

BASW Statement on 'Forced Adoption'

Introduction.

BASW represents some 22,000 social workers across the UK. Adoption is a core social work task, and many social workers are, or have been involved in, adoption work. Recent media coverage has used the term 'forced adoption'. This statement provides context and clarity on the use of this phrase and the implications for adoption practice.

Statement

One of the most basic human rights is to parent and raise your own children. This is enshrined in Article 8 of the Human Rights Act: the right to family life.

Adoption extinguishes all rights of the birth parent(s). Both in law and reality the adopter(s) become the parents. More recent developments, for example, the adoptee knowing they are adopted and who their birth parent is from an early age, or regular contact with the birth parent, may soften this reality - but do not change it.

It is therefore hard to overstate the significance of the act of adoption, it is the most profound loss for the birth parent(s) and has life-long implications for the child and the adoptive parent(s).

Adoption may sometimes be necessary, but it is also a last resort. If birth parents, or members of the wider family, cannot care for the child adoption may be the best option. Few birth parents will actively consent to giving up their child and therefore adoption often proceeds without the active consent of the birth parents.

Adoption has long-lasting consequences - the entire duration of an adopted person's life. For some adoptees being adopted is a source of security, joy and pride, for other adoptees their experience is more mixed or entirely negative.

A complex range of checks and balances are in place for the adoption process. Social workers play a key role in this process: working with birth parents, assessing prospective adopters, determining the needs of prospective adoptees, matching prospective adopters and adoptees and informing and recommending action to the court.

Since adoption is a formal legal act, it is important to remember that judges make the series of legal decisions leading to adoption – not social workers. This is a key check and balance within the system.

The use of the term 'forced adoption' is neither accurate nor helpful. In terms of contemporary adoption practice, it ignores the checks, balances and safeguards of the present system. In terms of historic practice, it risks conflating a wide range of legislation, policies and practice over the last 100 years, affecting hundreds of thousands of people: adoptees, their birth parents and their adoptive parents. Some of these practices we now recognise as abusive, others reflected the circumstances of the time, other practices are remarkably close to the present day: providing adoptive parents for young children who could not be cared for by their own birth parents or wider family.

Background

Adoption: The Present

In all four of the jurisdictions in the UK (England, Scotland, Northern Ireland and Wales) legislation is in place to allow adoptions.

For some children adoption is the best way forward. The parents may have long standing severe issues which prevent them from parenting, no other family members may be available or suitable ('kinship care'), and the young age of the child may mean that adoption is the best form of permanency.

In all four jurisdictions of the UK a complex legal and procedural process for adoption is in place which includes a range of checks and balancesⁱⁱ. For example, while social workers play a key role in adoption, it is important to remember that judges, not social workers, take the legal decisions on adoption.

The very concept of adoption can be highly contested; with some seeing it as inherently problematicⁱⁱⁱ and others seeing it as an underused solution to a range of societal problems^{iv}. This is a debate that has been running many decades.

As part of this debate the term 'forced adoption' is sometimes used to describe adoption without parental consent. It is the case that adoption without parental consent is not possible in certain countries within Europe. However, it is often impossible to understand the legislative choices of specific countries without understanding the wider political, economic, social and cultural expectations of that country - which may differ widely from the UK. The term 'forced adoption' is also used in a wider sense to describe an unwanted intervention of the state in family life. However, in both cases the term 'forced adoption' is highly problematic since it implies that the adoption process currently occurs without careful thought over an extended period and without the checks and balances within the system.

Adoption is one aspect of 'the care system' - a collection of legislation, policies, organisations and professions that allow the state to step in where the welfare of the child is at stake. Part of this system is adoption: for example, in England in 2022 just under 3,000 children were adopted out of a total population of 82,000 children in care^v.

A small proportion of parents, because of a range of issues (for example, severe mental health issues, learning disabilities, alcohol or drugs) will require the intervention of social workers. However, there is an increasing volume of research to demonstrate what many social workers already knew - that poverty can be a contributory factor to children coming into care^{vi}. While many parents are loving and caring despite the impact of poverty, parenting can be hard, and lack of money can make it harder still. Longstanding family problems, coupled with increasing poverty, together with decreasing sources of help and early intervention due to cuts to public sector funding, increase the risk of children coming into care. Poverty and other financial issues (for example, lack of bedroom space) also actively hinder members of the wider family from offering themselves as kinship carers. In a similar vein, social and economic factors can constrain those who might wish to offer themselves

as adopters. Lack of space, and/or the costs of taking on a new child can limit those who put themselves forward limiting the pool of potential adopters.

Social workers play a key role in the adoption process. While there will always be a small number of children who require adoption, BASW has also long argued that careful attention to wider social factors is crucial to ensure as many children as possible can remain with their birth parents^{vii viii}.

Adoption: The past

Since all societies may face a situation where young children may be left without parental care, all societies have systems - often informal systems - where adults take on the care of the children of others. Adoption as a formal, legal process has been in place in the UK since 1926^{ix}.

