

The role of the social worker in adoption – ethics and human rights: An Enquiry

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The electronic version of this report, the response of the British Association of Social Workers and a range of supporting materials, information about the Enquiry and its contributors, and ongoing work about the social work role in adoption is available on the BASW website at www.basw.co.uk/adoption-enquiry

Foreword

We are delighted to introduce this report of the BASW Enquiry into the role of the social worker in adoption – ethics and human rights. Adoption is a life changing event – for the children concerned, their birth parents, siblings, grandparents, extended family and adoptive families. Adoption has been promoted strongly by governments across the UK in recent years, in England most of all, as the ‘gold standard’ approach to permanence and stability for children who are considered at risk within their families of origin and who have come into the care of the state.

However, adoption is also one of the most controversial areas of social policy. Around 5000 children are currently adopted annually from care across the UK but the number has varied significantly in recent years. Recent policy and the use particularly of non-consensual adoption across the UK has sparked disagreements between judiciary and government, criticism from many birth parents whose children have been adopted against their wishes, and questions within the social work profession itself about the ethics of this increasingly politicised area of practice.

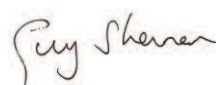
Social workers’ decision making is at the heart of adoption and needs to be subject to ethical scrutiny from within the profession and from without. The higher rate of care proceedings and adoption involving children from families that are particularly disadvantaged – by poverty, social trauma, mental health difficulties or learning disability, for instance – is an ethical and practice concern for social workers, not least because it raises questions about the adequacy of support and protection of human rights of parents.

Against this backdrop, in 2016 BASW commenced this Enquiry into adoption in all four jurisdictions of the UK, enabling important comparisons between the different care and judicial systems. This has raised fascinating comparisons and we are looking forward to exploring these further in ongoing discussions across the UK.

From the outset we wanted the Enquiry to explore the ethical and human rights dimensions of social work practice when making life changing decisions about children and their families, which often have wider and long-lasting implications for communities and society in general.

This Enquiry into sensitive and complex areas of practice is a start to further discussions and debate about improvements, not an end. The Enquiry aimed to create safe spaces to hear the experiences and views of everyone involved. We invite readers to respond to the messages in this report in the same spirit and keep the open debate going amongst all who have a stake in adoption.

We are grateful to Professors Featherstone and Gupta for their diligence, commitment and enthusiasm for this important piece of work, and to the Steering Group – Maggie Mellon, Allan Norman, Lauren Devine and Janice McGhee for their oversight and expertise. Most of all we thank all those affected by adoption who made time to engage with the Enquiry and contribute so positively and openly.



Guy Shennan,
BASW Chair



Dr Ruth Allen, BASW
Chief Executive Officer

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About the Enquiry

In 2016, the British Association of Social Workers (BASW) commissioned an Enquiry into the role of the social worker in adoption with a focus on ethics and human rights in order to:

- *Provide BASW with up-to-date knowledge and evidence from key stakeholders: social workers, managers, adult adoptees, adoptive parents, birth parents, siblings, policy makers and academics on this aspect of social work practice with a particular focus on how ethical and human rights issues and legislation are understood and inform practice;*
- *Support BASW in developing its policies in this area.*

In this report, we discuss the Enquiry's key messages and the process involved in arriving at them. The Enquiry sought the views of adopted people, birth families, adoptive families, social workers, social work managers and other professionals, and created spaces for dialogue about the role of the social worker in adoption with a particular focus on ethics and human rights.

The Enquiry considered adoptions undertaken by local authorities across the four UK nations, England, Scotland, Wales and Northern Ireland. The focus did not include inter-country or step-parent adoptions. Further information about the Enquiry and supporting documents can found on the Adoption Enquiry website page at www.basw.co.uk/adoption-enquiry

Why was the Enquiry held?

The Enquiry was considered necessary for several reasons:

- Adoption has been promoted by government policy in England in recent years. Moreover, across the UK, there is interest in expanding its role in ensuring permanency and stability for children.
- Social workers are central to the implementation of adoption policy. They are involved in initiating care proceedings, recommending adoption as a care plan, assessing adopters, matching children and providing post adoption support.
- There has been little discussion about the role of the social worker in adoption in relation to ethics and human rights.

How was the Enquiry carried out?

Professors Brid Featherstone (University of Huddersfield) and Anna Gupta (Royal Holloway, University of London) led the Enquiry. Sue Mills (University of Leeds) was employed as the research assistant. A steering group, convened by BASW, oversaw the project. The team also worked with a reference group, members of whom provided expertise on differing aspects of the Enquiry.

For the purposes of the Enquiry we used the following definitions of ethics and human rights agreed with the steering group:

In its broadest sense ethics is concerned with looking at what is the right thing to do and what ought to be done. Ethics help us consider the benefits of actions or decisions for individuals, groups or society in general and the importance of the values and principles behind our decisions. So, it moves us beyond questions such as 'does this policy work?' and it makes us consider questions such as 'is this policy right?'

Broadly speaking, we see human rights as emphasising our common humanity and the importance of social, economic, political, and legal rights. In the context of this Enquiry a crucial question is whether all families can use the economic, social, legal and political rights they need to ensure their children's safety and wellbeing.

The Enquiry used conventional research methods as follows:

- A scoping review of the literature. This explored the history of adoption, legal and policy contexts across the UK, international developments, key research studies and human rights and ethics in social work;
- A questionnaire hosted on the BASW website to be filled in by individuals or organisations. Where required, face-to-face or telephone interviews were substituted for written submissions or were used to supplement such submissions;
- A focus group with adopted young people in England;
- A focus group with CAFCASS Children's Guardians in England;
- Face-to-face interviews were carried out with members of the judiciary.

The Enquiry also organised one-day, invitation only, seminars to facilitate dialogue across a wide range of the key stakeholders impacted by or working in adoption:

- Seven one-day seminars were held across the UK (two in England, Scotland and Northern Ireland and one in Wales);
- Four involved a mix of adopted people, adoptive families, birth families, social workers, managers, academics and lawyers;
- Two involved social workers and managers. One involved adopted people and adoptive parents (some of whom were practising social workers or social work students).

These methods generated a great deal of material, which the team thematically analysed.

Ethical approval for the research aspects of the Enquiry was received from the University of Huddersfield.

Who participated?

Numbers

- 105 social workers¹
- 56 birth family members
- 44 adoptive parents
- 32 adopted people
- 15 legal personnel
- 24 academics
- 24 related professionals

13 organisations engaged with the Enquiry through written submissions or interviews. A list of these is provided in Appendix A.

Participants in seminars were also encouraged to complete the questionnaire, so there is some overlap in numbers.

Breakdown by country

	Scotland	Wales	Northern Ireland	England	Not specified	Total
Social workers	29	7	27	42	0	105
Birth family	3	4	1	43	5	56
Adoptive parents	8	8	9	18	1	44
Adopted people	2	3	4	23	0	32
Legal personnel	2	0	0	13	0	15
Academics	3	4	2	15	0	24
Related professionals	10	3	0	11	0	24
Organisations						13
Total	57	29	43	165	16	313

Participants were recruited through a variety of means. The questionnaire was hosted on the BASW website and publicised through BASW's communication channels, including social media.

¹ This category included managers with a social work background

For the seminars, the researchers worked with BASW and others in all four countries to ensure respondents from an array of areas were involved. This meant four of the seminars recruited the desired mix of social workers, adoptive parents, birth parents and adopted people as well as other interested parties. Organisations, including Coram and the Open Nest, helped engage adopted people with the project. Lawyers were engaged through the researchers' professional networks.

