

Securing families for Suffolk children



SUFFOLK ADOPTION AGENCY

This is an appendix to the Suffolk Social Care's Information Management and Recording Policy. That policy sets out clearly the principles, law and practice which should inform all good recording and records management.

The majority of that policy applies to adoption and will not be repeated here.

This appendix concerns those issues which are unique to adoption and its special legal, standardsⁱⁱ and practice context.

What is special about adoption records?

The special context for adoption recording is described in a 1983 circular as follows. It is required that

“...all adoption case records and their indexes” [be] “kept in a place of special security, whether or not they are in active use, so that they are not accessible to anyone who has no right to see them. Adoption requires natural parents and adopters to disclose intensely personal information, and adoption case records contain a great deal of very sensitive information about their behaviour and personal histories, including police and health reports. Clients therefore need the assurance of a truly confidential service. The general principle governing the confidentiality of adoption information is that it should not be possible for the child or his natural or adoptive parents to be identified, or for the child's pre- and post-adoption identity to be linked”ⁱⁱⁱ

The regulations made under the new Adoption and Children Act 2002 continue to insist upon the highest level of care and confidentiality for the adoption records of children and prospective adopters^{iv}.

Suffolk Adoption Agency must also treat files and records raised for “letterbox” and adoption support purposes with the same care.

Legislative Transition

At the time of writing, the Adoption Act 1976 and the Adoption Agency Regulations 1983 (as amended) are still in force. The Adoption and Children Act 2002 and the related Adoption Agency Regulations 2005 will come into force on 30 December 2005. This appendix sets out guidance for practice, which satisfies the requirements of both.

When should a separate adoption case record be set up for a child?

This should be done “where the adoption agency is considering adoption for the child”^v.

Suffolk Adoption Agency requires this to be initiated by the child’s social worker when the child has been allocated an adoption agency serial number. This happens when the child’s social worker has arranged a panel date to consider whether the child should be placed for adoption.

What should a child’s adoption record contain?^{vi}

- The BAAF form E and all the other supplements to the form E set out in the “Guidance for social workers on presenting children’s cases to panel”^{vii}
- Any permanence panel minutes concerning the child;
- Any agency decision letters concerning the child;
- Any signed forms by parents giving or withdrawing consent to adoption under Sections 19 or 20 of Adoption and Children Act 2002;
- A copy of any freeing orders or placement orders in respect of the child;
- Copies of any minutes of the County Matching Meeting concerning the child;
- A copy of any matching reports linking the child with prospective adopters;
- A copy of the adoption support plan presented to permanence panel at the same time as the match;
- Copies of any medical summaries or letters written by the agency medical adviser or other doctors;
- Any other relevant information concerning the plan for the child’s adoption including records of visits, phone calls, correspondence etc.

The categories for organising the child’s adoption record are set out at ANNEX 1 below.

If the child’s record contains material referring to the prospective adopters how can the risk of a link being divulged between the child’s and adopters’ identity be minimised?

It is true that the list of documents that a child’s adoption record should contain includes some information about prospective adopters. For example:

- Discussions at County Matching Meeting to shortlist possible adopter will sometimes refer to prospective adopters.
- Where a match is proposed for a child a matching report is written. This describes the child’s needs in detail alongside a description of the care it is thought that prospective adopters will be able to provide.
- Similarly, prospective adopters are referred to in the adoption support plan.

The following steps need to be taken to minimise the risk that the child’s and adopters’ identities will be linked.

1. Although the child's adoption case record will when in use often be kept in the same storage area as the child's other looked after files, only the child's social worker and his or her immediate team members and managers and members of the adoption agency should be able to access the file.
2. The case record should be locked away when not in use.
3. Prospective adopters should be referred to in matching meeting minutes and the reports mentioned above only by their first names.
4. Prospective adopters' addresses should not be kept in the file.
5. Care should be taken that any other information recorded on the child's adoption record should not otherwise identify prospective adopters.
6. Identifying information about the prospective adopters should be held separately by the adoption agency.
7. Children's social workers should place their written recordings on the child's case records and not on COMPASS.

