

# Public Law Working Group final report - briefing for CVAA members

## Background

This week the long-awaited final Public Law Working Group: Adoption Sub Group report has been published: [Recommendations for best practice in respect of adoption](#). This report is highly significant for our sector as it scrutinises the current legal process for making adoption orders in England and Wales and details a raft of reforms, particularly in relation to contact, access to records and adoption and placement applications. Given the length of the report (136 pages) we have produced this short overview briefing for members, but highly recommend reading the full report for further detail.

CVAA responded to the report's consultation back in December 2023 and our response is available to read [here](#). Our overarching message was supportive of many of the recommendations but we warned that without significant investment in resources the report will have little impact. This feedback has been included in final version of the report (s.30, p.13) however we note that the report does not explicitly call for the requisite funding from government, most likely because it considers this lobbying outside of its remit. This omission is a continued worry for us and one we will highlight in our statement responding to the final report.

It is however encouraging to see CVAA's impact on the report in other ways. For example, CVAA's 2022 report on the social value of adoption is cited at the outset of the report (s.11, p.7) referencing the lifelong benefits of adoption and importance of modernising adoption rather than stopping recommending it. Our views on wider changes to the legal framework and construct of adoption are also referenced though it is acknowledged that this is out of scope for this report.

CVAA plans to use the report's publication to re-engage with the courts about the recommendations and in doing so position VAAs at the heart of the movement to modernise adoption. Already we have [published a statement](#) on the final report, and are delighted that Jay Vaughan, Family Futures, was interviewed on [BBC Breakfast](#) today (7<sup>th</sup> November) as well as Family Futures adoptee Cassie and her mum Dee featuring on [BBC Radio](#) and [online](#). In this coverage a strong message comes through about the necessity of high levels of support for adopted children when it comes to direct contact, and the risks of not providing this.

## Summary of report

The report is divided into five chapters covering the fields of adoption and contact with birth families, access to records, practice and procedure in placement and adoption applications, adoptions with an international element, and adoption by consent.

### Chapter 1: Adoption and contact

- This chapter highlights the prevalence of outdated letterbox contact despite recent research on the potential advantages of maintaining some sort of face-to-face contact, and the risks to the adoption system of failing to modernise.
- The report's main recommendations include:
  - A change in practice and training for all involved to give more focus to contact and the benefits for many (although not all) children.

- Consistent training throughout England and Wales across VAAs and RAAs, with a firm focus on the lifelong needs of adopted people in relation to their identity and birth family connections.
- Ongoing training for social work practitioners and lawyers as to the benefits of open adoption which includes research on the voices of those with lived experience.
- Birth parents should be signposted to independent support by adoption agencies and on-going support for birth parents should be available via a service offered or commissioned by RAAs.
- Consideration should be given to a best practice guidance which deals specifically with the approach of practitioners. There are recommendations for pre and during proceedings on how professionals should give active consideration to the full range of contact options, including digital options.
- Adoptive parents should write settling in letters, there should be consideration as to a meeting between adopters and birth families, later life letters from birth families should be considered and timetabled, there should be a continued line of communication between the adoption social worker and birth parents and periodic reviews of contact plans.
- The report does not suggest that contact orders should routinely be made in the face of opposition from adoptive parents, but that opposition is much less likely where adoptive parents are given a thorough understanding of the child's needs right at the start and are given the right support.

## Chapter 2: Access to records

- This chapter notes that timely access to records is of huge significance to adopted people and their families, both in this country and abroad, and it has been very difficult for the courts and statutory agencies to keep pace with the number of requests being made. It comments on the complexity of different regime for adoptions before 29 December 2005 and afterwards, and the fact that applications can be made to a variety of agencies, including the court.
- Recommendations include:
  - Training for all staff dealing with CPRs, access to information requests and sharing information; also training for adopters.
  - Comprehensive information on all relevant websites and greater clarity on the whereabouts of records.
  - A national register of court adoption records alongside a national protocol providing a standard procedure for applications, with prescribed timescales and a template application form.
  - Further guidance as to the exercise of the court's discretion on an application for disclosure.
  - A review of the provision of information for post-commencement adoptions.
  - A number of recommendations are given for intermediary services.
  - Support for updating the Statutory Guidance (DFE stat guidance template ([publishing.service.gov.uk](https://publishing.service.gov.uk)) which was written 11 years ago.

## Chapter 3: Applications for placement and adoption orders

- This chapter is concerned with the granular detail involved in applications for placement and adoption orders. There are many recommendations designed to make the process work better and to limit delays and mistakes which can be so detrimental to children.

- The recommendations range from suggestions as to the content of Annexe A and B reports, what documents should be filed upon the issue of proceedings, what information should be given to birth parents and the development of a National Protocol to be devised setting out training and information materials for use by all agencies.
- The report considers whether there should be any changes to the law as to the rights of birth parents to apply for leave to oppose the making of an adoption order. Its decision is to wait and see whether new legal aid regulations for birth parents will be sufficient to limit the number of applications in cases where there is no realistic prospect of success.

#### **Chapter 4: adoptions with an international element**

- The report notes the level of complexity in this area which leads to misunderstandings and delays, to the detriment of children. Its overarching recommendation is that the statutory framework should be rewritten so that it is contained in one single Act of Parliament and subsidiary regulations.
- In the meantime there should be better written guidance from the DfE and Welsh Government for inter-country adoptions of all types and more joined up approaches to working.
- Legal representation for social workers dealing with incoming international adoptions should be reviewed, and ideally means tested legal aid should be available for prospective adopters.

#### **Chapter 5: adoption by consent**

- It is recommended that the various agencies (the National Adoption Service in Wales, the Regional Adoption Agencies in England, Cafcass and Cafcass Cymru) should develop a national strategy for such cases and training. Each agency needs to establish a plan that ensures all who deal with such cases are fully up to date with policy, the law and local resources.
- It adds that early permanence placements should be considered.
- It also recommends better access to legal advice for the parent(s) before the birth and that local authorities bring proceedings straight away so that issues such as informing the birth father and/or other family members can be swiftly considered.
- It states that there needs to be better communication with the court and an understanding that such cases need to be listed as a matter of urgency.