The response generated a great deal of material but clearly this covers a very small proportion of those involved in the adoption process. As with all such exercises, there is also a probable bias towards those with concerns, but a diversity of views and positions on adoption was actively sought.

The report outlines the key messages from the Enquiry in five sections, followed by our conclusions and recommendations for future actions:

- **Section 1** focuses on the current use of adoption, drawing together responses from participants across the stakeholder groups;
- **Section 2** considers the role of the social worker in adoption from the perspective of social workers;
- **Section 3** explores the role of the social worker from the perspectives of families (birth families, adoptive families and adopted people);
- **Section 4** discusses the perspectives of other stakeholders, including legal personnel, academics, related professionals and organisations;
- **Section 5** discusses the ethical and human rights implications for social workers involved in adoption.

Throughout the report we draw out similarities and differences between the four UK countries. However, as the table above shows, most family² respondents came from England, and some groups had little or no representation in some countries (i.e. birth families and legal personnel in Northern Ireland).

² This term encompasses birth families, adoptive families and adopted people here

SECTION 1:

THE USE OF ADOPTION



Introduction

The Enquiry had a specific brief to focus on the role of the social worker in adoption in relation to ethics and human rights. However, the use of adoption as a legal and policy disposal in itself, irrespective of how social work was or was not involved, was the subject of some discussion throughout. We suggest, therefore, there are some key messages about the model of adoption itself and its use in particular policy contexts.

Adoption is subject to strongly held views and emotions. It involves the permanent transfer of children from one set of parents and one family to another. This has profound and very complex implications for children and young people throughout the course of their lives, as well as for their families and networks of origin and their adoptive families.

The Enquiry offered a unique opportunity for those impacted by, and working in, adoption to engage in dialogue together about this very important area of policy and practice. It also allowed them to express their views as individuals and as part of organisations.

The mixed seminars, in particular, raised important concerns about how all stakeholders were living with adoption and its implications on a daily basis. The format of the events facilitated rich discussion about the relationships between groups such as birth and adoptive parents. There were opportunities to dispel myths and to develop respectful and restorative relationships.

It is vital that the perspectives of all impacted by adoption are more fully engaged in policy and practice dialogue about its use and implications

It was considered that in England, in recent decades, policy makers had tended to promote adoption as risk free in a 'happy ever after' narrative. The Enquiry heard from a range of respondents across the UK that this is unhelpful. It can lead to the silencing of adopted children and adults who may have to manage contradictory emotions such as grief and loss, joy and happiness. It can lead to birth families being unable to articulate their losses and feelings of shame and sadness. It can also leave adoptive families silenced and unable to access the help they need.

While wholly positive pictures are problematic, so too are wholly negative portrayals. The latter do a grave injustice to social workers and others seeking to make careful decisions about the long-term needs of very vulnerable children who have been, or are at risk of being, harmed. Negative portrayals fail to acknowledge and recognise the levels of care and commitment shown by adoptive families and the security and safety gained by many of those who are adopted.

The following quote from a social worker captures these complexities:

'Adoption always raises ethical issues in relation to social engineering – the removal of a child from a poor family to a better off family. It involves placing a child in a situation where they potentially lose their identity including their culture, language and family of origin to name but a few. Nevertheless, in my experience many children have benefited from the stability that adoption has offered them and have gone on to have happy and fulfilling lives.'

The status of adoption and its relationship to other permanence arrangements and state support for family life needs to be clarified in policy and practice guidance

A continuing lack of clarity about the status of adoption is leading to unhelpful misunderstandings. Is it the gateway to 'normal' family life (meaning a life without the need for state involvement such as social workers or support services)? If so where does this leave the claims of adoptive families that their children deserve and need state resources in a manner similar to other looked after children?

Policy makers in England have promoted adoption as the 'gold standard' in recent years in a way not replicated in other parts of the UK. This has risked leaving other types of care options and carers such as foster parents feeling second best³.

A key message from many English respondents was that the government policy of promoting adoption has portrayed it as '*a public 'good' and the 'right' decision*' (senior social worker), with high profile politicians, including former Prime Minister David Cameron, involved in this. This was considered to have led to a culture that inhibited important ethical debates about adoption and its merits compared to other permanence options that do not involve the removal of birth family and other connections so starkly from children's lives.

A significant rethink of approaches to 'contact' and connection between adopted children and their families is needed

'Contact is not even about foster care and adoption. It is about something much deeper, something much more ancient than modern policies and procedures. It's about the connections you make with people as you live your life. It's about the right to love and be loved.' (adopted person)

In England, Scotland and Wales, letterbox contact is the usual model of contact with birth families, with direct contact rarely an option. Even where birth relatives pose no risk, direct contact is not normally considered. For example, grandparents who have not been involved in harming children are often not offered direct contact.

The Enquiry heard letterbox contact is often poorly supported with resources. A lack of resourcing can mean that if either adoptive families or birth families stop letterbox contact unilaterally there is no follow up to ascertain why. The lack or cessation of direct contact can 'store up trouble' especially for birth families and adopted people. Seeking reunification in later life was considered to be widespread. Better resourcing for earlier periodic contact may be important to improve the benefit of the letterbox approach and to improve long term outcomes for all affected by adoption.

³ The Care Inquiry (2013) came to similar conclusions. The Care Inquiry - Making not Breaking: Building relationships for our most vulnerable children is available at: www.frg.org.uk/images/Policy_Papers/care-inquiry-full-report-april-2013.pdf

The frequent loss of relationships with significant people, including siblings from birth and foster families, was also of concern. Having no direct contact was seen as having implications for siblings who remain at home or are born after the adoption, and whose voices are unheard. One birth parent said these children were often seen as ‘*collateral damage*’ in order to secure the adoption of other children. A birth mother from England who has children living with her, as well as children adopted with no direct contact, noted:

‘Children by and large are the innocent ones in all of this. They have done nothing wrong. They shouldn’t be penalised by not seeing their siblings because of what’s going on. Why should they have their rights stripped, their human rights stripped just because the adults made a mistake? And so therefore, I think adoption should be open.’

The Enquiry heard the picture in relation to direct contact is very different in Northern Ireland where judges may recommend such contact takes place, sometimes between four to six times a year. Adoptive parents and social workers expressed concerns about the automatic assumption of facilitating direct contact at this frequency given the context of inadequate support services.

A rethink of contact arrangements between those adopted and their birth families was considered essential by many. They felt a need to move away from standardisation and formulas to individualised contact planning, pointing out children of different ages have different contact needs.

The current model of adoption fails to adequately recognise multiple attachments and complex identities

While the law is clear on children’s legal status post adoption, the emotional realities are complex and centrally linked to identity issues. An overwhelming message from adopted people was that identity development is a life-long process and it is vital that identity issues and dual/multiple connections are recognised and discussed.

A key message from adopted young people was that adoptive parents need to be prepared for the reality that many young people will want to search for their birth families when they reach 18. Similar messages came from older adopted people as the following quotes illustrate:

‘An adopted child is a ‘shared child’ – searching for birth family does not mean losing the adoptive family.’

‘Adoptive parents need to be helped to understand searching is part of process and not to feel threatened by this – often searching takes place after the adoptive parents have died and this can be too late.’

The use of adoption needs to be discussed in the context of wider social policies and their impact on already disadvantaged families and communities

The Enquiry heard of long-standing concerns about the impact of adoption on marginalised sections of society over decades. It also heard concerns about adoption's contemporary use across the UK in the context of wider policy developments such as austerity's impact on public service resourcing, employment, housing and welfare benefits. With child poverty increasing, research evidence⁴ showing that children living in poverty are more likely to be removed from birth families was raised particularly by academics and organisations in this context.