The child's adoption record and electronic records.

Permissions to access electronic versions of the documents referred to above stored on shared or personal drives or databases must similarly preclude anyone other than the child's social worker and his or her immediate team members and managers and members of the adoption agency from being able to access the file.

It is permissible for departmental databases such as COMPASS to record when the care plan for a child is adoption and that he or she has been placed for adoption and later adopted. However, no database should record any information which would allow the identification of the adopters (for example, by including screens recording that a child was adopted by former foster carers)

Social workers should not continue their day-to-day recording on COMPASS for anything relating to the adoption plan. Their records should be word processed and a hard copy put on file. It is recommended that the WORD file should be deleted after use.

The CHARMS database can include all the documents which make up the child's adoption record and all available information about prospective adopters with whom the child has been linked. However, permissions to access CHARMS shall be limited to adoption agency staff only except in exceptional circumstances.

The prospective adopters' case record

Although similar confidentiality requirements apply to this record as to the child's record, regulations do not specify its content.

Suffolk Adoption Agency expect the case record to be organised as set out in ANNEX 2.

From a confidentiality point of view it is acceptable for ongoing recordings regarding prospective adopters to be placed on CHARMS.

What should happen to the child's and prospective adopter's case records when the child is adopted?

Adoption business support (at St Edmund House) request the child's adoption case record to be sent by the child's social worker and the adopter's file by the adoption social worker. Note that the Adoption business support team will only be responsible for archiving the child's *adoption case record*. The child's other files should be archived by the team responsible for the child.

Social workers are asked to ensure that the case record includes all the information they possess regarding the child's adoption and that duplicate records, whether hard copies, electronic copies, index cards and other notes are destroyed.

Adoption files should be conveyed by hand or by courier only.

On receipt, adoption business support will group the child's and the adopter's case records together (although they will still be kept in their separate folders), allocate a shared archive number to the two files, record the child's and adopter's details and the archive number and send the files for archiving.

How long should adoption files be retained?

For children where an adoption case record is started whether or not an adoption order is made, this should be at least 75 years from the date of the child's 18th birthday.

For adopters, where a child is placed for adoption their case record should be kept for at least 75 years from the date of the child's 18th birthday. Where no child is placed their case record must be retained for at least 10 years from the date of their assessment being discontinued or the date of their deregistration as the case may be, as it is possible that adopters may re-apply to the agency or apply to another adoption agency.

Disposal of records

Case records or indexes relating to them to be destroyed should be kept securely at all times and should be shredded prior to disposal.

What discretion is there for allowing access to adoption case records which have been archived?

No adoption file may be accessed from archives without the express permission of the Head of Adoption or in her absence the Professional Adviser (Permanence) or Social Care Manager adoption.

An application form must be completed by the person seeking access (see ANNEX 3).

The authorising person must consider whether or not this request for access is in accordance with the agency carrying out its functions as an adoption agency^{viii}. Once signed, a copy of this form shall be kept in a "records management" folder by adoption business support in accordance with the regulations^{ix}.

To whom *must* access to adoption case records be given?

The agency is obliged to provide such access to its case records as may be required in the strictly limited circumstances set out in Regulation 42 (2), Adoption Agency Regulations 2005^x.

Any access under these provisions must be recorded as above.

Transferring case records to another adoption agency

No adoption case record may be transferred to another adoption agency without the express permission of the Head of Adoption or in her absence the Professional Adviser (Permanence) or a Social Care Manager adoption. An application form must be completed by the person seeking transfer. (see ANNEX 4).

The authorising person may agree the transfer of a copy of a child's or adopter's case record (or part of that record) to another adoption agency when this is considered to be in the best interest of the child or prospective adopter to whom the record relates^{xi}.

Once signed, a copy of this form shall be kept in a "records management" folder by adoption business support in accordance with the regulations^{xii}.

