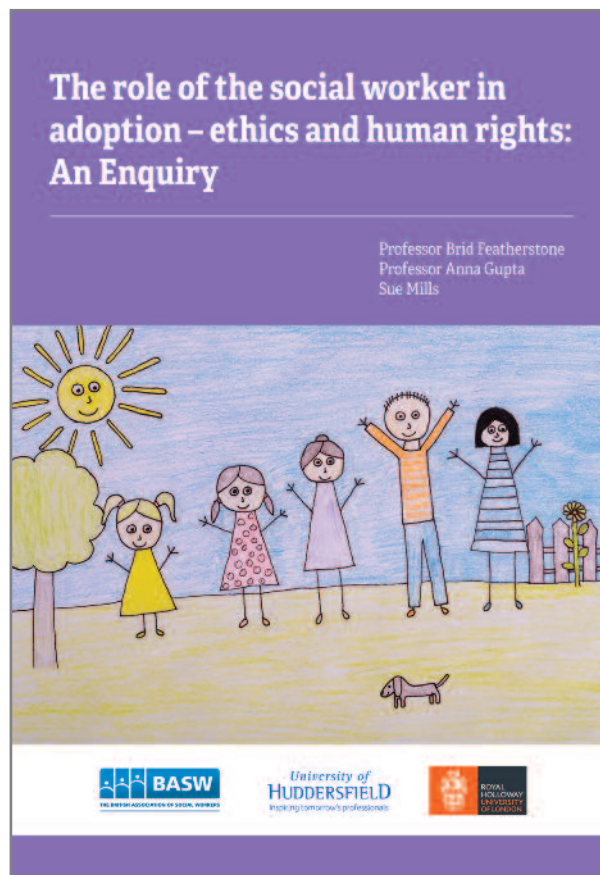


The role of the social worker in adoption – ethics and human rights: An Enquiry



The Response of the British Association of Social Workers (BASW) to the Report by Professors Brid Featherstone and Anna Gupta

Published by the British Association of Social Workers: January 2018
British Association of Social Workers, Wellesley House, 37 Waterloo Street, Birmingham B2 5PP
Tel: 0121 622 3911

www.basw.co.uk/adoption-enquiry

Introduction

BASW commissioned an Enquiry into the role of the social worker in adoption in 2016 which has concluded with the submission of the final report by Professors Featherstone and Gupta (www.basw.co.uk/adoption-enquiry). This Response document provides BASW's reflections on the themes in their report, states the further actions we will take and what we ask of governments and policy makers across the UK.

Adoption has been a particularly politicised and contentious area of public policy in recent years in the UK, perhaps most particularly in England. Political and ideological perspectives on adoption drive legal frameworks, policy, the culture of practice and the use of resources. We welcome the way this Enquiry report raises and explores these issues through the eyes of those directly affected, and through considering the ethics of adoption as it is currently practised.

This Enquiry is a start and not an ending point for BASW. We will continue to develop its themes and support improvements in practice, policy and professional confidence, particularly in the application of ethical and human rights principles in this vital area of work. We will do this at a UK-wide and country specific level and will be holding events across England, Scotland, Northern Ireland and Wales to explore detailed implications in each of the jurisdictions.

Diverse perspectives

The Enquiry has enabled a wide airing of the diverse views and experiences of those affected by and concerned about adoption – including children, birth families, adoptive families, professionals, policy makers, educators and researchers – across all four nations of the UK. Enquiry sessions provided novel approaches to enabling people from different perspectives to speak and listen to each other openly and safely. Through this, complex and profound narratives, which are too often silenced within prevailing discourse, have been brought to the fore.

Adoption can be very successful, providing children with the stable, loving homes they otherwise would not have had. This is the purpose and justification for adoption and the important contribution to individuals and society that adoptive parents can make. Birth families may consent to adoption and recognise the value to their biological child. However, the Enquiry explores the complex realities of adoption for many people, particularly in non-consensual adoption, with mixed outcomes and experiences for all involved which raise questions about what the report calls a dominant '*happy ever after*' narrative.

There is a dearth of information and meaningful longitudinal research to inform policy and social work practice on adoption. Very little information is collected or known about the social and economic circumstances, the lifetime costs and benefits, and long-term outcomes of the promotion of adoption of children from care. There is no comprehensive data on the number of children who are returned to care after adoption and the reasons why, nor sufficient research into the longitudinal outcomes into adult life of those who are adopted. Without this information, the arguments made for adoption in its current form and current policy are insufficiently evidenced.