Particular groups of parents such as birth mothers with mental health or learning difficulties and young care-experienced parents, were identified as being especially vulnerable to both losing their children and not having their human rights respected. Those subject to domestic abuse could experience child protection and decision-making processes as highly punitive.

The impact of austerity on the financial resources available to birth families, the provision of prevention and early help services, and legal aid, was frequently highlighted. Budget constraints on children's services, in times of rising demand leading to high caseloads, were identified as inhibiting social workers' abilities to work supportively with families. This was experienced by families as punitive rather than helpful.

Cutbacks were also impacting on the services and supports available to adoptive families, with limited provision available in many areas. In England cuts to the Adoption Support Fund have recently impacted upon those waiting for particular services. In other countries, such ring-fenced funding is not available and support services were considered patchy and inadequate.

Similarly, it was recognised that services for birth parents post adoption were seriously under-resourced, with little or no provision for birth fathers.

⁴ In particular the work of Paul Bywaters and the Child Welfare Inequalities project. Available at: www.coventry.ac.uk/research/research-directories/current-projects/2014/child-welfare-inequality-uk

SECTION 2:

THE ROLE OF THE SOCIAL WORKER IN ADOPTION: LISTENING TO SOCIAL WORKERS



Introduction

This section explores the key messages that emerged from analysing the views of social workers who engaged with the Enquiry through the questionnaires, seminars, focus groups and individual interviews. In all, 105 social workers engaged with the Enquiry: 42 from England, 29 and 27 from Scotland and Northern Ireland respectively, and 7 from Wales.

Respondents comprised a mix of frontline workers in child protection teams, adoption teams, team managers, senior managers, Independent Reviewing Officer (IROs), Child and Adolescent Mental Health Services (CAMHS), managers of IROs and CAFCASS Children's Guardians.

Social work's professional ethics are not routinely and transparently used to inform adoption practice

Throughout the Enquiry, the term ethics was used by social workers in a general sense to refer to whether a policy or practice was considered right or not. Codes of ethics, such as the BASW Code of Ethics based on international standards for social workers, and other professional organisations, were not explicitly referred to. There were no direct references to different schools of ethics or ethical approaches, despite a very considerable literature aimed at social workers in this area⁵.

In general, social workers did not report many opportunities within their organisations to challenge or question whether a policy was right or wrong. Indeed, the Enquiry itself was used as a resource to do so by some social workers, with a number taking annual leave to attend seminars.

Yet the Enquiry found evidence of respondents doing what is referred to as 'ethics work'⁶. This concept highlights the work practitioners do to see the wider political (macro) context of their practice and take responsibility for being ethical and acting ethically. It places dilemmas and decisions in a broader social, political and cultural context and sees responsibility in a wider, relational sense, beyond the isolated individual decision-maker.

Social workers stressed that the promotion of adoption as the 'gold standard' by governments in England impacted on workers' abilities to take a situated ethical approach that reflected the complexities of individual children and their families' circumstances. One senior social worker explained:

'Often at the early help points of transfer stage a case is seen as an 'adoption' case because adoption is so high profile. Permanence has been hijacked to equal adoption – child's 'right' to adoption. Belief is 'safe certainty' of adoption and adoption becomes a 'runaway train' and impossible for individual social workers to stop.'

⁵ See for example, the summary of ethical approaches in Lonne, B., Harries, M., Featherstone, B. and Gray, M. (2016) Practising ethically in child protection, London: Routledge

⁶ Banks, S. (2016) 'Everyday ethics in professional life: social work as ethics work', Ethics and Social Welfare, 10 (1): 35-52

A human rights discourse in social work in relation to adoption is under-developed

'This is the first time someone has used the words ethics and human rights in relation to adoption.' (social worker)

Most social workers did not explicitly use the term human rights but they did identify a range of concerns about the current climate in terms of the impact of austerity. Some, especially in Scotland, pointed to the history of child removal and adoption and its disproportionate impact on those who are poor and marginalised.

There was some evidence of children's welfare being constructed as oppositional to human rights by social workers in Northern Ireland. Social workers there suggested that human rights were interpreted as the adults' right to parent by members of the judiciary, with social workers opposing this by reference to a 'welfare of the child' perspective.

One of the reasons for the commissioning of this Adoption Enquiry was disquiet expressed, including at the Council of Europe⁷, about levels of non-consensual adoption, particularly in England. However, in the main, respondent social workers did not discuss the issue of parental consent, apart from in Scotland in relation to the Children's Hearings (that do not deal with adoption but earlier stages in the process). It may be that, by the time a plan for adoption is agreed, court processes have already considered it to be in the child's best interests and the criteria⁸ that the welfare of the child requires the consent to be dispensed with is accepted.

Austerity is negatively affecting social workers' role in adoption

The impact of austerity was raised by all respondents to different extents but was a particular concern for social workers. Cuts to family support and social work services were a recurring theme, with the decreasing availability of early help highlighted. Very costly resources are being used in care proceedings. As a result, less is available for earlier interventions that could support children to stay at home safely.

Most respondents wanted a better balance between support and assessment, with families currently too often subject to repeated assessments rather than actually helped. A number felt social work had become increasingly risk averse and fearful of blame, with the high rates of care applications one key example given of the impact this has on practice.

A lack of resources once children had come into care or been adopted was similarly seen as impacting on the effectiveness of services. There were many observations about decision-making being impacted by the lack of resources and examples given of the results, such as siblings not

⁷ See Council of Europe (2015) Social services in Europe: legislation and practice of the removal of children from their families in Council of Europe member States. Available at: <http://assembly.coe.int/nw/xml/XRef/XRef-DocDetails-EN.asp?FileId=21567>

⁸ For example section 52 (1)(b) of the Adoption and Children Act 2002 in England and Wales

being placed together.

There was a consensus that post adoption support needed improving for everyone, with ethical issues raised in relation to adoptive parents being left caring for traumatised children without adequate help. England is the only country to have an Adoption Support Fund, but this was viewed as insufficiently resourced, with the amounts available capped in recent years.

There is too little time at every stage of the process

Most social workers raised time (or lack of it) as an issue. The pressure on services, particularly given financial cuts and rising demand, left them less time to work with children and families. Moreover, the demands of managerial regimes that imposed timescales meant many of the social workers felt their manager placed a higher value on ensuring they recorded their work than spending time with families.

There are targets for the timely completion of adoption assessments as well and these pose difficulties when there are very high numbers of such assessments. The complex emotions involved in adoption require detailed assessments of adoptive parents, and concern was expressed that issues for adoptive parents, such as infertility and feelings of loss, are not assessed rigorously enough.

If such issues are not dealt with before adopting it can make for a 'toxic mix' (social worker / play therapist) with the child's trauma. Some social workers involved in this area felt the assessment and training of adoptive parents had become less rigorous in recent years. They said this was down to a lack of resources as well as explicit and tacit pressure to approve for adoption and match with children, although at the same time they felt there was also increased complexity in relation to the children and the adoption task.

Respondents in England raised concerns over the impact of performance scorecards and the emphasis on speed in local authorities. Scorecards for local authorities in England are published by the Department for Education in order to address delays in the adoption system⁹. Linked with the policy of promoting adoption in England there has been an emphasis on recruiting numbers of adoptive parents quickly. Social work respondents said it sometimes felt this was at the expense of space for reflection and rigour.

It is important to note, however, the responses of those, particularly in Scotland but also in the other countries, who felt that practice in relation to assessing and training of adoptive parents was good.

Fixed timescales are problematic yet delays need to be minimised

The implications of the 26-week limit for care proceedings in England and Wales was a concern for the majority of English respondents. The time restrictions further limit the opportunities to support families to make changes. Once in proceedings it was noted that very high expectations

⁹ www.gov.uk/government/publications/adoption-scorecards

of parenting are set for birth parents. This timescale was considered by many as particularly problematic in the context of adoption being seen by the Government as *'the only answer to permanence'* (social worker).

