in England (including adoption), year ending 31 March 2017*. SFR 50/2017.

³ *Re V (Children)* [2013] EWCA Civ 913, at paragraph 96.

visits from a social worker and consultation with a social worker over school trips, all of which are part of life in local authority foster care.

While adoption may not be the panacea for children whose parents are unable to adequately look after them, we should be under no illusions about the difficulties that are experienced by young people in care. In 2006 the Labour Government published the report *Care Matters*,⁴ which set out the poor outcomes that are attained by children in care: by the age of 19, only 19% of care leavers were in further education and 6% were in higher education, compared with 38% of all young people who participated in one or the other; girls aged 15–17 who had been in care were three times more likely to become teenage mothers than others girls of their age; and over 30% of care leavers were not in education, employment or training at age 19 compared with 13% of all young people.⁵

Children who are in care also face considerable instability. The Children's Commissioner for England, Anne Longfield, published a report in April 2017 that looked at the issue of stability for looked after children.⁶ The report estimated that around 50,000 children who were in care as of 31 March 2016 experienced a change in their placement, school or social worker over a 12-month period: 71% of all children in care in England.⁷

The family courts are required to make difficult decisions in care proceedings about what happens to a child for the rest of their minority. In these proceedings, courts are often presented with the stark contrast between maintaining a child's placement at home, or their permanent removal from their birth family to be placed with adopters.

Article 8 of the European Convention on Human Rights (ECHR) states: 'Everyone has the right to respect for his private and family life, his home and his correspondence.' This right is qualified and can be interfered with to protect the rights and freedoms of others. This includes an obligation to remove children from situations that are of known risk, where appropriate. A court that is determining a care plan for adoption must strike the correct balance between the rights of the parents, and the child, in maintaining their existing family life and the right of the child to be protected from significant harm.

In care proceedings, adoption is often referred to as a 'draconian' option. It severs the relationship between a child and their birth family. The courts have stressed that, in considering whether adoption should be ordered as a necessity, there must be a recognition that support services that are available to enable a child to be cared for in their family would in fact not result in the child being safely cared for within their family. The courts are required to explore what support services are available and to be mindful of resource arguments that could pave the way to inevitable adoption in a particular case.

In the case of *Re B*⁸ the Supreme Court emphasised that non-consensual adoption must be a last resort. The then President of the Supreme Court, Lord Neuberger, addressed the principle that 'adoption of a child against her parents' wishes should only be contemplated as a last resort – when all else fails'. He also said that: 'Although the child's interests in an

⁴ Department for Education and Skills. *Care Matters: Transforming the Lives of Children and Young People in Care*, 2006.

⁵ *Ibid*, page 14.

⁶ Children's Commissioner for England. *Stability Index: Overview and Initial Findings*, April 2017.

⁷ *Ibid*, page 5.

⁸ *Re B (A Child) (Care Proceedings: Threshold Criteria)* [2013] UKSC 33.

adoption case are “paramount” (in the UK legislation and under article 21 of UN Convention on the Rights of the Child), a court must never lose sight of the fact that those interests include being brought up by her natural family, ideally her natural parents, or at least one of them.⁹

Lord Neuberger went on to state in *Re B* that ‘before making an adoption order in such a case, the court must be satisfied that there is no practical way of the authorities (or others) providing the requisite assistance and support’.¹⁰

In the case of *Re B-S*, Sir James Munby, at the time President of the Family Division, stressed the need for judges to be alert to local authorities pressing for a more drastic form of order – including adoption – because the local authority is unwilling or unable to support a less interventionist form of order.¹¹ He also stressed that judges must be rigorous in exploring local authority thinking in cases where there is any ‘reason to suspect that resource issues may be affecting the local authority’s thinking’.¹²

Local authority resources, especially early intervention services, are under strain. The Association of Directors of Children’s Services (ADCS) referred to the ‘the toxic trio’ of domestic abuse, parental mental health and parental substance misuse as being the issues that ‘continue to be a major and increasingly prevalent reason for the involvement of children’s social care in children’s and families’ lives’.¹³ The ADCS also described the challenges of welfare reforms and poverty, and their impact.¹⁴