In this period there have been many changes in society, legislation and policy. Within the lifetime of people alive today the legislation, norms and expectations of society have fundamentally changed. For example, within the lifetime of a sixty-year-old adoptee homosexual acts between men were still regarded in law as a criminal act punishable by imprisonment until 1967, the contraceptive pill did not become widely available until 1974^x, while abortion was also illegal until 1967 (and only became legal in Northern Ireland in 2019). Until 1970 it was still regarded as unproblematic for children to be shipped *en masse* to work in the former colonies^{xi}. While being a widow with children was socially acceptable, being a single unmarried mum was not, and the stigma of this, while varying across the UK, was still widely prevalent until at least the 1990s.

The lack of available contraception, abortion and the stigma of being a single mum meant that many babies were adopted. Between 1946 and 1976 some 500,000 children were adopted^{xii}. While some 25,000 children were adopted every year in the early 70s the number fell sharply as the decade progressed and continued to fall over successive decades until in 2022 some 3,000 children were placed for adoption.

It is important to acknowledge that the circumstances of how children were adopted since 1946 varies hugely by time and place. For example, there were significant differences between historic routes such as 'Magdalen Laundries' and child migrant schemes.

Until at least the 1990s many babies and children who were Black, Asian or who had dual heritage, and children of other minority ethnic groups were routinely placed with adoptive parents who were both white. For significant numbers of these children this created profound problems since many adopters did not understand racism and/or lacked the willingness or ability to link the adopted child with the culture of their birth.

It is also important to recognise that, then as now, a proportion of birth parents could not care for their child for similar reasons that we are familiar with today. Lumping together all these diverse experiences is unhelpful and does an injustice to adoptees, birth parents, adoptive parents and the professionals who worked with them. Consequently, while some of these experiences were undoubtedly abusive

categorising all of these interventions under the title of 'forced adoption' is neither accurate nor helpful. While a proportion of these adoptions were undoubtedly 'forced', others were not and adhered to the best professional and legal standards of the time.

It is also important to remember that during this period many adoptees went to loving homes and this was facilitated by social workers. Many adoptees speak of love and pride of their adoptive parents. Social workers responded to the reality of the situation they found in society by finding loving parents for adoptive children.

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ⁱ See for example, BBC (2022) *Forced adoption: call for government apology to mothers*. Accessed 1 June 2023: <https://www.bbc.co.uk/news/uk-62172101>

ⁱⁱ For example, Re B-S (Adoption: Application of Threshold Criteria) [2013] EWCA Civ 1146 required that adoption only be considered by a court as a last resort.

ⁱⁱⁱ For example, Verrier N (1994) *The Primal Wound*.

^{iv} For example, Narey, M (2011) *The Narey Report: A Blueprint for the Nation's Lost Children*.

^v GOV.UK (2022) Children looked after in England including Adoptions. Accessed 1 June 2023: <https://explore-education-statistics.service.gov.uk/find-statistics/children-looked-after-in-england-including-adoptions/2022>

^{vi} See the work of Bywaters and colleagues and the Child Welfare Inequalities Project. More especially Bywaters et al (2020) *The Child Welfare Inequalities Project: Final Report*. London: Nuffield Foundation.

^{vii} Featherstone B, Gupta A, Mills S (2018) *The role of the social worker in adoption – ethics and human rights: An enquiry*. Birmingham: BASW Accessed 1 June 2023. https://www.basw.co.uk/system/files/resources/basw_55505-10_1.pdf

^{viii} BASW (2012) *A Vision for Social Work: Children and Families*. Birmingham: BASW https://www.basw.co.uk/system/files/resources/181163_a_vision_for_social_work_children_families_0.pdf

^{ix} The Adoption of Children Act 1926 (England and Wales) was followed by the Adoption of Children (Northern Ireland) Act 1929 and the Adoption of Children (Scotland) Act 1930.

^x Iglkowski-Broad I (2021) *Just a pill: 60 years of the contraceptive pill on the NHS*. The National Archives. Accessed 1 June 2023: <https://blog.nationalarchives.gov.uk/just-a-pill-60-years-of-the-contraceptive-pill-on-the-nhs/#:~:text=After%20much%20behind%20the%20scenes,was%20at%20the%20doctor's%20discretion.>

^{xi} Davies, C (2017) *Britain's child migrant programme: why 130,000 children were shipped abroad*. Guardian 2017. Accessed 1 June 2023. <https://www.theguardian.com/society/2017/feb/27/britains-child-migrant-programme-why-130000-children-were-shipped-abroad>

^{xii} Joint Committee on Human Rights (2023) *The Violation of Family Life: Adoption of children of unmarried women 1949-1976*. Paragraph 10. Accessed 1 June 2023: <https://publications.parliament.uk/pa/jt5803/jtselect/jtrights/270/report.html>