However, it is important to note that some respondents expressed the view that social workers do not separate birth families without good reason and that *'some children should have been removed earlier'* (Children's Guardian). This was mentioned in relation to practice in Scotland also.

In Scotland, there are two legal systems – the Children's Hearings System and the Sheriff Court - neither of which were considered by many of the Scottish respondents as effective in relation to adoption.

It was felt that in Children's Hearings the panel members are not trained or sufficiently knowledgeable in the complexities involved. Meanwhile, delays in transferring cases to the Sheriff Court can, it was noted, create two issues. On the one hand, it means parents are not always given a fair chance to successfully challenge separation in the courts. On the other hand, children lose out on the chance to be adopted because of delay.

Northern Irish respondents also expressed concerns about delay for children primarily because of the way the courts and legal aid systems operated.

Adoptive parents can change plans post adoption and this can be a concern for social workers

It was noted that adoptive parents have the power to change plans made prior to the adoption once the child has been adopted. Some have acted against the advice and training given, although others are very conscientious and committed.

A social worker noted that whilst adoptive parents are told by social workers not to change names, they do anyway:

'We do really go onto them (adoptive parents) about identity, not changing names but they do.'

Others highlighted that agreement about letterbox contact, for example, can be unilaterally changed by adoptive parents, with no redress.

More resources are needed post adoption

Many of the social workers viewed letterbox contact as a problematic area:

'Adopters refusing to write letters as the years go by, birth family not responding then alienating the adopters. Working with the birth family through their grief and anger at the loss of their child. Working with the adopters in supporting them in sharing the child's birth family history with them.'

If there is to be a shift to more direct contact, it was noted that the inadequate level of post adoption support for all parties needs reversing. One social worker expressed the view that:

'In an ideal world there would be 'open' adoptions with skilled therapists and social workers being involved in supporting contact and helping everyone make sense of past trauma. Clearly there will always be some birth parents where open adoption would be dangerous and harmful to the child.... but some parents could do it with enough of the right support.'

The high turnover of social workers means it can be difficult to maintain continuity. Competing priorities also get in the way of maintaining contact and offering support, with particular difficulties identified by many in relation to support for birth parents after adoption.

There was concern about adoption disruptions and the numbers of children that come back into care as adolescents, and that this is not measured. One social worker noted:

'Adoption breakdowns have serious and real consequences for children's identity, self-esteem, mental health, educational outcomes and future relationships. It is another significant trauma for young people, and represents a significant rejection of their worth as individual... We must consider adoption breakdowns which take place throughout the whole of a child's life and not just "count" the few that occur six months after placement.'

Fragmented roles can mean fragmented approaches to families

Over the decades there have been significant changes in how social work is organised and the way services have been designed. Social workers recognised that birth and adoptive families usually have to deal with many different social workers at different stages of the process. Moreover, the configuration of systems may encourage silo thinking on the part of social workers as they work with one part of the process and can lose a sense of the whole picture.

Social workers frequently construct themselves in pre-court proceedings as the social worker for the child rather than the family. A further level of fragmentation can get layered on later on with the social worker for the child seeking to communicate and work with a social worker who may see herself as the social worker for the adoptive parents.

Social workers explicitly named the fragmentation of services as an ethical concern in relation to the implications for children particularly. Structures within organisations mean it is difficult for one person to really get to know the child. It was suggested that social workers should follow the child rather than being system-led.

The level of specialism and the splitting between adult and children's services means different workers are engaging different parts of the family often with different service priorities. This was particularly noted in Scotland where criminal justice social workers often work with birth parents on substance misuse and offending problems, but these may often be parents coping with the trauma of losing their children and this is not recognised.

SECTION 3:

THE ROLE OF THE SOCIAL WORKER IN ADOPTION: LISTENING TO THOSE WHO EXPERIENCE SOCIAL WORK SERVICES



Introduction

This section explores the key messages emerging from the analysis of the responses of adopted young people and adults, birth families and adoptive families who engaged with the Enquiry through a variety of means: questionnaires, seminars, focus groups and individual interviews.

There were 56 birth family members who participated, 44 adoptive parents and 32 adopted people. This included nine young adopted people who participated in a workshop organised through the Coram Adoptables group. The majority of respondents were from England, but this was particularly so for birth family members.

The quality of the relationship with a social worker is crucial

Repeatedly, across the range of family members, the importance of the relationship that was developed with a social worker was stressed.

Birth family members gave accounts of both poor and good relationships. They related experiences of feeling deceived by social workers who they considered had not been honest with them. They described not understanding or being helped to understand why their child(ren) were permanently removed; being unfairly judged / labelled (*'the report said I was 'hostile' so he could not stay, but I was not hostile – I am 'loud'* – birth grandmother from a traveller background); and generally being treated in what they perceived were inhumane ways.

Birth family members emphasised the importance of social workers listening to their views, being respectful and honest, recognising strengths and displaying acts of kindness. It was considered that the nature of the relationship could influence what happened with the child. Examples were given of differing outcomes for children in the same family (i.e. adoption or remaining with the parents) and these were, at least in part, attributed to the quality of the relationship with the individual social worker. It was considered vital that social workers have the time to get to know and work with the family in non-judgmental ways.

Many of the responses from adoptive parents repeated the themes found in the birth parents' accounts. The relationship between the social worker and adoptive parents was considered to be key, with the importance of professional but caring social workers highlighted. Adoptive parents and adopted people also spoke about the importance of good communication, honesty, being listened to and treated as an individual human being.

Key messages for social workers from a group of young adopted people were clear:

- Listen and don't judge
- Be honest and don't lie about history
- Be caring and friendly and fun
- Get to know the individual
- Get the right balance between being available but not too intrusive – work with the

child/young person and give them choice

- Help young people express their emotions and access support, but also it is important young people are not labelled and assumed to have emotional problems
- Make young people aware of their rights and any changes to policy or legislation (e.g. access to information)

Overall, the young people stressed the importance of social workers building effective relationships, getting to know the individual and giving them choice. Their support needs must be addressed, but they should not be pathologised because they are adopted. Instead their strengths need to be recognised and their resilience promoted.

The use and misuse of power is a key issue

Families stressed that social workers have a great deal of power in relation to assessment, the provision of help and decision-making. There were many examples given by birth families, adoptive parents and adopted people of how they had experienced the exercise of social workers' power, both positive and negative.

Birth family members repeatedly mentioned the lack of attention by social workers to the social contexts in which they lived. A number of respondents reported that housing, or the lack of it, was used as evidence against them in assessments.

The importance of practical support was stressed; *'a washing machine for example would have made a big difference'* (birth parent). One birth mother spoke of the lack of adequate interpreting facilities in her contact with social workers and legal professionals. Other birth family members also felt discriminated against because of their cultural practices (e.g. a traveller background) or for being working class or having a lack of secure immigration status.

There were many examples provided by birth parents of feeling powerless in a climate that was seen as very risk averse. Risk of future emotional harm was described as being frequently used, and was seen as a particularly unjust basis for permanent separation. Birth mothers reported high levels of domestic abuse and suggested they were being punished for having a violent partner and/or having experienced domestic abuse in childhood.

Fear of an unsympathetic and punitive response was seen as inhibiting families from asking for help when it was needed. Parents with mental and physical health problems and learning difficulties all reported concerns about asking for help because of the emphasis on risk. They reported receiving an assessment rather than support and feeling they were being scrutinised rather than helped.

