

**Process for relinquished children:**

Many social workers do not work with children with a plan for adoption very often, and there are even fewer children who are relinquished by their parents. This process guidance is written to help outline the steps a social worker should take if working with a child who is being relinquished for adoption and to set out the working arrangements between the local authority and Adoption West. **It is not intended to replace any national or local guidance or regulations and social workers should also consult any relevant Tri.x or other policies on their local authority website.**

Ideally the child being relinquished will be allocated to a social worker who will remain as their worker throughout the process until an Adoption Order is made; this is usually a social worker in a Children in Care team. Children who are initially allocated to a safeguarding social worker who then later transfer to a CiC social worker are likely to experience delay, and birth parents who will be going through a distressing time in their lives would also experience a change of worker and have to re-tell their story.

Below is a summary of the steps to be taken, but please also read the information following for fuller details.

|  |
| --- |
| **Social worker for the child to:** |
| * Make referral to family finding team in Adoption West for birth parent counselling and also make an EP (Early Permanence) referral, unless there are clear reasons why EP would not be appropriate
* Arrange to visit the child’s parent(s), with the Adoption West social worker if possible
 |
| * If the child’s mother does not want the child’s father or other close family members to be informed about the child, seek legal advice as a matter of urgency
* Send notification to CAFCASS
 |
| * Speak to an Adoption West Agency Adviser for advice on how to write the CPR and to book into panel and for the child’s ADM decision
* Book an adoption medical
* Begin collecting information and writing the CPR
 |

The LA will need to allocate a social worker for the child and at the same time will need to make a referral to Adoption West for a social worker to be allocated to undertake the birth parent counselling – to refer please send an email to familyfindingteam@adoptionwest.co.uk Where possible it can be helpful for the LA social worker and Adoption West social worker to make the initial visit together. The Adoption West social worker will ensure that parent(s) are given detailed information about adoption, talk through all the possible options available to them and help them to make the decision that is right for them and their child.

As well as making a referral for birth parent counselling, the child’s social worker should also make a referral for an early permanence placement as early as possible, ideally before the child is born (add hyperlink to **EP referral form**). Whilst some parents who ask to relinquish their child will remain committed to that decision, others may change their mind either once the child is born or after the child has been accommodated. If this happens whilst the child is with foster carers (including EP carers) the local authority must return the child within seven days or apply to the court for an order preventing this if they have safeguarding concerns. An EP placement can still be appropriate for a child where there is a possibility that parents may change their mind about relinquishing but adoption is still a possible outcome. However, it’s important that EP carers and their adoption social worker are fully informed about the situation, including whether the father and/or other relatives may not know about the child but may be informed at a later date. The EP carers with the support of their social worker can then make an informed decision as to whether they could care for the child knowing there is a possibility of the child not remaining with them.

Historically if a mother asked for their child to be relinquished their witnessed consent would be sufficient without the need to consider other family members. However, although there has not been a change in legislation, in recent years case law has meant that the courts have considered whether a father and/or other relatives should be told of the child’s existence if the child’s mother was not consenting to this. The ‘ABC judgment’ explored three different appeals where the mother in each case did not want the father to know of the child’s existence (one of whom was a relinquished child). In those instances the judge looked at the individual situations and made a decision that in each case the father should be told. If you want to read the full judgment you can find it here (will need to add hyperlink – document [‘**Cases A, B and C (Adoption: Notification of Fathers and Relatives)’.**](https://proceduresonline.com/trixcms/media/8823/cases-a-b-c-420192404-final.docx)

This change in case law means that a mother wanting to relinquish her child must not be assured that this can be guaranteed. The social worker will need to consider the relevant factors – there is guidance written by local authority lawyers in response to the ‘ABC judgment’ which sets out the steps the social worker will need to take (will need to add hyperlink – see document [‘**Should a putative father/ close relatives be notified of a mother’s decision to relinquish a child for Adoption?’**)](https://proceduresonline.com/trixcms/media/8824/guidance-document-for-lawyers-and-social-workers.docx)The social worker should discuss with the child’s mother whether the child’s father knows about the child and, if not, whether she will inform him or give permission for the social worker to do so. The social worker should also explore whether anyone else in the family may be able to care for the child, following the advice in the above document. If there is any doubt about whether the child’s father and/or other relatives should be informed, legal advice should be sought as a matter of urgency. The local authority will not have PR for the child and so cannot over-rule the mother’s wishes and inform relatives themselves, and in such circumstances the matter may need to be put before the court.

A mother cannot give formal consent to relinquishing her child until the child is six weeks old (but can give consent to the child being accommodated). Consent will need to be formally witnessed by a CAFCASS Officer once the child is at least six weeks old– there is written guidance agreed by CAFCASS and the ADCS (the Association of Directors of Children’s Services. This can be found on the CAFCASS website <https://www.cafcass.gov.uk/sites/default/files/2023-09/Good-Practice-for-Adoption-Agencies-and-Cafcass-Children-Relinquished-for-Adoption.pdf>

Generally CAFCASS will want the local authority Agency Decision Maker to agree with the plan for relinquishment before they witness consent. However, there may be circumstances when it is appropriate for the CAFCASS officer to witness consent before then (see document for further explanation) and it may therefore be appropriate to send the notification to CAFCASS as soon as a social worker is allocated.

Before the ADM (Agency Decision Maker) can make a decision about the child’s plan, the adoption panel will need to make a recommendation (this is a different route from children in care proceedings, who would not be considered at panel but who would go straight to an ADM Decision). The social worker will need to write the CPR (Child Permanence Report) and book the child into panel with an Adoption West Agency Adviser. An Agency Adviser will meet with any social worker working with a child with a plan for relinquishment – they can offer support and guidance on what needs to be included in the CPR, what other paperwork is needed for panel and other general advice about adoption. Regulations require legal advice to be provided for relinquished children, and it is usual practice for the legal adviser to attend panel, so this also needs to be considered when booking the child into panel.

Once the child is accommodated, whether with EP carers or mainstream foster carers, all the usual regulations for children in care apply. The child will need a medical within 28 days of being accommodated and the social worker should request that an adoption medical is arranged as this could fulfil both purposes and avoid the need for a second medical and report to be undertaken. A report on the child’s health written by an Adoption Medical Adviser will need to be included in the CPR before the child can be considered at panel or the ADM can make the decision. Although there will not be a court timetable to adhere to, the child should be considered at adoption panel without delay so that parents can give formal consent to adoption once the child is six weeks old.

Agreed by:

Elliot Davis, Head of Service, BANES

Amanda Braund, Service Manager, Bristol City Council

Tammy Wheatley, Head of Service, Gloucestershire County Council

Shelley Caldwell Head of Service, North Somerset Council

Petros Careswell, Service Manager, South Gloucestershire Council

Pier Pritchard, Service Manager, Wiltshire Council

Alison Lewis, Service Director, Adoption West

October 2024