ANNEX 1

S U F F O L K A D O P T I O N A G E N C Y
Child's adoption case record filing index

Preface	* Compass Front Sheet * Filing Index	
Section 1	Birth Certificates (Always stored in a Plastic Pocket) Summary or respective pediatric record	
Section 2	Order	
	1.	Medical Form A for birth parents
	2.	BAAF Developmental Assessment forms or equivalent
	3.	Record with social work with child about there adoption
	4.	Details of siblings and any other decisions to place siblings separately
	5.	BAAF Form E
	6.	Case review records since the identification of adoption
	7.	Adoption Panel Minutes and recommendations <i>(with latest Document on the top)</i>
	8.	BAAF Forms H1 and H2 – Inter agency agreement
	9.	Placement agreement with adopters
	10.	Photographs, certificate and personal mementos
	11.	Schedule 2 Report
	12.	Record of the Decisions and notifications issued by the Adoption Agency <i>(with latest Document on the top)</i>
	13.	Copy of the adoption order
	14.	Consent information – A - Parental consent to placement for the Adoption - Sec 19 B – Advance consent to the Adoption – any consent under section 20 C- Notice withdrawing consent – under sec 19 or 20 or notice under sec 20(4)(a) or (b) <i>(with latest Document on the top)</i>
	15.	Any other documents that the agency considers should be included – - Records of matching meetings <i>(with latest Document on the top)</i>
	16.	Notices issued under sec 20(4)(a)or(b)

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		<i>Document on the top</i>	<i>(with</i>	<i>latest</i>
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NOTE: *Dividers between each Section to be made up using Yellow Paper or Card*

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ANNEX 2

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Prospective adopter's case record filing index

Preface	* Compass Front Sheet	* Filing Index
Section 1	Adoption Process Front Sheet	
	Contact Log Sheets	
	Closure Sheet	
Section 2	Registration of Interest	
<i>(References & Medical)</i>	Consent to References Signed Forms	
	Responses to Statutory References	
	Responses to Personal References	
	Correspondence from County Medical Adviser	
Section 3	General Correspondence – incoming and outgoing	
Section 4	Adoption Allowance Application	
<i>(Financial)</i>	Calculation of Adoption Allowance	
	Financial Support to Adopters Application	
	Movement/Information Sheets	
Section 5	Preparation Course Invitation Letters & Responses	
<i>(Preparation)</i>	Feedback forms	
	Course Leader's Comments	
Section 6	Initial Visit Report	
<i>(Assessment)</i>	Form F	
	Update to Form F – Review of Application	
Section 7	Matching Report	
<i>(Matching)</i>	Adoption Support Plan	
	Pre-placement & Planning Meeting minutes	
	Panel minutes relating to match	
Section 8	Court Application	
<i>(Legal)</i>	Schedule II Report	
	Legal Documentation- to include notice of directions hearing	
	Adoption order	
Section 9	Letterbox Agreement	
<i>(Contact)</i>		
Section 10	Restricted Information – to include:	
	Any letter and/or report as identified by SW or Social Care Manager	
	Legal Advice pertinent to the Local Authority only.	

To Include: Form F1/2, Front sheet for Form F, Chronology, Adoption Assessment documents checklist, Assessment of Prospective Adopters need for adoption support services form, Contact Record Sheets (2), Telephone Log, Contact Log, Supervision Log, Health and Safety Checklist, Contact after Making of Adoption Order form, Adoption Support mailing list form, Appendix 7,

Adoption Register forms (not F2) – Information for Social Workers, Adopter(s) Referral Form and Information for Adopter(s) & Self Referral form.

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ANNEX 3

SUFFOLK ADOPTION AGENCY
Application for permission to access an adoption case record

Note to applicants:

Access to adoption records is governed by the requirements of the Adoption Agency Regulations 1983/2005 as set out in "Information management and recording policy- Appendix on adoption issues". Please read this before applying.