The UK Children’s Commissioners have commented on their belief that ‘early intervention is essential to avoid the admission of children to state care where possible. We are therefore concerned at the consequences of austerity measures which have seen the loss of early parenting support services’.¹⁵ The need for services that support children who return to their families from care has been emphasised.¹⁶

While programmes like the Family Drug and Alcohol Court (FDAC) are seen to be successful interventions in assisting parents with substance abuse who are involved in care proceedings,¹⁷ there are obvious difficulties in funding preventative work within the budgetary constraints imposed by austerity. The House of Lords Select Committee on Adoption Legislation noted with disappointment that additional funding that was provided to local authorities in the form of the Adoption Reform Grant was resourced from the £150 million that was taken away from the Early Intervention Grant, as confirmed by the Secretary of State for Communities and Local Government during the announcement of the

⁹ Ibid, paragraphs 103–104.

¹⁰ Ibid, paragraph 105.

¹¹ Sir James Munby, President of the Family Division, *Re B-S (Children) (Adoption Order: Leave to Oppose)* [2013] EWCA Civ 1146.

¹² Ibid, paragraph 29.

¹³ The Association of Directors of Children’s Services Ltd. *Safeguarding Pressures Phase 5*, December 2016, page 3.

¹⁴ Ibid, page 4.

¹⁵ *Report of the UK Children’s Commissioners: UN Committee on the Rights of the Child, Examination of the Fifth Periodic Report of the United Kingdom of Great Britain and Northern Ireland*, August 2015, page 21.

¹⁶ Ibid, page 23, paragraph 7.8.

¹⁷ House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny*. Second Report of Session 2012–13, HL Paper 127, page 24.

local government settlement for 2013–14.¹⁸ The House of Lords Select Committee on Adoption Legislation stated:

Where there is parental capacity to change, the arguments in favour of early and intensive intervention to address the parents' problems are compelling: enabling children to live safely within their birth families reduces the number of children in care and the numbers waiting for an alternative permanent placement. We are concerned therefore, that adoption reform is being funded by taking money from the Early Intervention Grant. We urge the Government not to undermine further the importance of preventative programmes by focusing on adoption at the expense of early intervention.¹⁹

A 2017 report by the All-Party Parliamentary Group for Children²⁰ laid bare the tension between early intervention services that are aimed at supporting families and avoiding children being taken into care, and child protection services that are mainly utilised once a child has already suffered harm. The inquiry heard from a wide range of sources that resources are being increasingly focused on children who have already suffered harm and those who are at the greatest risk.²¹

Between 2010–11 and 2015–16, the money that local authorities received from central government to spend on early intervention fell by 55% in real terms.²² Between 2010–11 and 2015–16, spending by local authorities on early intervention services for children, young people and families fell by 31% in real terms. Section 17 of the Children Act 1989 set out the duty of every local authority to provide services for children who are in need, which will often include children who are at risk of neglect and abuse. The aim is to provide support services to promote the welfare of children and, so far as it is consistent with that duty, to promote the upbringing of such children by their families. The All-Party Parliamentary Group for Children conducted a survey of directors of children's services. Overall, 89% of respondents said that it had become more challenging to meet section 17 duties in the past 5 years.²³ As a number of local authorities highlighted in the inquiry, 'early help services reduce the burden on other, often more costly services, by preventing low level problems from escalating'.²⁴

The challenges posed by social media

For decades, adoptive placements remained confidential, with children being unaware of their familial origins. However, the benefits of making a child aware of their history have been stated for some time. For example, witnesses before the Hurst Committee, which was appointed in 1953 to examine adoption, unanimously agreed that adopted children must be told they are adopted, and that a child should be told early so that they cannot remember a time when they did not know. When a child is adopted at an age when they can remember

¹⁸ Ibid, page 25, paragraph 66.

¹⁹ House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny Report*. Second Report of Session 2012–13, HL Paper 127, page 25, paragraphs 67–68.

²⁰ All-Party Parliamentary Group for Children. *No Good Options: Report of the Inquiry into Children's Social Care in England*. National Children's Bureau. March 2017.

²¹ Ibid, page 13.

²² Ibid, page 15.

²³ Ibid, page 19.