Being judged and stigmatised simply for having a history of care and/or abuse was an issue. Care proceedings, involving newborn babies, were identified as being particularly traumatic, with a lack of attention, in particular, to the impact of having just given birth on the mother. Residential settings were described as being too often focused on monitoring risk rather than providing help or therapeutic support. Women with disabilities highlighted the disabling environments in which assessments were carried out.

The definition of the social worker role as being ‘the social worker for the child’ was a source of concern, as it often led to a lack of support for birth parents:

‘Children are part of families – a social worker cannot only be the child’s social worker.’ (birth mother)

Problems in accessing support from local authorities were also highlighted by adoptive parents, with oppositional relationships between social workers and adoptive parents emerging and causing distress.

Some of the adoptive parents’ experiences echoed those of birth parents when requests for help were viewed through the prism of risk and they were constructed as ‘the problem’ by social workers. For example, adoptive parents’ requests for help could result in a child protection response causing a great deal of distress for them and their families. An adoptive parent in England who supports other adoptive parents explained the dynamics that can occur:

‘When in crisis, adopters can be overwrought and angry. Social workers can become very defensive when faced with a situation of someone in need of help but can’t deal with it. Often social workers and adopters are set in opposition against each other. Try to stay all in it together – but not always when things get tough. Social workers are often out of their depth – very defensive practice. Adopters can become angry and distressed when living with violence. Social workers with no resources and faced by someone going – “help help help”. There are many poor responses...set in opposition with each other but need to work in it together.’

When adult adopted people accessed their files they found them messy, with information that was inaccurate or large sections redacted. A key message was that records are very powerful – ‘your life is written down in other people’s words’. One adopted person found ‘very subjective descriptions of mother such as ‘pretty’ – but little information of use to me. I wanted to know more about what was going on for her and why the adoption?’

Court processes can feel like a ‘fait accompli’ for birth families

Families felt exposed to an imbalance of power within the legal system. A number of birth family members felt court processes were focused on making the case for adoption and they were not in with a fair chance from the outset:

‘I knew that after jumping through the hoops that nothing I would do would ever be good enough. It is very, very scary. I felt that even though they were giving good reports about me that the social work team was still adamant on the kids being put up for adoption.’

‘We felt so powerless in the whole process – even when the judge said there should be contact – it did not happen. SSD [Social Services Department] just wanted adoption – at any cost.’

On the issue of parental consent, birth families all reported experiencing adoption as non-consensual, even if they did not contest at the final stage. It was felt very difficult to challenge the making of the adoption order because of the fear of losing contact and lack of legal aid.

It was noted by a number of adopted people who were adopted as older children and whose

consent was not obtained, that the consent of the child should also be considered, as it is the adopted person who is affected most by adoption. One, whose placement disrupted when she was a teenager commented that: *'I don't know why anyone thought we would be a good match'*.

Good practice is possible even in difficult circumstances

There were examples of good practice given that were underpinned by an ethos of partnership working. In these cases, parents - birth and adoptive - felt they were working together with social workers in a solution focused way, and adopted young people felt they were listened to and engaged in processes. One adoptive parent described her experiences:

'My social worker knew me and my support network, and therefore could speak confidently about me across agencies, and could also make a well-informed judgment when commenting on a potential match. Once the placement had taken place, my social worker could be one step ahead as stress points arose and could intervene with support and advice to prevent serious problems arising.'

One adopted young person spoke of appreciating the good relationship with her post adoption worker, who was *'funny, casual, honest with me and cared.'* Another who had a later adoption spoke about how her social worker helped her move to her adoptive home, including showing her a book and video to prepare her.

Individual examples of social workers who cared enough to 'go the extra mile' were given. One young adopted person spoke positively about how her social worker had been told to separate her from her brother, but fought to keep them together.

Dealing with identity issues is a central aspect of many adopted people's lives

There is rarely a 'clean break' or severance in real life; relationships endure in hearts and minds. The absence of physical presence may, indeed, mean they are more powerful.

The Enquiry heard from adult adopted people who said they wrestled daily with questions such as: who am I? Where do I come from? Who do I belong to? It heard of mothers putting their lives and that of non-adopted siblings on hold waiting for their adopted children to reach 18. Adoptive parents told of adopted children who prayed each night that their birth mother was okay.

Adopted people, in particular, highlighted the complexities of matching and identity and identified many factors that needed consideration by social workers. The respondents who were trans-racially placed identified particular challenges, even for those whose adoptions were generally positive. The micro-aggressions experienced, but not fully understood by the adoptive parents, and not having people around who looked like them, were identified as problematic:

'Looking like adopters helps as people make comments and difference a constant presence. For example, my grandmother kept complaining that she could not cope with my hair. Relatives talking about 'Pakis' and I am thinking that is me they are talking about.' (South Asian adopted person)

'I had no role models, no one looked like me. I believed I was ugly.' (an adopted person who went on to become a professional model)

However, it was also noted that culture is not just about ethnicity and race, but also class, religion, language and past care experiences. Whilst it was felt unrealistic to expect precise matches, it was suggested that adoptive parents need to be helped to understand the implications of difference and associated power relationships, as one adopted person explains:

'I experienced an enormous culture shock when I moved from care to very wealthy, educated middle-class adopters. There were differences in culture, class, language and religion. My new parents had a different vocabulary, different accents, and different manners. I don't believe that the social workers even realised that we were from a different culture.... Whilst being adopted did wonders for my vocabulary, sometimes I didn't understand what I was being asked to do and either felt stupid or got into trouble.'

Life story work was highlighted as being very important by adopted young people and adults. It should be creative, age appropriate and adopted person led. Adopted young people recommended that social workers think about ways in which life story work is appropriate to different developmental stages. It's too stark to have just a baby book and then a later life letter with nothing in between. One commented on how her baby book now seemed like *'a joke – it said she (birth mother) took "bad medicine" – that was heroin.'*

Adult adopted people mentioned that information is required at different times of a person's life, not just in childhood. It was felt that there are not enough resources available for tracing family from 18 onwards, as this is not considered a priority for services.

A number of adopted people stated that, no matter how well the adoption had turned out, there were deep-seated feelings of fear, rejection and abandonment. One person described it as: *'the adoption feeling'*. The provision of safe spaces, such as support groups, where adopted people could explore their emotions, and have these validated, was considered very important.

A life-long perspective on identity necessitates the life-long provision of specialist services for adopted people and their families.

Siblings matter

The importance of children's relationships with their brothers and sisters was recognised by all groups of respondents. Birth parents wanted their children to be placed together, if possible, and also stressed the importance of acknowledging the needs and views of siblings remaining in birth families or foster care in relation to contact. Some adopted people highlighted that the loss of sibling relationships has implications for children's identities and separation has long-term consequences:

'I feel it would be very important for the adoptees to have the rock of where you have come from and it's very important for self-confidence, security, identity and roots. You have a mirror image of where you have come from. It's so important to keep siblings together if both going through adoption.'

'I will be legally unrelated to my birth sibling for my entire life, and our children will also be unrelated. This is in spite of us always considering ourselves as siblings and acting as such.'

However, adopted people and adoptive parents noted they had seen both successful and unsuccessful adoptions of siblings. Whilst the importance of sibling relationships and the loss of separation were recognised, adoptive parents expressed concerns about the trend to seek families for large sibling groups. Adoptive parents recounted experiences where, in a context of trauma, siblings recreated the trauma and chaos and siblings sabotaged each other. It was suggested that the later adoption of a sibling into the same adoptive family can work well; joining separately and at a time when they can receive the attention they need. One adoptive parent expressed the view that:

'This is very complex and there is not a one size fits all response. The blood tie can be over emphasised. Strong bonds can exist with non-biological siblings.'

