



**SEEKING CONNECTIONS:**

**HOW ADOPTION AGENCIES RESPOND TO REQUESTS**

**FROM INTERMEDIARY AGENCIES TO SUPPORT**

**REUNIONS BETWEEN ADOPTED ADULTS AND THEIR**

**BIRTH FAMILIES**

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October 2022

  
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# HOW ADOPTION AGENCIES RESPOND TO REQUESTS FROM INTERMEDIARY AGENCIES TO SUPPORT REUNIONS BETWEEN ADOPTED ADULTS AND THEIR BIRTH FAMILIES

**Funder:** Joanna North Associates  
**Dates:** January - October 2022  
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## WHY IS THIS STUDY IMPORTANT?

Introduction by Dr Joanna North.

“This study has been undertaken with the lifelong needs of adopted adults in mind. Whilst adopted people are frequently successful and secure individuals, the effects of the dynamics of adoption can still be far reaching and in some cases very disruptive to psychological well-being. Adopted adults often have their needs forgotten with the mistaken assumption that to be adopted is good fortune or a ‘happy ending’. In reality adopted adults always have a complex interplay between their genetic inheritance (birth parents) and their environmental culture (adopted parents) that often poses a unique question on their identity – ‘*Who actually am I?*’. Some adopted people seek to trace and meet birth relatives in order to ‘meet people like themselves’ and track down their bloodline and ancestors. This pathway is not without risk as adopted people may find out distressing information or risk rejection, hence many chose to use an intermediary service to help make the approach to birth family members.

Birth mothers and other relatives are also profoundly affected by adoption. In July 2022, the Parliamentary Joint Committee on Human Rights published the findings of its inquiry into the adoption of children of unmarried women between 1949 and 1976, this highlighting “the continuing impact of the adoption of their baby on the mothers with many recounting ongoing mental health difficulties, others telling us the impacts on their family lives for decades.” The law allows for birth relatives who have lost children to adoption to trace them in adulthood through an intermediary service. There are many birth parents who crave some contact with their child. It can offer great consolation to know that their baby was well cared for and

did well and in order to achieve this they must be able to find that baby and ask them about this.

At Joanna North Associates, as providers of intermediary services we were increasingly concerned about delays in being able to provide help to birth relatives and adopted adults. Intermediary agencies are required by law to contact the adoption agency that placed the child to seek out information from the adoption file, including whether either any person has placed a veto on further contact. We were experiencing sometimes very lengthy delays in receiving this information. We were very aware of the distress this was causing adopted adults and birth relatives, as initiating a search is a huge decision and once the process starts there is naturally a build-up of anxiety. A particularly poignant example of the impact of delays is for one of our mature adopted adult clients who, after much consideration, decided to trace their birth mother. We found the birth mother to a current registered address and contacted the appropriate adoption agency but by the time we received a reply two months later, it transpired the birth mum had died in the meantime. This is clearly not the fault of anyone, but it does highlight the need for more urgency in responding to these requests from intermediary services.”

## WHAT DO THE REGULATIONS AND GUIDANCE SAY?

- An intermediary service is defined in The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 (ISR) as one that facilitates contact between adopted persons aged 18 or over, who were adopted before 30th December 2005, and their relatives.

- The Adoption and Children Act 2002 introduced rights for birth relatives of adopted adults to seek an intermediary service, a right that already existed for adopted adults. It also introduced the right of adopted people to place a veto on their files, stating that they did not wish to be contacted or only under specified circumstances.
- Where the agency making an intermediary approach is NOT the agency that placed the child they are required under the ISR 12 to identify the agency that placed the child or holds the historic records (the Appropriate Adoption Agency- AAA) and contact them to find out: if a veto on contact exists; whether the subject has expressed views about future contact and whether the agency has views about such contact; and any other relevant information, including information needed to trace the subject.
- The Statutory Guidance on Adoption (2013) emphasises the importance of timely response to such requests and suggests that AAA's "may find it helpful to maintain a central register of any vetoes recorded, perhaps with the index to their adoption records."
- Adoption Minimum Standards 2014 recommends that there is an agreed timescale for the response, and that AAA keeps the intermediary service informed of the progress.

## AIMS OF THE RESEARCH

To obtain a better picture of how adoption agencies are meeting their duties under ISR 12.3 by gathering a national picture of:

- how agencies respond to these requests,
- whether new Regional Adoption Agencies (RAAs) have taken on this responsibility from partner local authorities,
- the volume of requests and timescales for reply
- internal resources and procedures supporting this area of work

## HOW WAS THE STUDY DONE?

- Requests under the Freedom of Information Act 2000 (FOIs) were sent to 34 active RAAs in England, plus two local authorities (LAs) not in RAAs. Six RAAs told us responsibility for this work remained with their partner LAs; FOIs were then sent to these 34 LAs. In total, sixty-eight FOIs were sent.
- The response rate overall was 90% (n=60, 30 RAAs, 30 LAs). In terms of usable responses, 51 agencies gave

answers to our questions. 9 agencies – 6 RAAs and 3 LAs – did not answer questions as the services were offered by other agencies on their behalf.

