

# BIRTHLINK BULLETIN

## Editorial

The present financial storm presents difficulties for all charities and Birthlink is no exception. We survive on the basis of an over-draft from the bank (!), insufficient grants from public bodies, subsidised service charges and donations from members of the public. Hopefully it will not tempt fate too much to say that here at Birthlink, morale is high. We are sustained in this optimism by that knowledge that we provide a unique service to all those who are affected by adoptions in Scotland, the messages of support that we receive from the public and the increasing demand for our services. So as we move into a new year, we look forward to continuing what we do well with your continuing backing.

### England and Wales: After-Adoption Support Moving Ahead

With the appearance of two new publications from the Department for Children, Schools and Families it seems that the UK government means to include adults affected by adoption in its plans for upgrading adoption support.

#### *Adoption: Access to Information and Intermediary Services - Practice Guidance*

This new, non-statutory practice guidance (but not for Scotland – see below) is for practitioners working with adopted adults and birth relatives who wish to find out about an adoption, and who may wish to trace and establish contact with their birth relatives through the provision of intermediary services.



<http://www.everychildmatters.gov.uk/resources-and-practice/IG00324/>

### *Adopted adults and adult birth relatives: Tracing and contact*

This A5 information leaflet describes the rights of adopted adults and their adult birth relatives to trace and establish contact with each other, if both parties wish to do so.



<http://publications.everychildmatters.gov.uk/eOrderingDownload/DCSF-00477-2008.pdf>

The Scottish legislation updating adoption policy and practice has already been passed. The **Adoption and Children (Scotland) Act 2007** was passed by the Scottish Parliament in December 2006. The Act is predicted to come into effect on 31st March 2009. The reason for the time lag has been to allow consultation on the various regulations. Regulations add proper direction to the broad brush approach of the legislation. For instance, the law says that adoption agencies are required to offer support to birth parents and adopted adults. The regula-

tions (hopefully) will say just how this will happen and what services can be expected. Let's hope that the Scottish government will be as positive towards adults affected adoption as the rest of the UK.

### Descendants of Deceased Adopted Persons

The Descendants of Deceased Adopted Persons (DAP) group has launched a campaign to highlight the difficulties the Adoption and Children Act 2002 causes people who want to access information about deceased adopted relatives. DAP says:

'At present the Adoption and Children Act 2002 provides for the birth records of an adopted person to be disclosed only in limited circumstances, e.g. where the adopted person applies, or where records are held by an adoption agency which can decide whether disclosure is in the interests of all concerned.

One effect is that the descendants of an adopted person cannot obtain those records unless under Section 79 of the Act they can satisfy the Court that there are exceptional circumstances justifying disclosure.



The Descendants of Deceased Adopted Persons (DAP) group believes that this is unjust and contrary to the intention of the 2002 Act to allow greater access to birth information.

DAP would like to hear from people who:

- a) Have been unable to obtain birth details of their deceased adopted parents or older relatives; or
- b) Have obtained the information about their deceased adopted parent or relatives from, for example, the original Court where the adoption order was made or from the adoption agency involved in the adoption arrangements.

It is important for DAP to collect background and supporting information to highlight this anomaly in the law and discover how many people are affected and in what way.

Please tell us about your experiences, good or bad, so that we can consider how to improve the legislation. Any information you provide will be regarded as confidential unless you give specific authority for its disclosure.

Send your contact information with a very brief summary of your search experience to: frances@bigpond.za.net. Please write DAP in the subject line and we will get back to you.'

As can be seen the above is taken from a press statement that refers to the law in England. The reasons we have decided to run it are because, firstly, we are aware that many people in Scotland are in a similar position of not knowing vital family information and secondly, the restrictions here in Scotland are little different. The following is taken from the website of the Scottish National Archives:

"exceptionally, and on application to the court that originally dealt with the adoption, a person other than the adoptee may be allowed to inspect the adoption process. This is very rare and is usually only granted for reasons such as medical grounds."



### Reunion Generalisms

Birthlink staff members have been busy preparing to deliver 'After-Reunion: Insights and Issues' training in Aberdeen in November. We thought that one of the sessions was good enough to share with our readership (not that the other sessions aren't—we just don't have the room)

The idea here is to consider all the myths, fantasies and generalisms that hang in the air surrounding reunion. Not everyone will hold to them all. But some, including friends and close support, will hold to one or two.

- Achieving a reunion is easier these days
- For the adopted person reunion is the goal
- Reunion is usually a positive thing



- Birthmothers are glad to have news of their child who was adopted
- A birthmother will always put the adopted person's needs first
- Birthfathers are cads

## Generalisms (continued)

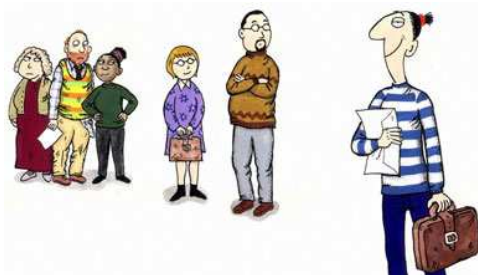
- Siblings are bound to get on



- It is essential for the adopted person to include their adoptive parents in reunion and updates



- Healing occurs when adoptive families and birth families get on
- Adoptive families will be hostile to reunion
- Adoptive mothers will be worst affected
- Social workers are only interested in settling in a child to an adoptive family
- Social workers first priority is to the adoptive family
- Reunion work will not be allocated
- Social workers don't have skills for this work