There was consensus that there is no one solution that works for all, and it is crucial to attend to particular children's and family's circumstances. In principle, siblings should be placed together, but an individualised and nuanced response is vital. If siblings are separated some form of contact between them should be aimed for, and direct contact should not be rejected simply because one child is living with, or in contact with, the birth family.

*Do we need to sever relationships so starkly?
Contact and continuity of relationships often matter*

A strong message was the need to be open-minded, flexible and not 'prescriptive' about relationships and contact with birth and foster families once a child is placed for adoption.

Adopted people highlighted the impact of the loss of birth and foster families on them, when moving to an adoptive placement. One adopted person explained that:

'Preparation may make adoption easier for a child, but social workers should be aware that there are cases where preparation cannot make it misery-free for an adoptee... I contend that sometimes it is traumatic for a child because one cannot prepare. The child may find it traumatic because it is traumatic.'

In England, Scotland and Wales most contact is indirect through letterbox arrangements. This was considered by many to be too formulaic a response. However, in Northern Ireland, adoptive parents felt that the routine recommendation of direct contact by judges (sometimes at levels of up to six times a year) was also problematic.

Letterbox contact posed many challenges and was often experienced as unsatisfactory by birth parents and adoptive parents, with problems also mentioned by some adopted young people. One young person did not like that her letters had sections that were blacked out where emotions had been expressed. She wanted to be able to read these as *'love shows the family cares and brings in the human side'*. One young person also spoke of the disappointment when the letters stopped. Another recounted that she had not been told her mother had disappeared and thus letters had not been sent to her.

Adoptive parents spoke of their difficulties in knowing what to include in letters and worried about highlighting the possible disparity in resources between them and birth families (for example, writing about holidays and Christmas presents).

Birth family members felt that not being able to express emotion – or tell the child they love them – was wrong: *'I am allowed to write, but can't use the word 'nan' or say, 'I love you.'* (birth grandparent). Often birth family members were only allowed to see photographs in the agency's office, and this too was felt overly harsh when they had given assurances that they would keep such photographs confidential and not post them on social media for example. However, examples were provided by adoptive parents of poorly managed letterbox contact where confidentiality breaches had occurred.

Both adoptive parents and birth families described the distress caused to children and adults when letters ceased to arrive often without any information being available about why this was so. A range of supports were identified for all in relation to writing letters as well as the need to follow up why letters have suddenly ceased.

In terms of direct contact, adoptive parents noted the need for flexibility with direct contact seen as beneficial in some cases, but not in others. Adoptive parents who wanted contact mentioned having to repeatedly ask social workers to facilitate this.

Contact does not just relate to birth families, but also concerns other important people. For example, when talking about keeping contact with foster carers, one adoptive parent noted: *'our children cannot have too many people who love them'*. This was also reflected in the response of an adopted person:

'When I was in my mid-twenties I met up with my foster family again. This was like going home. My foster mum kept telling me that she loved me over and over: she wanted to say this as she hadn't been allowed to say it before. Don't adoptees deserve to know they are loved and missed? Is it ethical that people shouldn't be allowed to tell a child that they love them?'

While the need to rethink the model of contact was identified in England, Scotland and Wales, as we have noted previously, matters are different in Northern Ireland. Adoptive parents and one young person in Northern Ireland provided important evidence on the need to avoid prescription and rigidity in relation to direct contact.

Post adoption support services need to be available for all

The painful, traumatic and long-lasting impacts of losing a child of the family to adoption were repeatedly stressed by birth families. Recognition by social workers of their emotional and practical needs post adoption was reported by most respondents to be lacking, further reinforcing their sense of being of little value:

'The removal of (her grandson) was three years ago – I have been so ill since then – I have had a mental breakdown and have never got over it. I worry that he thinks we do not love him and did not want him.' (birth grandparent)

'I never received any after adoption support. They took my son and left me in an emotional wreck. I ended up turning to someone toxic in nature and ended up in trouble with the law.' (birth mother)

Where support was offered, especially peer support, it made an enormous difference as being able to talk to others who had been through such a loss was really affirming and important. Mothers valued group-based approaches when they had the opportunity to use these (it is of note that the Enquiry only heard from mothers in this regard).

Adoptive parents also highlighted the lack of support for them, especially when caring for children with complex needs and multiple problems: *'Once our adoption went through, we were forgotten about.'* (adoptive parent)

Services were often bewildering in their complexity and very fragmented. Children with a range of difficulties encountered multiple assessments and services. For example, a child and his/her family could be dealing with difficulties related to autism, dyspraxia and attachment disorders. This meant negotiating complex and confusing threshold criteria, referral systems and therapeutic requirements. Adoptive parents recounted how hard they, and other adoptive parents they knew, worked to support their children but for so many it was too hard. Moreover, the engagement with services can become an extra source of stress in itself.

In all four countries, including England where there is an Adoption Support Fund, specialist therapeutic services for adopted children and families were limited and in some areas, such as rural parts of Scotland, non-existent.

Adopted people highlighted the need for more specialist services to be available to them throughout their lives and reinforced messages from others about the bewildering nature of services. For example, adults seeking support often had to engage with children's services where they were not considered a priority.

SECTION 4:

THE ROLE OF THE SOCIAL WORKER IN ADOPTION: OTHER PROFESSIONALS AND ORGANISATIONS



Introduction

Legal personnel, academics, related professionals and a range of organisations (see Appendix A) engaged with the Enquiry through interviews, questionnaires, attendance at seminars and written submissions. The numbers were as follows:

- 15 legal personnel
- 24 academics¹⁰
- 24 related professionals¹¹
- 13 organisations

Many of the messages in the previous sections were strongly reinforced by these individuals and organisations and, thus, are referenced briefly here.

These included the following:

- The many difficulties experienced by very marginalised birth families throughout the process, including the court process. The impact of austerity, the cuts in family support services and a risk averse climate were considered to be having a very detrimental effect on the ability to effectively support families and prevent children coming into care.
- In England, the wider policy context and 26-week timescale were identified as problematic, particularly by the legal personnel:

'A baby is 'gold dust' – what is the level of enquiry/support? It can be a 'stitch up' (barrister)

One of the English judges, who has had over 30 years' experience, reported that he got the sense that 'increasingly in the last 10 years a care plan for adoption is a quick solution and a quicker solution than working with this family and getting them to a right standard of care. This involves much more work and effort on the part of social workers carrying too heavy a caseload and too little support for managers.'

- The importance of post adoption support for all was a key message repeated by a range of respondents. The lack of support for children who express fear and anger through violent behavior, was identified by the Open Nest charity particularly. The very limited availability of support for birth families post adoption was noted by a number of organisations. A submission from After Adoption, based upon their experience, stated that:

¹⁰ These included interviews and written submissions.

¹¹ These included support workers/advocates working with birth parents and professionals counsellors/therapists either working in the area or having worked in the area of adoption.

'Due to time constraints and limited resources, once children are removed, there is little if any support offered to birth parents to understand and process why their children have been removed. Birth parents will often seek to replace the child they have lost and the cycle is therefore repeated.'

- A group of academics contributed a submission on the findings from a study of 96 adoptive parents of children placed for adoption from Wales in 2014/15¹². This offered an in-depth exploration of issues ranging from support to contact.
- The life-long nature of adoption and the need for professional help throughout the lives of adopted people was highlighted by a number of organisations, such as Birthlink.
- In terms of the model of adoption being used, there was agreement particularly among academics in England on the need to rethink contact. It was considered by a number of the academics that social workers need to go back to their value base and move away from standardisation and formulas to individualise contact planning; children of different ages have different needs in relation to contact. Legal personnel also commented that contact decisions were too formulaic. The need to think differently about contact, especially in the age of social media, was highlighted.