To: Head of Adoption
 Suffolk County Council
 Endeavour House
 Russell Road
 Ipswich
 IP1 2BX

I request permission to access to the closed adoption case records for :

BIRTH NAME:	
<u>DATE OF BIRTH OF THE ADOPTED PERSON:</u>	
<u>I REQUIRE ACCESS FOR THE PURPOSE OF:</u> [CLEARLY STATE REASON ACCESS IS REQUIRED]	
<i><u>I confirm the information requested is not available from other Suffolk Social Care records.</u></i>	
<u>Signed</u>	

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<u>Job Title</u>	
<u>Location</u>	
<u>Telephone Number:</u>	

I agree to the above member of staff having access to the adoption records required for the purpose of : (state reason and any conditions)

Access to adoption records is restricted by statutory regulations. Any information must only be used for the purpose for which it was intended.

Signed

Head of Adoption

A copy of this form to be placed on the file, records or information being released. The original to be kept by the Adoption Service in the "Records management" folder.

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ANNEX 4

S U F F O L K A D O P T I O N A G E N C Y
Application for permission to transfer an adoption case record to another adoption agency

Note to applicants:

The transfer of adoption records to other adoption agencies is governed by the requirements of the Adoption Agency Regulations 2005 as set out in "Information management and recording policy- Appendix on adoption issues". Please read this before applying.

To: Head of Adoption
 Suffolk County Council
 Endeavour House
 Russell Road
 Ipswich
 IP1 2BX

I request permission to transfer a copy of the adoption case records for the following adopted person :

<p><u>BIRTH NAME OF THE ADOPTED PERSON:</u></p>	
<p><u>DATE OF BIRTH:</u></p>	
<p><u>I PROPOSE TRANSFER OF RECORDS FOR THE PURPOSE OF:</u> [CLEARLY STATE REASON TRANSFER IS REQUIRED]</p>	
<p><u>I PROPOSE TO TRANSFER THE ADOPTION CASE RECORD TO THE FOLLOWING ADOPTION AGENCY</u></p>	

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<u>AND/OR ADOPTER'S NAME:</u>	
<u>DATE OF BIRTH OF ADOPTER:</u>	
<u>I PROPOSE TRANSFER OF RECORDS FOR THE PURPOSE OF:</u> [CLEARLY STATE REASON TRANSFER IS REQUIRED]	
<u>I PROPOSE TO TRANSFER THE ADOPTION CASE RECORD TO THE FOLLOWING ADOPTION AGENCY</u>	
<u>Signed</u>	
<u>Job Title</u>	
<u>Location</u>	
<u>Telephone Number:</u>	

I agree to the above member of staff having permission to copy and transfer the adoption records required for the purpose of : (state reason and any conditions)

Transfer of adoption records is restricted by statutory regulations. Any information must only be used for the purpose for which it was intended.

Signed

Head of Adoption

A copy of this form to be placed on the file, records or information being released. The original to be kept by the Adoption Service in the "Records management" folder.

References

ⁱ The legal requirements informing this appendix are contained in the Adoption Agency Regulation 1983 (as amended) and, from 30 December 2005, the Adoption Agency Regulations 2005.

ⁱⁱ The standards which apply are found in the National Minimum Standards for Adoption.

ⁱⁱⁱ See Circular LAC(84)3 Adoption Agency Regulations paragraphs 106-109.

^{iv} Regulation 39, Adoption Agency Regulations 2005 states:

“The adoption agency must ensure that the child’s case record and the prospective adopter’s case record and the contents of those case records are at all times kept in secure conditions and in particular that all appropriate measures are taken to prevent the theft, unauthorized disclosure, loss or destruction of, or damage to, the case record or its contents”.

^v Regulation 11, Adoption Agency Regulations 2005.

^{vi} This part is based upon Regulation 12, Adoption Agency Regulations 2005.

^{vii} This can be found at http://www.suffolkcc.gov.uk/social-care/children/HTAdopt/Guidance_For_Social_Workers.htm

^{viii} Regulation 42(2), Adoption Agency Regulations 2005.

^{ix} Regulation 42(3), Adoption Agency Regulations 2005.

^x These include those holding an enquiry; the Secretary of State; complaint investigators; the registration authority; and under certain circumstances, the court and the Commission for Local Administration in England.

^{xi} Regulation 43(1), Adoption Agency Regulations 2005.

^{xii} Regulation 43(1), Adoption Agency Regulations 2005.