This mixed picture of experience and outcomes considered in the Enquiry is poorly understood at national level because of this limited amount and nature of national data gathering and research into adoption and its long-term impacts. The impact of non-consensual adoption on birth families, especially those that are most disadvantaged, in poverty and unable to articulate their views and rights, is not sufficiently understood and taken into account in adoption policy.

Exploring Ethics and Human Rights

BASW commissioned this Enquiry with the express intention of focusing on ethics and human rights because they are crucial aspects of practice in this life-changing field. The Enquiry explored how a rights and ethics perspective is not routinely embedded in social work practice or in statutory guidance. Human rights practice is more visible and frequently discussed in social work with adults, in fields such as learning

disability, mental health and older age. We must ensure that the ethical and human rights commitments of social work are exercised equally in adoption and related areas of children's social care, and that learning across children's and adults social work in this regard is promoted.

BASW promotes engagement with ethics and human rights through the use of our Code of Ethics for all of social work. But the Enquiry has raised useful questions about how we make that real and practical for busy practitioners in the field, often working to respond to immediate needs within challenging policy, resource and time constraints.

Adoption, poverty and family deprivation

The Enquiry report explores how adoption, particularly non-consensual adoption, differentially affects families according to their levels of poverty, disability, disadvantage and social exclusion. Factors such as reductions in benefits and tax credits, the crisis in affordable housing and insecure employment are all worsening the situation for many families and communities.

Enquiry participants discussed how austerity measures in public services continue to undermine preventive and supportive services for families. Social workers must be able to make ethical decisions about care of children, respecting the human rights and fundamental material needs of birth families and all involved. Social workers need to be able to access sufficient resources to protect rights and entitlements of birth families and ameliorate the impact of poverty and disadvantage. Adoption should never be an intervention primarily for family poverty or because parents have care and support needs that are not being adequately met.

The Enquiry found that data gathering on social determinants of family wellbeing, and research into its practical and ethical implications for wider policy, are not systematically undertaken by government or any other national bodies and we believe this should be addressed.

Public services and resources

The Enquiry refers to evidence that poverty causes family crises and breakdown and puts children at risk of separation from their families of origin, including siblings, unless there is investment in family support. Concerns about child welfare occur in families at all levels of income and wealth and all citizens should have access to whole family and parenting support services. But the paucity and decline in both universal and targeted preventive services has hugely and disproportionately reduced options to support parents in poverty, material disadvantage and/or with multiple needs.

Social workers who try to keep families safely together describe diminishing or non-existent preventive and support services. With the possible exception of Northern Ireland, family support work has too often been replaced by 'child protection' work which often does not give due consideration to material realities for families in austerity conditions.

It is an ethical responsibility of social workers to practise in ways that take account of these risks, and indeed, to challenge wider policies that are bringing more families and individuals – including children – into poverty, increasing demand for social work services and putting more children and families at risk.

The interrelated rights of children, parents, families and communities

We are in no doubt that state involvement in families through the child protection system is primarily justified by the need to protect the welfare of children. But it cannot end there. Meeting the rights of children can be bound up in meeting the rights of parents and families. Bonds of kinship and identity for children are, of course, often powerful and it is a human reality, reflected in the Enquiry participant contributions, that people separated from birth families often seek to restore kinship links which may have profound meaning to them. The feelings and experiences of birth families – not only parents but grandparents and others - are also of intrinsic human value, and their rights should be protected.

Social workers have statutory duties to support families to make changes that will prevent their children

coming into care temporarily or permanently. For legal and ethical reasons, social workers need conditions of practice and the right time and support to make this a meaningful reality. The ongoing development and promotion of improvements in models of practice and professional leadership is welcomed by BASW and we celebrate good practice. But the Enquiry heard that too often, social workers are not working in such good practice contexts and don't have the time, the supervisory support or the right professional backing to ensure the rights of parents and families are met – including their right to receive services to address care and support needs (such as mental health problems, learning disability or being a victim of domestic abuse) and material disadvantage.

The division of adult and children's social work services and training may exacerbate the problem of ensuring integrated approaches to families. While fully appreciating the need for specialist training and roles, BASW is committed to promoting social work as one profession. Enabling social work services to respond to the rights and needs of families in adoption is an example of why we believe this is important.

More holistic social work practice is needed

While there are issues with the organisational division of children and adults social work as noted above, the Enquiry also explored the fragmented nature of the social work role within family work and in adoption practice itself. 'Adoption work' with children is often undertaken in isolation from any contact with the birth family, or knowledge of understanding of the social and material circumstances of the child's birth family. The social worker who is introduced after a child has been put forward for adoption may never have met the birth family or any previous carers, nor been involved in decisions until that point. In the discussions that took place during the Enquiry, social workers were only able to describe and to feel accountable and responsible for their 'bit' of the process. Children will experience at least one but often many changes of workers in their journey to adoption. Sometimes this is a result of movement of workers, but often it is built in to the process of adoption. Such partial encounters can lead to patchy understanding of the child and their family of origin, and of the child's experiences with birth family and of their often multiple carers in the care system. A more holistic practice and understanding of the child and their experiences is needed.