We can do things differently across agencies and sectors

In this section, we highlight some of the suggestions that were made in relation to making a difference for children and families at every stage. Some concerned initiatives already happening, others were suggestions for change.

1. A number of respondents mentioned the Family Drug and Alcohol Court (FDAC)¹³ as a positive policy development, which was seen as a far more ethically sound process as professionals work therapeutically with parents during the court process. One judge reported that, in his experience, parents who had been through FDAC, but still lost their children, did not tend to contest proceedings as much in the end because they felt the process had been fair.

It was argued that this model should be used not only in relation to drug and alcohol problems but also more widely. For example, the Transparency Project noted the lack of services for perpetrators of domestic abuse and suggested: *'FDAC for domestic violence is required'*.

2. The organisation Change has developed 'easy read' materials for services to use when communicating and working with parents with learning difficulties in order to promote their human rights. While these are used especially in Scotland, their use remains limited across the UK.

¹² <http://sites.cardiff.ac.uk/adoptioncohort/research>

¹³ FDAC works with parents with substance misuse involved in care proceedings. It adopts a problem-solving approach and the provision of specialist services during the proceedings. FDAC projects work in various parts of England.

3. The WomenCentre has been running a group for mothers who live apart from their children for a decade. Many such mothers have lost their children to the care system, including to adoption. Three very experienced birth mothers and the co-ordinator of the group have been involved in the training of prospective adoptive parents for a number of years and they emphasised its value in terms of:
- ensuring adoptive parents understand the importance of keeping up with contact;
 - offering suggestions in relation to letter writing;
 - ensuring adoptive parents are exposed to birth parents as human beings.

For example, the co-ordinator made the following suggestions about letterbox contact:

'It's very important to stress to the adopters not to talk about what they are buying the children in the letters, the fact that the adopters have money puts the women off, the difference in class between them can make them feel their children are better off without them and they can give up....We stress the importance of adopters telling the parents about how the child is doing at school, what food they like, what hobbies they have etc.'

4. The opportunity for birth parents to meet the prospective adoptive parents of their children was considered very important by many participants. However, often this is at a point in the process when birth parents are struggling to come to terms with the adoption of their child, therefore resulting in their inability to take part in this meeting. Organisations such as After Adoption recommended that it would be beneficial for birth parents to be offered the opportunity to meet prospective adoptive parents at a time that is more realistic and conducive to their needs and requirements, thus affording the birth parents the necessary empathy.
5. More broadly, it was recommended that local authorities should look again at the positive research on the use of specialist foster care for short breaks/episodic accommodation for families with particular issues such as mental health issues. Whole family short breaks that involve therapy, not just assessment, should be supported. Research findings on the positives of long term foster care (including for children of minority ethnic origin in order to provide permanence alongside retaining links with heritage) and in some cases residential care (especially as a shared care measure for disabled parents or children) should be more widely publicised.

SECTION 5:

ETHICAL AND HUMAN RIGHTS IMPLICATIONS FOR SOCIAL WORKERS INVOLVED IN ADOPTION



The commissioning of this Enquiry marked an important move in promoting dialogue about ethics among social workers and offers helpful evidence about how ethics is understood currently. Throughout the Enquiry, the term was used in a general sense to refer to whether something was considered right or not.

We think there is a need to strengthen discussions in social work and about social work and to draw from the now extensive literature on ethics. For example, the notion of 'ethical trespass' underlines that social work is filled with situations in which no correct response can be assured or entirely right¹⁴.

Contributing to this problem is the reality that social workers usually have responsibilities to more than one service user at a time, such as in a family situation so that what is right for one member of a family may not be for another. This underlines the need for ethical talk to be embedded in cultures of critical reflection and dialogue. However, little evidence was given to the Enquiry that such cultures were routinely available to social workers.

There is a need to explore further why codes of ethics such as those developed by organisations, like BASW, were not referred to by social workers. Is it, as has been argued in the literature¹⁵, that these are too abstract and do not address the need to engage with issues and relationships in particular contexts. What does this mean for BASW and its code of ethics therefore? Should professional associations rethink how ethical codes are written and promoted?

Should alternatives or supports for implementing ethical codes more effectively be explored – such as the Framework for Ethical Self-Assessment¹⁶? This framework poses questions for workers to consider such as:

What prejudgments might you bring to your work as a result of your personal and cultural history?

What are your images of a morally good person and/or social worker?

What are your ethical principles and how do you prioritise them?

What ethical theoretical perspective informs your thinking?

What is your understanding of human nature?

What is the place of spirituality in your world view?

How do you mediate the tension between individual rights and responsibilities and the common good? What is your moral voice?

¹⁴ Weinberg, M. and Campbell, C. (2014) 'From Codes to Contextual Collaborations: Shifting the Thinking About Ethics in Social Work', *Journal of Progressive Human Services*, 49: 25-37

¹⁵ Ibid

¹⁶ Finn, J. L. and Jacobson, M. (2008) *Just practice: A social justice approach to social work*, Iowa: Eddie Bowers

In terms of moving debates forward, we consider that notions such as ‘moral distress’¹⁷ open possibilities for action by social workers, their employing organisations and the professional association, BASW and other professional organisations.

The theoretical concept of moral distress identifies the psychological and emotional pain that arises when professionals feel blocked from doing what they consider is morally correct, due to constraints outside the self. It is argued that moral distress needs to be distinguished from the concept of ethical dilemma¹⁸.

Ethical dilemmas concern two or more courses of action that are in conflict (and will potentially have both positive and negative consequences), each of which can be defended as viable and appropriate. In contrast, moral distress arises if one action is preferred and seen as morally superior, but the person feels blocked from pursuing it by factors outside the self. Moral distress involves perceptions of moral accountability and the degree to which a worker views herself or himself as individually responsible or as restricted by circumstances.

A very important issue that emerged from social workers and service users more generally concerned the way services had become fragmented and increasingly specialised. The fragmentation of the social work task where different parts of the ‘problem’ or different stages of a family’s journey through care proceedings are dealt with in different parts of the system and by different workers is a key example of this rational-technical approach and appears to involve ‘moral distress’ for social workers who contributed to this Enquiry.

Several important questions arise from this. How can we ensure social workers can retain a sense of personal agency? How can we build cultures that support them recognising their personal responsibility for ethical practice and for challenging the barriers to ethical practice? This must involve discussions about whistleblowing and complaints, issues that were not raised in the Enquiry but do need to be confronted.

Given that many issues were identified by social workers as of concern that involve human rights breaches, does it matter that the language of human rights was not used? Would a language of human rights be more likely to promote human rights informed practice?

We consider further discussion of these issues is imperative. This is particularly true given the evidence from those who experienced social work directly and highlight issues around the use and misuse of power and the impact of particular practices on already marginalised groups.

There is a vital need for discussion about the differing meanings that can be attached to children’s rights and their implications. Do we see such rights as the possession of individuals or exercised within relationships? Some argue the latter is most faithful to the UN Convention on the Rights of the Child¹⁹.

¹⁷ Weinberg, M. (2009) ‘Moral Distress’, *Canadian Social Work Review*, 26.2: 139-151.

¹⁸ Ibid

¹⁹ Melton, G.B. (2010) ‘It’s all about relationships! The psychology of human rights’, *American Journal of Orthopsychiatry*, 80(2):161-169; Lonne, B., Harries, M., Featherstone, B and Gray, M (2016) *Practising ethically in child protection*, London: Routledge

Ideas of ethics and human rights are closely linked. So, the possibilities for ethical practice are compromised if there is not an active engagement with human rights. Human rights are central to IFSW Global Definition of Social Work (2014)²⁰ and the BASW Code of Ethics (2014)²¹. Respect, dignity, and self-determination are key social work values and underpin a human rights framework. Adherence to domestic legislation and international human rights frameworks is widely necessary for ethical decision-making

It has been argued that a human rights perspective provides a robust framing of 'practising ethically' for contemporary social work and deductive and inductive approaches to human rights have been identified²². Deductive approaches ask how constructions of human rights (e.g. ECHR) can be applied to specific situations. Inductive approaches require that human rights issues inherent in practice situations can be identified and analysed.