²⁴ Ibid, page 14.

their former surroundings 'it is equally important to explain the fact and meaning of his adoption without delay'.²⁵

In what was perhaps reflective of a changing society, at the time of the Houghton Committee (1973–74), it was optimistically felt that attitudes to adoption were changing, with more openness about family and social matters, and that more honesty about an adoptive status was to be encouraged.²⁶ While practice has changed in terms of informing adopted children about their familial origins, a concern about parents' ability to disrupt or undermine adoptive placements has always been present. This issue becomes particularly significant when reflecting on the fact that adoptions today are rarely consensual.²⁷ Some birth parents, understandably, hold strong views about the outcome of adoption in care proceedings.²⁸ For example, some may wish to continue to fight for their child and wish to find out where they live. The prospect of a birth parent trying to find their child after they are adopted is not a new phenomenon. Before the Horsburgh Committee in 1936, the argument that some witnesses and adoption societies raised against disclosing the identity of the adopters to a mother was based on adopters' anxiety that the parent should not know where their child was being placed, in case she later 'should attempt to interfere with it'. The Horsburgh Committee's report stated, 'we were informed by the Chief Education Officer of Birmingham that in about three out of 1,200 adoptions at Birmingham the mother subsequently made a nuisance of herself to the adopters, and it must be recognised this fear on the part of would-be adopters is both prevalent and real'.²⁹

The most common form of contact arrangement today is 'letterbox', which is also referred to as indirect contact. This is an exchange of information between the child or their adoptive parents and the child's birth parents or birth family.³⁰ Direct contact, which means face-to-face interaction, is much less common.

Whatever secrecy and confidentiality have remained in adoptive placements is undermined by today's digital age and the ability of social media to puncture privacy. Social networking can make it much easier for birth parents or other birth family members to contact adopted children, avoiding safeguarding measures. Additionally, adopted children can search for their birth parents and other relatives online.

²⁵ Departmental Committee on the Adoption of Children. *Report of the Departmental Committee on the Adoption of Children*, Cmd 9248, 1954, page 39, paragraph 150.

²⁶ Home Office and Scottish Education Department. *Report of the Departmental Committee of the Adoption of Children*, Cmnd 5107, 1972, page 8, paragraph 29.

²⁷ Children looked after by placement statistics, year ending 31 March 2017:

<https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption-2016-to-2017>

table SFR 50/2017. Of the 2,520 children placed for adoption, 50 were placed for adoption with consent with their current foster carer, 240 were placed for adoption with consent and not with their current foster carer, and 2,030 were placed for adoption without consent (by virtue of a placement order).

²⁸ For example, see the written evidence of Parents Against Injustice (PAIN) provided to the House of Lords Select Committee on Adoption Legalisation – they responded to written questions, and stated that adoption without parental consent should be banned (page 861), and that many mothers and their relatives fight with 'great energy' to prevent adoption (page 864).

²⁹ Report of the Departmental Committee on Adoption Societies and Agencies, Cmd 5499, 1937, page 20. Chair Florence Horsburgh.

³⁰ British Association for Adoption and Fostering written evidence provided to the House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny Report*. Second Report of Session 2012–13, published 1 November 2012, page 236.

The contact that social media allows is unregulated, immediate and unsupervised, and it can be impulsive. The immediacy and unplanned nature of social media do not allow time to prepare the young person to deal with messages they receive. This contrasts with the organised and often indirect contact that is usually the norm for adoptive placements.

The impact that social media has on adoption disruption is hard to quantify. For research that was conducted by Julie Selwyn, Dinithi Wijedasa and Sarah Meakings in 2014,³¹ adoptive parents were asked whether they had experienced difficulties with birth family contact through SMS, email or Facebook.³² While only 20% of adoptive parents said that this had been the case, 'many more feared that they would be addressing such difficulties in the future'. Some adopters commented that it was not the contact itself that had been problematic, but the 'unsupervised and unregulated way' in which it had occurred. However, three adopters did describe a campaign by birth families through social networking sites to try to find and recover children.³³