- The questions looked at: the budget allocated to work with adopted adults; staffing arrangements for work under ISR 12; guidance available for responding to IS requests; the number of requests made and timescales for responses; and finally whether digitisation and a register had been set up for vetoes.

## KEY FINDINGS

### What annual budget do agencies allocate to work with adopted adults?

- Most agencies (67%, n = 34) reported that they did not have a ringfenced budget for work with adopted adults. Some agencies (14 %, n = 7, 6 RAAs, 1 LA) had commissioned an outside agency to offer support to adults, which often included work with birth relatives.
- Within those who did provide information on the budget (18%, n=9) there was a wide variation of amounts reported, ranging from £12,708 to £160,000. However, it is difficult to tell if this indicates significant differences in the budget for this work, difference in agencies' size and geographical reach or if agencies have included several types of service provision in their figures.
- One agency provided an estimate that work on accessing records was around 5% of overall work of their team.

### Which staff work on the specific tasks of responding to ISR 12.3 requests?

We identified three broad models of staffing for work with adopted adults:

- (a) work was allocated to duty team or to any worker in the adoption support team, in some agencies with specific workers taking an interest in this work (47%, n= 24);
- (b) specific worker/s were employed to do work with adopted adults, (45%, n=23) or
- (c) this role was fulfilled by an administration worker overseen by a social work manager (8%, n=4).

One agency reported that they were currently training additional staff for this task in anticipation of a rise in this work.

### How many agencies had relevant guidance for responding to requests under ISR 12.3?

- Only a minority of agencies (13%, n=7) were using locally developed procedural guidance which gave information such as how to find historical files in the agency, and how to check if the agency requesting the information was allowed to receive it.
- One third (33%, n=17) reported that they had no guidance for this task.
- Just over half of agencies (n=25, 53%) used some form of general guidance. Two of these did not provide a copy of guidance to us. Nine agencies (18%) relied on the available government legislation. Others (31%, n=16) were using guidance prepared by the Tri-X company, which provided a summary of the statutory guidance on Intermediary Services. The challenge of using such national or 'off the peg' guidance is that this did not include how to respond to requests for information from external intermediary agencies. It also omitted information on where files relevant to that AAA were held. Thus a worker would not be able to use the guidance to know how to respond to an ISR 12.3 request if they had not worked one before.

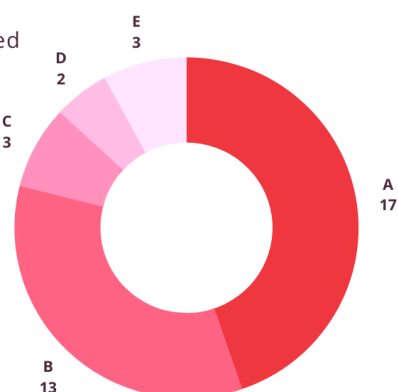
### How many referrals under ISR 12.3 had agencies received in the last financial year?

Three-quarters of agencies (75%, n=38) provided data on the number of ISR requests that they had received. The remaining agencies (25%, n=13) did not provide this information in a usable format, either because the numbers were estimations, or they had not recorded it, or they judged that gathering this information would take too long within the bounds of an FOI request.

Where specific numbers were provided, these ranged from 0-24 (mean 7.5). As shown in the graph below, most agencies received less than ten requests over the year.

ISR12.3 requests received by adoption agencies.

- A** 0-5 requests
- B** 6-10 requests
- C** 11-15 requests
- D** 16-20 requests
- E** 21-24 requests

