

USING THE INTERNET IN ADOPTION AND FOSTERING ASSESSMENTS

Introduction

In recent years adoption and fostering services have become increasingly aware of the implications of new technology, in terms of the internet and all that goes with it. For the most part, this awareness has centred around maintaining privacy or managing contact between adopted or fostered children and their birth families, and keeping children safe, but questions are now emerging about the use of internet checks in the assessment of prospective adopters or foster carers.

Some fostering providers and adoption agencies have indicated a desire to begin undertaking internet checks on prospective adopters and foster carers routinely and as part of their process, and have asked for guidance on this subject. Alongside this, some individual social workers have mentioned in semi-formal settings that they are already making such checks, albeit outside of their agency policy, and with no clear plans for how they will use any information gleaned. Examples already exist of situations where people have been deemed unsuitable to foster or adopt largely as a result of information that they have put or exists about them on the internet.

This provides the context for this Practice Note. Its intention is to provide three informing principles, rather than rigid suggestions, about what is appropriate for fostering and adoption services in their use of the internet in assessments. This is an ever-changing area, and what is considered right for today may be different tomorrow.

The principles set out below apply equally to family and friends carers as to other foster carers or adopters, although the context of their situations may be different according to their individual circumstances.

The appendix provides information about the Regulations and National Minimum Standards in England as they pertain to the issues discussed, but this Practice Note should be equally applicable to any country in the UK.

1. Adoption agencies and fostering services have a responsibility to provide potential substitute parents with advice and information about the implications of their use of the internet

Adoption agencies and fostering providers have a responsibility towards prospective adopters and foster carers to prepare them for the task on which they are embarking. This must include advising potential substitute parents about the implications of their use of the internet. For example, they may have an account with Facebook or another social networking website, and have posted information about themselves and their family, or may have uploaded material to a website like YouTube. If they foster or adopt, this material will potentially be accessible by other parties such as children or young people who are looked after, their parents or social work professionals. Assessing agencies have an obligation to advise applicants about the implications of this, and to provide advice about protecting the privacy and security of the prospective foster carer or adopter and, should they be approved, any child placed with them.

Such advice may include, for instance, how to configure appropriate privacy settings on social networking websites and the importance of talking to friends and relatives who could inadvertently be making available information that is unhelpful, or at worst dangerous, to either the adopter or foster carer, or to any child subsequently placed. These issues are fully

discussed in the various publications by Eileen Fursland (2010a, 2010b, 2011) and there are strong arguments to suggest that social workers undertaking assessments, and those being assessed, should be familiar with the material contained in these books.

Similar advice should also be provided to other members of the prospective carer's household as part of the safer caring preparation of the household as a whole. This might be particularly important to teenagers or young adults who more routinely use new technology, and may have quite open approaches to sharing information on the internet.

As part of this process of providing information and advice, it will be necessary to look at individual circumstances, and discuss with applicants what information might be publicly available about them, and how they might manage this. With family and friends carers, it will be necessary to consider the often complex issues in terms of social networking within extended families.

2. It is reasonable, proportionate and lawful for internet checks to be completed as part of an adoption or fostering assessment

Adoption agencies and fostering services routinely undertake a range of checks and references in order to ascertain whether a person is suitable to adopt or foster, and it is generally recognised that the assessment process is one that can be experienced as intrusive and challenging. This is unavoidable when the priority is about establishing a person's suitability to take on the care of a vulnerable child, and assessments need to be robust and thorough to achieve this aim. Agencies are increasingly considering whether the range of checks currently used needs to be extended to include an internet check. This is compliant with legislation, and in principle would seem to be appropriate.

Agencies arguably have a responsibility to take reasonable steps to ensure that there is no inappropriate material or information about prospective adopters or foster carers available on the internet which might indicate that they are unsuitable to care for children. With technology constantly changing and adapting, definitive and up-to-date guidance on the exact nature of this internet search is difficult to provide. However, a proportionate approach could be said to include putting the applicant's name into a reputable internet search engine, and viewing any sites that are indicated as linking to this name. It would be appropriate to search sites such as Facebook and YouTube in a similar way.

It is important to draw a distinction between information that is available in public areas of the internet (that is, the digital equivalent of someone speaking in a public place), and private areas that are password protected (the digital equivalent of a private letter or private conversation). While it would be wholly appropriate to consider the former, it would not be appropriate to deliberately seek information regarding the latter, unless there was specific information suggesting a need to do this. It would therefore not normally be appropriate to ask applicants to provide any passwords or to ask them to provide access to any personal area of a social networking website or similar site.