There is concern that the potential for unauthorised contact via social media between birth parents and their adopted children could 'jeopardise the security of the placement'.³⁴ In written evidence that was provided to the House of Lords Select Committee on Adoption Legislation, the British Association for Adoption and Fostering (BAAF) stated that: 'the arrival of social media in tracing, identifying and making contact with people is proving to be a major challenge in adoption. There are many cases where this has severely disrupted existing placements, caused profound upset and disturbance and put children at risk. There are no quick fit solutions to this issue although there is guidance for both social workers and adoptive parents (Fursland 2010; Fursland 2011)'. There was, however, general agreement from witnesses before the Select Committee that legislation did not provide a suitable remedy. It was suggested that this was most effectively dealt with by communication and openness between adoptive parents and their children.³⁵

The advent of social media is relatively recent and the impact upon adoption disruption and placement breakdown is too early to fully quantify. However, as with many other issues that relate to the internet, social media and the protection of children, it is an area where open discussion with children from an early stage is advisable.

Support

While many adopted children and their families are happy, stable and functioning without the need for external resources, a significant number of adoptive families are struggling. There

³¹ Selwyn J, Wijedasa D, Meakings S. *Beyond the Adoption Order: challenges, interventions and adoption disruption*. Research report, April 2014. University of Bristol School for Policy Studies, Hadley Centre for Adoption and Foster Care Studies. Department for Education funded research.

³² *Ibid*, page 170. This report examined the rate of adoption disruption post-order and explored how long after the order disruption had occurred and how the adoption disruption rate compared with the stability of residence orders (ROs) and special guardianship orders (SGOs). Adoption disruption rates were lower than the disruption rates of SGOs and ROs. Julie Selwyn also co-authored an article with Judith Masson in *Family Law* in December 2014, at 1709, entitled 'Adoption, special guardianship and residence orders: a comparison of disruption rates'.

³³ *Ibid*, page 171.

³⁴ Birmingham City Council's Adoption Service written evidence provided to the House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny Report*. Second Report of Session 2012–13, page 63, paragraph 259.

³⁵ *Ibid*, page 236. Fursland E. *Facing up to Facebook: A survival guide for adoptive families*. London: BAAF, 2010. Fursland E. *Foster Care and Social Networking*. London: BAAF, 2011.

is a long and complicated process from social services receiving notification of potential harm to a child, to an adoption order and the child having a new life with an adoptive family.³⁶ It is not surprising that such a journey can be complicated, given the difficult circumstances that lead to children becoming looked after. Of the 32,810 children who started to be looked after during the year ending March 2017, in total 19,060 (58.09%) were looked after as a result of abuse or neglect, even before considering the children who were looked after as a result of family dysfunction or families in acute stress. Of the 4,350 children who were adopted during the year ending 31 March 2017, in terms of categories of need, 3,110 children had the category of abuse or neglect.³⁷ Exposure to early maltreatment and neglect is likely to have diverse and complex consequences for different children.³⁸

There is also a delay in children being adopted after they enter care. While there has been some improvement in this delay, it is a further factor that can increase the difficulties that are experienced by children in these circumstances.³⁹

In their written evidence to the House of Lords Select Committee on Adoption Legislation, Adoption Plus stated that:

... the biggest concern we have is the lack of government focus and investment in effective adoption support services. The reality of adoption today is parenting children who have suffered abuse and developmental trauma. Adoption is more than children moving into a new family where they are safe and cared for. Their early traumatic experiences will impact on their development so they will need on-going support and their parents need support to parent them successfully.⁴⁰

The House of Lords Select Committee on Adoption Legislation commented on the need for proper support to prevent adoptions breaking down:

We believe that adoptive parents should receive greater and more consistent and continuing support. Calculations of cost need to take into account the contribution which support services make to preventing adoption breakdown and the associated costs. To support this, we recommend the Government commission an independent cost-benefit analysis setting out the cost of breakdown against the cost of providing support.⁴¹

It is very difficult to quantify an exact figure for adoption disruption. As Lord Justice McFarlane pointed out in the Inaugural Bridget Lindley Annual Memorial Lecture, data and research on whether or not our model of adoption has met the needs of individuals into adult

³⁶ House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny Report*. Second Report of Session 2012–13, page 14.

³⁷ Department for Education. *Children looked after in England (including adoption) year ending 31 March 2017*. SFR 50/2017

³⁸ National Adoption and Fostering Service, South London and Maudsley (SLAM) written evidence provided to the House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny Report*. Second Report of Session 2012–13, page 780.

