

**Family Rights Group Submission to  
The House of Lords Select Committee on  
Adoption Legislation**

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## **Family Rights Group**

1. Family Rights Group is the charity in England and Wales that advises families whose children are involved with or need local authority children's services because of welfare needs or concerns. We provide direct advice to 7000 such parents and wider family members per year, so that they understand their situation, including their rights, and the options available to them. We also promote policies and practices that help children to be raised safely and thrive within their families wherever possible, for example we:
  - campaign for effective support to assist family and friends carers, including grandparents who are raising children who cannot live at home;
  - run the national Family Group Conference network and have developed national standards and are now trialing an accreditation system for family group conferences services. Family group conferences are an approach which are proven to help families engage in making safe plans for their children when the local authority is concerned about their welfare.

## **Submission supplements that made on behalf of the Kinship Care Alliance**

2. This submission supplements that drafted on behalf of the Kinship Care Alliance. We have deliberately not repeated the points that we made in that joint submission, but focus specifically here on points which fall outside the Kinship Care Alliance's remit.
3. We have responded to the questions listed in the call for evidence under themes rather than by reference to specific questions, as many of these cover similar issues.

## **Placing children for adoption without court approval**

4. There are few more drastic steps that the State can take than to sever the legal relationship between a child and their parents forever, which is the effect of an adoption order. It is therefore essential that the process by which this happens is fair and does not breach the human rights of the child and their parents and any other involved adults who have a relationship with the child.
5. Under current legislation there is a clear division of responsibility whereby local authorities identify and provide the details of the child's permanence plan and placement, but the final decision as to whether a child should be placed for adoption<sup>1</sup> and thereafter be adopted is made by the court. When the Adoption and Children Act 2002 was debated in Parliament prior to enactment, it was clearly decided that no placement for adoption should take place unless the parent had formally agreed<sup>2</sup>

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<sup>1</sup> A Placement order is required before a child can be placed by an adoption agency for adoption unless the parents with parental responsibility have given their formal consent to the adoption placement under s.19 ACA 2002.

<sup>2</sup> S.19 ACA 2002

or the court had given specific authority by making a placement order<sup>3</sup>. This was intended to ensure that a parent wishing to challenge a placement for adoption had the opportunity to do so before their child was placed with adopters. This is based on a recognition that parents had little chance of making a successful challenge to a plan for adoption after their child had settled and formed a relationship with the prospective adopters as any move thereafter would be very disruptive and potentially damaging for them.

6. As mentioned in the Kinship Care Alliance submission, we are concerned that the reality of the government's 'foster first before adoption' policy<sup>4</sup>, and the proposed regulations associated with it, means that children may be moved to potential adoptive parents, in their role as foster carers, at an early stage, without proper consideration by the court of/for the care/adoption plan.
7. We therefore consider that safeguards should be put in place, or the proposed regulations amended, to ensure that local authorities cannot effectively revert to the pre ACA position and 'place' a child in an adoptive placement without a placement order made by the court. Moreover, we consider that if the foster first proposals proceed as announced there will be successful challenges by parents, wider family members and on behalf of children under the Human Rights Act 1998.

## **Reviewing placement orders if the child is not placed for adoption after 1 year**

8. T

he recent case of A and S (Children) v Lancashire CC<sup>5</sup> highlights the problems that arise when a child is authorised but is never actually placed for adoption. Although this case concerned children freed for adoption under the old law, it is possible that children who are authorised to be placed for adoption by a freeing order could be subject to similar drift in the system. In order to guard against this we propose that there should be a new legal requirement for the case to return to court if a child is authorised to be placed for adoption under a placement order but is then not placed within one year of the order being made.

## **Inadequacy of post adoption support for birth families**

9. Family Rights Group is aware from its advice work that birth parents and relatives often lack support during and after the adoption proceedings. Particular examples are
  - lack of a key worker for birth parents;
  - lack of support to promote links which meet their child's long term identity needs;
  - lack of legal aid for family members who have important relationships with the

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<sup>3</sup> S.21 ACA 2002

<sup>4</sup> <http://www.education.gov.uk/inthenews/inthenews/a00211426/more-babies-in-care-to-receive-a-stable-home-more-swiftly->

<sup>5</sup> [2012] EWHC 1689 (Fam)

adopted child to apply for a contact order after adoption, especially older siblings who have not been adopted but want to remain in touch with their brother or sister who has been adopted;

- little support for birth parents to adjust to losing their child, which can be very problematic when those parents go on to have more children, and then face their new baby being removed because they have not been able to resolve their problems with support. After Adoption provides an excellent support service to meet the needs of such parents with very positive results;
- lack of support when a sibling is in touch with or is seeking contact with their adopted brother or sister.

## **Post adoption support for contact**

10. We are also aware that there is ***a need for more effective adoption support*** especially in relation to contact. We are aware of a case, for example, where a birth sibling sought contact with his adopted sister. The case was referred to mediation and it resulted in the adult sibling and the adopters meeting regularly, exchanging information and creating a channel of communication which established a shared understanding and basis for future links even though no direct contact with the child took place.
11. We are also concerned that the issue of links and identity for inter-country adopted children may not have been given adequate attention. Just as children adopted in the 1950s and 1960s expressed their desire to know their roots (as expressed in the Houghton Committee Report 1975 and subsequently addressed in the Children Act 1976 which gave them the right to trace their birth parents) we believe it is only a matter of time before children adopted from abroad express the same needs yet it may be much harder to find the relevant information to trace their birth family. There is no easy solution to this but it is surely an issue which practitioners working in inter-country adoption cases must be particularly vigilant about.