September 2008 newsletter (<http://www.baaf.org.uk/about/baafnews/baafnews0809.pdf>)

'Sharing memories, photographs and recalling significant events is commonplace within most families. But adults who, as children, were separated from their birth family by local authority care can experience enormous difficulty in finding out about their family history, the reasons why they were separated, or even where to find such information. It is estimated that 350,000 adults in the UK have spent part or all of their childhood in foster or residential care. Each year, several thousand seek access to their child care files, which are retained by the local authority. They do so for a variety of reasons, often seeking to rebuild fractured identities and resolve deeply personal questions about their origins. Yet for many post-care adults, trying to access and receive information about their family background and time in care can be a challenging and frustrating experience. Such information requests come under the Data Protection Act 1998, which has third-party restrictions and does not take into account the special circumstances of post-care adults who mainly want to obtain a family history, including details of their parents and siblings. A survey of local authorities in 2005 showed that the practices and policies for accessing information under the Data Protection Act varied enormously and meant that some post-care adults were receiving a second-rate service. Social workers and access to information officers often struggle with what and how much information can be shared with the post-care adult.'



BAAF is calling for:

- A legislative framework that enables post care adults to access information to about their origins and time in care.
- Advice and support services which post care adults can choose from when accessing their childhood records
- Access to a third party expert who can help them locate and contact family members
- An audit of statutory and voluntary sector files that is published to enable post care adults to understand where records may be held

Birthlink backs this and readers' attention is now drawn to the bit that we are doing to support those who have become estranged from their families as a result of being in care.



## Care Connect

## More English developments

*"I had been in care for 15 years and found out I could apply for my records, but all I got was 10 sheets of paper with lots of information typexed out – I wondered why I bothered to access the information as what I got did not make a lot of sense."*

The Children and Young Persons Bill is wending its way through the UK Parliament and BAAF have been urging for the legislation to do something about access to care records by those whom they call 'post-care adults'. The following is an extract from BAAF's



## Introduction

**Care Connect** service has been in operation for over three years since April 2005. Care Connect is a facility to help adults who have been in statutory care on a long-term basis (but not later adopted) get help in retrieving information about their childhood. It also provides assistance in searching for and establishing contact with families of origin from whom a person may have become estranged.

## Who's Using the Service?

The service agreement between Care Connect and City of Edinburgh began two years ago in April 2006. It consists of helping ex-clients access their care records, provides counselling and advice during this process and offers assistance in tracing significant people with whom they have lost touch.

Since beginning our work with Edinburgh in 2006, forty one people have used the specific service consisting of twenty six women and fifteen men aged between 24yrs old and 58yrs. The average age of the group is 43 yrs. By September 2007 we had assisted eleven people, so the number using the service has nearly quadrupled.





Most of the referrals have come as a result of an initial approach to local social work offices and then those teams referring the member of the public onwards to Care Connect. A majority are no longer resident in Edinburgh. A handful of referrals came via initial approaches to Birthlink's Information Line.

## What is Involved?

The nature of the work has been very different and varied in every case, however each has involved all or some of the following:

- Considerable preparation in reading the file and records before any contact with the service-user.
- Counselling and advice to the individual involving issues in the interpretation and assessment of information in their records.
- Considerable administrative time and resources e.g. photo-copying records, establishing contact with

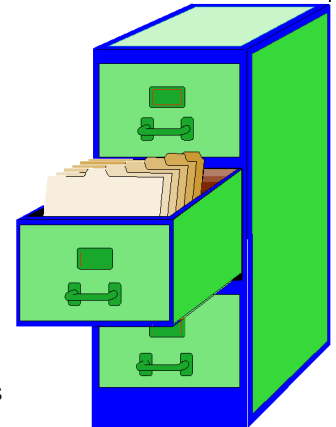
 **Birthlink staff can be contacted at 21 Castle Street, Edinburgh EH2 3DN or on 0131 225 6441 or e-mail us at [mail@birthlink.org.uk](mailto:mail@birthlink.org.uk)** 

prospective service-user, arranging appointments. Work around these three bullet points has emerged as the major part of the work (as distinct from, e.g. searching for estranged relatives).

- Liaison with other professionals e.g. Care Adults Support workers.

A pattern is emerging that suggests that for the people with whom we work, making sense of their care history is the primary occupation and whilst four individuals have gone onto use our search service, the majority of those using the service appear to be content - at present - to avail themselves of the work around their records and care histories.

It remains the case (see previous reports) that the care records work is greatly time-consuming in terms of administrative resources, e.g. deleting third party information, photocopying Local Authority files which can range from one page records and those with hundreds of pages (in one case, an ex-client's records ran to 700 microfiche pages).



## Satisfaction with the Service

Everyone who has been helped is asked for feedback and out of the forty-one, we have had nine responses to our 'help us improve the service' questionnaire. Some have chosen to write lengthy letters. All of the feedback is positive: "I feel the service to have set a wonderful example of how receiving personal records should be applied and through personal experience I think many Social Departments could learn an awful lot" is a not untypical example of the feedback. One service user had his praise for the service published in the Edinburgh Evening News.



## Birthlink Big Thank You and Xmas Drop-In

18 December

4.30 - 6.30