Assessors will also need to consider information about the applicant that has been placed on the internet by a third person, and must recognise that this information may or may not be reliable. They will always need to consider the source of any such third party information, and make a judgement about how to interpret this. Furthermore, it is always possible that a third party has placed information on the internet while purporting to actually be the applicant, with the latter having no knowledge of this. For this reason, amongst others, it is important that any information gleaned from an internet search that raises concerns should be shared with the applicant in order to gain their perspective, and considered in the context of the assessment as a whole.

3. Internet checks should only be carried out in a spirit of openness, and with the full understanding of the person being assessed

Internet checks should only be carried out with the full understanding of the person being assessed, and this should be confirmed in writing. Although in law there is no requirement for consent to access information that is in the public domain, it is important that prospective carers and adopters understand that this is part of the agency's assessment process, and that it is done openly and with their knowledge. Applicants should understand why and how the internet search is being carried out from the very outset of the assessment process, just as they should for the wide range of other checks that inform family placement assessments.

Although it would be legally permissible to undertake checks on applicants without their knowledge, this would not be compatible with working openly and transparently, and could raise questions about the professionalism of the assessor. Furthermore, if any information is found that raises questions about a person's suitability, it must be shared openly with them, and cannot be used as a basis for decision making without them having had an opportunity to comment on it. However, applicants are not in a position to withhold consent for an internet check (as described in this document) because the information that will be accessed is already in the public domain.

Conclusion

In summary, this Practice Note suggests that adoption agencies and fostering services:

- have a responsibility to provide advice and information to prospective substitute parents about the implications of how they use the internet and other new media;
- can reasonably and lawfully undertake internet checks on prospective substitute parents, subject to undertaking these in an open and transparent manner.

Appendix: Regulations and National Minimum Standards in England

This appendix notes some relevant parts of the Fostering and Adoption Regulations and National Minimum Standards in England for each of the principles set out.

1. Adoption agencies and fostering services have a responsibility to provide potential substitute parents with advice and information about the implications of their use of the internet

Fostering Services National Minimum Standard 13.3 (DfE, 2011b):

Prospective foster carers are prepared to become foster carers in a way which addresses, and gives practical techniques to manage, the issues they are likely to encounter...

Adoption National Minimum Standard 10.8 (DfE, 2011a):

Prospective adopters are prepared to become adoptive parents in a sensitive way, which addresses and gives them skills, knowledge and practical techniques to manage the issues they are likely to encounter...

2. It is reasonable, proportionate and lawful for internet checks to be completed as part of an adoption or fostering assessment

Fostering Services (England) Regulations 2011 (DfE, 2011c): Assessment of prospective foster parents 26(2) (a):

The fostering service provider must obtain the information specified in schedule 3..., and any other information they consider relevant.

Adoption Agency Regulations 2005: 25(5) (DfES, 2005):

The adoption agency must prepare a written report ("the prospective adopter's report") which shall include- [(a)-(e) and] (f) any other information which the agency considers to be relevant.

3. Internet checks should only be carried out in a spirit of openness, and with the full understanding of the person being assessed

Fostering Services National Minimum Standard 13.2 (DfE, 2011b):

People who are interested in becoming foster carers are treated fairly, without prejudice, openly and with respect.

Fostering Services National Minimum Standard 13.4(c) (DfE, 2011b):

The assessment process is set out clearly to prospective foster carers including the stages and content of the selection process...

Adoption National Minimum Standard 10.2 (DfE, 2011a):

People who are interested in becoming adoptive parents, and prospective adopters, are treated fairly, without prejudice, openly and with respect.

References

- Department for Education (2011a) *Adoption: National Minimum Standards*, London: Department for Education
- Department for Education (2011b) *Fostering Services: National Minimum Standards*, London: Department for Education
- Department for Education (2011c) *The Fostering Services (England) Regulations 2011*, London: Department for Education
- Department for Education and Skills (2005) *The Adoption Agencies Regulations 2005*, London: Department for Education and Skills
- Fursland E (2010a) *Facing up to Facebook: A survival guide for adoptive families*, London: BAAF
- Fursland E (2010b) *Social Networking and Contact: How social workers can help adoptive families*, London: BAAF
- Fursland E (2011) *Foster Care and Social Networking: A guide for social workers and foster carers*, London: BAAF

Many thanks to all BAAF staff from across the UK who contributed to discussions, including a telephone conference on this subject; particularly to Nick Dunster for arranging this and bringing together the themes that are now set out in this Practice Note.

Paul Adams, Fostering Development Consultant, BAAF

Written by Paul Adams, BAAF

© BAAF 2011

Published by British Association for Adoption and Fostering, Saffron House, 6–10 Kirby Street

London EC1N 8TS

www.baaf.org.uk

Charity no 275689 (England and Wales) and SC039337 (Scotland)