³⁹ Department for Education. *Adoption Leadership Board headline measures and business intelligence, Quarter 2: 2016 to 2017 update*, August 2017. The time taken between a child entering care and being placed with a family for children who have been adopted decreased from 22 months in 2012–13 to 18 months in 2015–16, unchanged since 2014–15. The latest quarterly data suggested that there was an improvement to 16 months during the first two quarters of 2016–17.

⁴⁰ House of Lords Select Committee on Adoption Legislation. *Adoption: Post Legislative Scrutiny Report*. Second Report of Session 2012–13, HL Paper 127, page 48.

⁴¹ *Ibid*, page 54, paragraph 217.

life is not readily available.⁴² In research on adoption disruption rates that Julie Selwyn, Dinithi Wijedasa and Sarah Meakings conducted in 2014, they utilised the Department for Education's information on all children who were in the care of a local authority, and their study dataset comprised all children for whom an Adoption Order had been made during 2000–2011. They found that over a 12-year period (the follow-up period ending on 1 July 2012) the national adoption disruption rate was 3.2%, which indicated that 3 in 100 adoptions would disrupt over a 12-year period.⁴³ The child's age, their age at adoptive placement, and the time between the placement and the order were all independently significant in predicting adoption disruption.⁴⁴

The challenges for some adopted children are also detailed in Selwyn, Wijedasa and Meaking research. For example, some children's early memories of abuse and neglect gave them nightmares 'flash backs, and fears that they would be "found" by the abusive birth parent'. Adopters gave accounts of the difficulties their children had to contend with:⁴⁵ attention deficit hyperactivity disorder (ADHD), post-traumatic stress disorder (PTSD), obsessive compulsive disorder (OCD), autistic spectrum disorders (ASD), foetal alcohol spectrum disorders (FASD), developmental trauma, learning difficulties, aggression, difficulties in managing anger and a lack of empathy. It should be noted that some adopters in the study were annoyed by the assumption that there would be difficulties and were only too pleased to say how happy they were. The study also noted that 'Inadequate support and lack of information were common themes that ran through adopters' comments.'⁴⁶

In the Selwyn, Wijedasa and Meakings research, the majority of adopters described the adoptions as either 'going well' or with 'highs and lows, but mainly highs'.⁴⁷ About one in five of the local authority adopters and one in four of the AUK members described family life as difficult.⁴⁸

The difficulties faced by adoptive parents and their children have become more apparent since the Selwyn, Wijedasa and Meakings research was undertaken. This year, AUK collaborated with BBC Radio Four's *File on File* programme to investigate the realities of modern-day adoption. A survey was completed by approximately 3,000 adopters.⁴⁹ When asked how they would characterise their adoption, more than a quarter of parents said that there were either serious challenges impacting the wider family, or that their adoption was at risk of disruption, or that it had already disrupted. Almost a half were finding it 'challenging but stable' and just over a quarter were finding it 'fulfilling and stable'. The majority of adoptive parents who responded to the joint survey said that they were experiencing violence from their children. Adoptive parents were also asked whether their child had

⁴² The Inaugural Bridget Lindley OBE Memorial Lecture, "Holding the Risk: The Balance Between Child Protection and the Right to Family Life", 9 March 2017; <https://www.judiciary.uk/wp-content/uploads/2017/03/transcript-the-inaugural-bridget-lindley-annual-memorial-lecture-march2017.pdf>

⁴³ Selwyn J, Wijedasa D, Meakings S. *Beyond the Adoption Order: challenges, interventions and adoption disruption*. Research report, April 2014. University of Bristol School for Policy Studies, Hadley Centre for Adoption and Foster Care Studies, page 67.

⁴⁴ *Ibid*, page 71.

⁴⁵ *Ibid*, page 86.

⁴⁶ *Ibid*, page 171.

⁴⁷ *Ibid*, page 84, 66% in the local authority survey, and 65% in the Adoption UK (AUK) survey, both surveys conducted for the Selwyn, Wijedasa and Meakings research.

⁴⁸ Selwyn J, Wijedasa D, Meakings S. *Beyond the Adoption Order: challenges, interventions and adoption disruption*. Research report, April 2014. University of Bristol School for Policy Studies, Hadley Centre for Adoption and Foster Care Studies, page 84.