Both approaches are important, but an inductive approach which frames private troubles as public issues (what are the human rights issues at stake for this child and family?) requires the acceptance of a political dimension to problems. This discursive approach to human rights is consistent with a situated and contextualised view of ethics.

More reflections on ethics and human rights in adoption are available on the BASW website at www.basw.co.uk/adoption-enquiry.

²⁰ International Federation of Social Workers (IFSW) (2014) Global Definition of Social Work, <http://ifsw.org/policies/definition-of-social-work>

²¹ British Association of Social Workers (BASW) (2014) The Code of Ethics for Social Work, http://cdn.basw.co.uk/upload/basw_95243-9.pdf

²² Ife, J. (2012) *Human Rights and Social Work: Towards rights-based practice* (3rd edn), Port Melbourne: Cambridge University Press

SECTION 6:

RECOMMENDATIONS



The previous sections outlined key messages from the Enquiry drawing upon the perspectives of the different stakeholder groups. Here we make some recommendations on taking them forward.

Recommendation 1: The use of adoption needs to be located and discussed in the context of wider social policies relating to poverty and inequality

The Enquiry heard that the use of adoption should not be disconnected from wider social policies and practices that affect disadvantaged families disproportionately. We heard concerns that families who are living in poverty and experiencing considerable adversities face significant barriers when seeking to care safely for their children. These are exacerbated in the context of austerity. These issues go to the heart of questions about what constitutes a good society and what contemporary range of capabilities are required of social workers to practice effectively, ethically and in ways that contribute to improvement in social conditions underlying demand for social work services.

It is essential that continuing awareness is raised about the impact of wider social policies on children, families and support services for all involved in the child protection and adoption processes, and dialogue is had with policy makers and politicians about the urgent need for change.

Recommendation 2: UK governments should collect and publish data on the economic and social circumstances of families affected by adoption

It is vital that robust research is carried out on the differential implications of adoption for disadvantaged groups in society and that governments across the UK ensure, at a minimum, that they collect data on the economic and social circumstances of birth parents whose children become involved with the care and adoption system. At the moment, no government in the UK collects such data²³. Better understanding trends and correlations in the relationship between child protection interventions and social disadvantage is crucial to improved practice and policy

Recommendation 3: The current model of adoption should be reviewed, and the potential for a more open approach considered

The Enquiry highlighted the need to think about how we might do adoption differently. It was questioned whether there was a need for so many birth families to be removed so starkly from children's lives as they often are. It was asked whether another way could be found that gave children safety and security but kept meaningful connection with birth families.

It seems timely to consider what a more open model might look like and what might be needed to support it being done carefully and thoughtfully. It is important to draw on the experience of stakeholders in Northern Ireland in this regard. The work of Professor Beth

²³ www.coventry.ac.uk/research/research-directories/current-projects/2014/child-welfare-inequality-uk

Neil and colleagues at the University of East Anglia²⁴ provides a useful basis for taking these developments further.

A vital point, we consider, is the question of resourcing an expansion of direct contact. This might pose tensions in relation to how resources are distributed more generally and the balance that needs to be struck, for example, between support for birth families pre-proceedings and support post adoption. These are very important questions from an ethical and human rights point of view.

Recommendation 4: There needs to be further debate about the status of adoption and its relationship to other permanence options.

There is a need to continue to weigh up the opportunities and challenges of adoption in relation to other permanence options. The Enquiry contributions suggested further discussion is needed about whether adoption is the gateway to 'normal' family life (by which is meant a life without the need for state involvement or services) or whether adoptive families continue to deserve and need state resources in a manner similar to many of those caring for looked after children.

Across the four countries the Enquiry evidence suggests a lack of or inadequate support for all directly impacted by adoption – birth families as well as adoptive families – and a great need for universally available good quality life story work was particularly noted. Scotland is the only country that has the right to support for all enshrined in law. However, this appears to have had limited impact upon the provision of services. It suggests that reliance on the law to effect change is problematic and culture change is needed.

It is vital that the support needs of all stakeholders are discussed further to inform policy and practice. Through the dissemination of the messages of this Enquiry, a coalition of key stakeholders should be developed to take this forward. Those directly impacted by adoption must be central to this coalition.

Recommendation 5: BASW should develop further work on the role of the social worker in adoption and the human rights and ethics involved

Given the work BASW has already undertaken in this area through this Enquiry and its existing Code of Ethics, this should be a key area for the organisation to take forward. The relationships developed throughout this Enquiry could provide important resources in this respect.

²⁴ See: www.uea.ac.uk/contact-after-adoption

Concluding remarks

The Enquiry demonstrated that the differing stakeholders in adoption welcomed the opportunity to discuss with, and learn from, each other and suggests the need for such opportunities to be continued.

The Enquiry offered a unique opportunity for those impacted by, and working in, adoption to engage in dialogue together about this very important area of policy and practice as well as to express their views as individuals and as part of organisations.

It is important that the dialogue continues and that the hopeful and helpful conversations that were started are built upon to encompass greater numbers of people impacted by, or working in, adoption.

Appendix A

Organisational responses:

After Adoption is an independent adoption agency working in England and Wales to help all those affected by adoption; from placing children with adoptive parents to supporting birth families and reuniting families separated through adoption.

www.afteradoption.org.uk

Association of McKenzie Friends provides advocacy for birth families involved in public law proceedings.

<https://mckenzie-friends.co.uk>

Birthlink is a charity for those impacted by adoption with a Scottish connection. It provides a wide range of services including support with accessing records and emotional support. www.birthlink.org.uk

Forced Adoption is a campaigning group in the UK that works with birth parents.

<https://forced-adoption.com>

Kids for Cash UK is involved in investigating child abuse and criminal corruption in the family justice and social care system.

www.facebook.com/KidsForCashUK

Legal Action for Women (LAW) is a grassroots anti-sexist, anti-racist legal service for all women based at the Crossroads Women's Centres in London, England and San Francisco, USA.

www.legalactionforwomen.net

NAGALRO is a professional association for social work practitioners who work in the children and families field and represent children in public and private court proceedings. www.nagalro.com

NIROMP (National Independent Reviewing Officer Managers Partnership) is a working group made up of IRO Managers who are representatives from the Government Regional areas across England.

www.niromp.org

The Open Nest is a charity that developed from personal experience with the majority of its trustees either adoptive parents or adopted people. It offers short breaks, training and consultancy to a range of families.

www.theopennest.co.uk

The Transparency Project is a registered charity that seeks to explain and discuss family law and family courts in England and Wales, and signpost to useful resources to help people understand the system and the law better. www.transparencyproject.org.uk

Telephone or face-to face interviews were held with:

Change is a learning disability human rights charity.

www.changepeople.org

Family Rights Group is a charity supporting families in England and Wales to care for their children safely. It offers advice and campaigns on a range of issues impacting families involved with children's social care.

www.frg.org.uk

The WomenCentre runs a range of services in Calderdale and Kirklees and since 2008 has been running a group for mothers who live apart from their children, including as a result of adoption.

www.womencentre.org.uk

Featherstone B, Gupta A, Mills S (2018) *The role of the social worker in adoption – ethics and human rights: An Enquiry*. Birmingham: BASW

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