Public and media perceptions of adoption and social work

Adoption, and the statutory child care system of which it is part, are matters of deep public concern and affect many people, directly and indirectly. Policy and practices of statutory intervention in family life and parenting – by social workers and other professionals – are often portrayed in the popular media, often negatively or in stereotypical ways. The non-consensual removal of children from birth families – and the circumstances under which this is the right thing to do with attendant permanent severance of birth family relationships – is inevitably highly emotionally charged and ethically contentious. This Enquiry and its findings provide a real opportunity to open discussions with the public as well as with professionals about the value, the successes and the challenges of adoption.

BASW's Actions in Response to the Report Recommendations

BASW accepts the five recommendations from Professor Featherstone and Professor Gupta's report and will take them forward as follows:

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

BASW will:

- Promote social work practice capabilities to alleviate the impact of poverty and inequality alongside other skills and knowledge, and develop BASW learning and practice resources to support this, in collaboration with others across the UK.
- Represent and enable social workers to have a voice to express and discuss their views about social inequality and its impact on their practice.
- Enable those affected by adoption, including birth parents, children and adult adopted persons and adoptive parents, to have a voice about the relationship between social deprivation and statutory intervention in parenting.

BASW calls on national and local government across the UK to:

- Ensure that the rights of children and their parents and families are not breached by inadequate support for parents (or kinship carers) to care for their own children wherever this is possible.
- Commit to the principle that no child should be in care or adopted primarily because of the poverty of their parents or family.
- Ensure protection of fundamental human rights extends to migrant families whatever their immigration status.

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

BASW will:

- Collaborate with researchers, educators and practitioners to produce and disseminate data and analysis on deprivation, poverty and the implications for social work

BASW calls on national and local government across the UK to:

- Collect and publish statistics on the social and economic circumstances of children placed for adoption from care, and of their families of origin and the adoptive families. Ensure there is recording of the number of adopted children who are returned to care, or who otherwise cease to live with their adoptive families before reaching the age of 18 years.
- Commission and fund research into the outcomes of consensual and non-consensual adoptions over the last 40 years to develop an understanding of lifelong impact and outcomes.

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

BASW will:

- Call for a review of adoption law in all countries of the UK, into whether the assumptions about severance of connection to families of origin is ethical and whether such the assumption of severance is sustainable given widespread internet access and the ability to trace children and

families through social media.

- Facilitate further debate with stakeholders across all the countries of the UK on what new models of and approaches to adoption should be promoted.
- Use our international connections and role – for examples, as the UK representative member of the International Federation of Social Workers – to build comparative understanding of and proposals about alternative models of adoption.

BASW calls on national and local government across the UK to:

- Evaluate the effectiveness and impact of current adoption policies, with a consideration of whether and in what circumstances a more open approach to maintaining kinship links should be promoted in legislation and policy.
- Evaluate whether current approaches to adoption adequately protect the human rights of all affected.

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

BASW will:

- Bring consideration of the relationship between adoption and other choices about permanence into our ongoing debates about the use of care interventions for children.
- Engage with influencers, policy makers and politicians on the value of alternatives to adoption to provide stability and consistent care for children.

BASW calls on national and local governments across the UK to:

- Evaluate the effectiveness and impact of current adoption policies in relation to evidence about the value of other permanence solutions.
- To take account of learning from other countries about models of permanence when devising policy across the jurisdictions of the UK.

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

BASW will:

- Work with people who have experienced the care system, social work services and/or the adoption process to develop our approach to human rights based, ethical social work practice across all the jurisdictions of the UK.
- Review and develop how we support social workers to implement the BASW Code of Ethics and review how the Code is made accessible and meaningful to practitioners.
- Promote social work practice capabilities that integrate understanding and acting to alleviate of the impact of poverty and inequality alongside other skills and knowledge, and develop BASW learning and practice resources to support this, in collaboration with others.
- Continue to develop resources and publications on human rights and social work practice.

BASW calls on national and local governments across the UK to:

- Support the ongoing development of professional autonomy, independence and confidence in social work practice and decision making.
- Promote the importance of ethics and human rights being enshrined in social work regulatory standards.
- Work with BASW to support better ethical and human rights practice in improving the experience of all affected by adoption.