⁴⁹ www.adoptionuk.org/News/bbcadoption-uk-survey-snapshot-of-modern-day-adoption [Accessed August 2018].

displayed aggressive behaviour towards them: of the 2,766 who answered, 1,762 (63.7%) said yes.⁵⁰

A further issue that is raised in adoption is the nature of the information that is given to adoptive parents. The need for adopters to be told about the child they are adopting and the challenges they might face has been known for some time. The Hurst Committee, which was appointed in 1953 to examine adoption, stated that it is of the greatest importance that adopters should know all that they can be told about the physical and mental health of the child they wish to adopt and that they should appreciate the difficulties that may arise.⁵¹ Adopters need to be fully informed so that they are realistic about the difficulties that their adopted child may have and so that they access support when it is needed. Being furnished with this information is an area where there are still some gaps between good practice and the realities of adoption. Another question that was asked in the BBC and AUK survey was whether adoptive parents thought they had received full and correct information about their child during the adoption process. Of those who responded, for their first child, 58.3% said they had received full and correct information, and 35.4% said they had not.

In terms of accessing support, a particular area of difficulty has been that of Child and Adolescent Mental Health Services (CAMHS). The Chief Medical Officer's 2013 Annual Report⁵² pointed out that social disadvantage and adversity increase the risk of developing mental health problems, with children and young people from the poorest households being three times more likely to have a mental health problem than those who grow up in better-off homes. There are effective prevention strategies and evidence-based interventions, but accessing them is problematic due to geographic variation; recent reductions in CAMHS funding, particularly in local authority expenditure; long waiting lists; extremely high thresholds for referral; and a lack of integration between agencies.

The written evidence that was submitted to the House of Lord Select Committee on Adoption Legislation by the Royal College of Psychiatrists stated that too many areas have lost their local authority dedicated CAMHS for looked after children because of funding pressures. As the House of Lord Select Committee noted, failing to provide the 'necessary post-adoption support services risked a family breakdown and the possible return to care of an already damaged child'.⁵³

The Adoption and Children Act 2002 set out that, for the first 3 years after an adoption order is granted, the local authority that is responsible for placing the adopted child is responsible for the statutory assessment of adoption support needs. After that, the responsibility lies with the local authority where the adoptive family lives. Although the local authority is legally required to carry out the assessment, it is not required to provide the support that an

⁵⁰ www.adoptionuk.org/News/bbcadoption-uk-survey-snapshot-of-modern-day-adoption [Accessed August 2018]. The results of the survey and feedback from adoptive parents will provide the content for *File on Four's* investigation into modern-day adoption.

⁵¹ Departmental Committee on the Adoption of Children. *Report of the Departmental Committee on the Adoption of Children*, Cmd 9248, 1954, page 5, paragraph 21.

⁵² Chief Medical Officer. *Public Mental Health Priorities: Investing in the Evidence*. Annual report, Chapter 6, page 102.

⁵³ House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny Report*. Second Report of Session 2012–13, page 54, paragraph 211.

assessment may reveal is needed.⁵⁴ Provision of support is at the discretion of the local authority, and it varies.

To address the need for post-adoption support, the Government set up the Adoption Support Fund in May 2015, to pay for therapeutic services including therapeutic parenting training and intensive family interventions. Therapeutic services are to be funded upon application by a local authority on behalf of adoptive families. As an indication of the great need for such assistance, in October 2016 the Department for Education announced that demand for the Adoption Support Fund was over twice the forecast level and, despite increasing funding by an extra £2 million, it had been forced to limit access to the fund. A 'fair access limit' of £5,000 per child was introduced, as well as a match-funding approach whereby local authorities share the cost of support over the fair access limit. While this support is welcome, the immense demand is indicative of the challenges that adopted children face. Such demand is unlikely to reduce anytime soon.