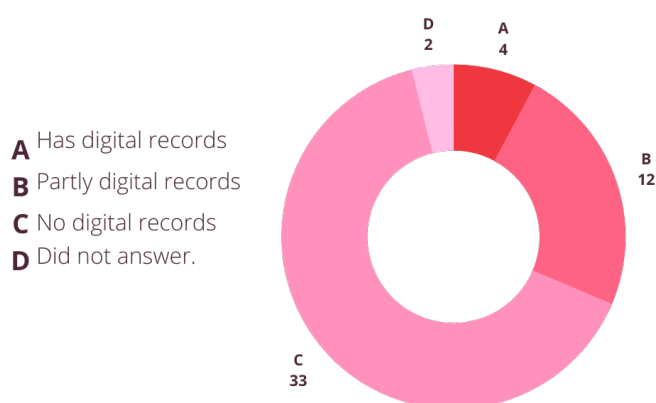


### How long did it take agencies to respond to the ISR 12.3 requests?

- The majority of agencies (74%, n = 38) were unable to provide precise information on how long it takes for them to respond to ISR 12.3 requests suggesting this is not a statistic that is routinely collected or monitored. This group included 17 agencies who provided an estimated timescale, the range here being from 3 days up to 8 months.
- Only 26% (n=13) were able to provide timescales based on precise data; this included two agencies who had no requests in the last year. The length of time to meet requests varied very widely within and between agencies, the range being 1-279 days. Four agencies provided an average numbers of days (10; 34; 39; 210). Five agencies provided a range (4-14; 12-22; 8-84; 14-100; 1-279). One agency provided a range in bands (7 in less than six weeks, 2 in 2-3.5 months).
- A few agencies (n=9) mentioned the timescales their agencies aimed to stick to in responding to requests, ranging from one week to three months. Current statutory guidance is only that agencies should make a "timely" response, but does not define what this timescale is.
- A fifth of agencies (22%, n=11) added text commenting on factors affecting their ability to respond in a timely fashion. Reasons included were:
  - Covid 19 – increased demand plus limited access to paper records
  - Staff shortages/resource issues
  - Older records being harder to locate due to antiquated indexing systems
  - Local authority variations in accessing records (within RAAs)

### How many agencies had digitised adoption records?

- Very few agencies (8 %, n=4) had fully digitised their historical adoption records. Just under a quarter (23%, n=12) had digitised some records (e.g. an LA had digitised some records; an RAA had digitised records in some partner LAs but not in others). Two did not provide an answer. The rest (65%, n=33) had not digitised any adoption records.



### How many agencies had a register of vetoes

- Numbers of recorded vetoes were very low
- Ten agencies (20%) had a register of vetoes, as recommended in statutory guidance. These 10 agencies reported between 0-13 vetoes (n=8 had fewer than five vetoes, including two having none).
- Another four agencies did not have a register but were able to provide numbers of vetoes. For three agencies this was between one to three vetoes. The fourth agency reported 22 vetoes.

### STRENGTHS AND LIMITATIONS

- A key strength is that data were gathered rapidly from a large percentage of adoption agencies to illuminate practice in this under researched area. The data confirms anecdotal evidence that some adopted people and birth relatives will experience lengthy, and sometimes very distressing, delays in being able to contact a relative. This issue is also flagged up in both the Parliamentary Joint Committee on Human Rights report into the adoption of children of unmarried women between 1949 and 1976, and the evaluation of RAAs published in 2022. This is just one issue that affects adopted adults and birth relatives; these groups also experience significant problems accessing appropriate and affordable support services addressing the lifelong impact of adoption. This is an area of practice where improvements are urgently needed.

- A limitation is that the research is likely to underestimate the numbers affected as not all agencies responded and it focussed solely on requests for information made via external intermediary services. Other adopted adults or birth relatives may use an agency's internal intermediary service, or in the case of

adopted adults, they may request direct access to their adoption files. Government figures indicate that there were around 890,000 legal adoptions between 1926 and 2005, indicating many adults (both adopted people and birth relatives) who may need support around seeking contact with each other. Both the COVID pandemic and the recent inquiry into historic adoptions may fuel future demand for intermediary services and/or access to records from this significant pool of people.

### KEY RECOMMENDATIONS

- The needs of adopted adults and birth relatives should be given more strategic consideration at national and agency level. In terms of intermediary services requests this should consider:
  - Adoption agencies developing clear internal guidance that both summarises the national law/guidance and also contains information about local procedures and location of files. The summary of national law/guidance could be produced centrally to save work across agencies and the development of national standards should be considered
  - Agencies to record, monitor and publish the timeliness of their responses to requests to check adoption records, with a focus on ensuring guidance to respond in a timely fashion is complied with.
  - Adoption agencies to ensure that information on services for adopted adults and their birth relatives is clearly signposted on their website.
  - One off investment in this sector to enable an up-to-date list of where records are held and the digitisation of files.
  - A requirement for agencies to report existing and new vetoes to the Registrar General so a national register of vetoes can be held.
  - Adoption agencies to share best practice with each other.
  - Further research to look at the role of vetoes given the small numbers using this option, and the delays checking for vetoes may create.

**FIND OUT MORE**

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**HOW TO CITE THIS RESEARCH BRIEFING**

Murphy, A., North, J., Neil, E. and Oates, D. (2022) *Seeking connections: mapping adoption agency responses to requests from intermediary agencies to support reunions between adopted adults and their birth families*. Centre for Research on Children and Families Research Briefing; Norwich: University of East Anglia. Available at <https://www.uea.ac.uk/web/groups-and-centres/centre-for-research-on-children-and-families>