Adopted children can also have difficulties with assimilating their past and birth families with their adoptive families. In the research conducted by Selwyn, Wijedasa and Meakings, parents reported that a few young people were also struggling with how to hold two families in mind. One parent said that the young person referred to both her adoptive mother and her birth mother as 'mum'. Other young people were said by their parents to deny the existence of their birth family, some longed for their birth mother and others had chosen to refer to only their adoptive mother as 'mum'.⁵⁵

The life story book is a particular form of support that aims to help adopted children come to terms with their backgrounds and to help adoptive parents to have open discussions about this. Guidance suggests that 'a life story book helps them explore and understand their early history and life before adoption. It is important to be written in a simple and age appropriate style and that the language and terms are agreed with the prospective adopter before the book is handed over. The explanation of why the child was adopted should not include explicit or distressing details'.⁵⁶ A life story book is meant to be co-ordinated by one person, preferably the child's social worker, and given to the child and prospective adopter in stages.⁵⁷

Unfortunately, not all life story work has been positively received by adoptive parents, nor has it been thought to be helpful for the adopted children. Adoptive parents commented that it was 'unhelpful, even detrimental to children'. Some books were not suitable for the searching questions that a child asked as they got older. 'Other books were non-existent, of poor quality or factually inaccurate. Occasionally, students nearing the end of a placement had been tasked to prepare books and with little obvious supervision'.⁵⁸ It is disappointing that a tool that was devised to aid open discussion about a child's past has not been utilised to its full potential.

⁵⁴ Adoption and Children Act 2002, Section 4.

⁵⁵ Selwyn J, Wijedasa D, Meakings S. *Beyond the Adoption Order: challenges, interventions and adoption disruption*. Research report, April 2014. University of Bristol School for Policy Studies, Hadley Centre for Adoption and Foster Care Studies, page 220.

⁵⁶ Department for Education. *Statutory Guidance on Adoption: for local authorities, voluntary adoption agencies and adoption support agencies*, July 2013, page 107, paragraph 5.48.

⁵⁷ Adoption Agency Regulations 2005, regulation 35.

⁵⁸ Selwyn J, Wijedasa D, Meakings S. *Beyond the Adoption Order: challenges, interventions and adoption disruption*. Research report, April 2014. University of Bristol School for Policy Studies, Hadley Centre for Adoption and Foster Care Studies, pages 184–185.

Another area of support relates to the context of bullying at school. Adopted children mentioned the need for more support at school to the House of Lords Select Committee on Adoption Legislation. Many had experienced bullying because they were adopted.⁵⁹ Adoption has taken place in this country for a considerable time, and it should therefore form part of personal, social, health and economic education (PSHE) in schools.

Concluding summary

There is an inevitable tension between the right of parents to have a family life that is not intruded upon by the State and the right of children to be protected. That tension is often seen in the pendulum between public concern over what is perceived as social workers' over-zealous removal of children and the outcry after tragedies such as the case of Baby P, who died in 2007. In times of economic constraint, this friction is very much a live issue in terms of prioritising resources between preventative work / family support and measures that are taken to ensure child protection. To be confident that the balance is correctly determined, there must be services that support families who are in need, as well as funding for child protection procedures and the immediate safeguarding of children who are at risk of significant harm. The correct balance often lies beyond the realms of lawyers and judges, and is very much a part of the democratic process. However, it is necessary to acknowledge that this conflict between the differing rights and resources exists. Targeted research should be conducted into which programmes and support work best address the impact of the 'toxic trio' that often lead to the involvement of children's social care: domestic abuse, parental mental health and parental substance misuse.

With regard to adoption, it is vital that children who are adopted are supported throughout their childhood. Such a life-changing event may not manifest itself in difficulties until the teenage years or even later. Support should include making a life story book that is appropriate as the child gets older, which means that social work support should be available to assist with this for years to come. Tools that are helpful in open conversations about adoption are hugely important, including educating children at school about adoption, and indeed about child protection in general.

The prevalence of social media also raises issues about the confidentiality of adoptive placements. However, as seen in the 1936 Horsburgh Committee, it is not new for birth parents to search for their adopted children. There are guides that can assist adoptive parents with this thorny issue. Our model of adoption has developed over time, but to a large extent it has not fully adapted to this century's rapid advances in technology. Further longitudinal research should therefore be conducted to take account of developments from the twenty-first century. We still have some way to go in conducting further research while we reflect on the models of child protection and adoption that are currently in place.

⁵⁹ House of Lords Select Committee on Adoption Legislation. *Adoption: Post-Legislative Scrutiny Report*. Second Report of Session 2012–13, page 55, paragraph 224.

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