EXPLORING THE CHANGING NATURE OF ADOPTION WORK

REFLECTIONS ON THE 1968 ACT

social work scotland
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Contents

Abstract

This paper charts changes in the social work role in adoption in Scotland since 1968. Although the Act was not intended to reform adoption practice, it has had two major impacts. The first concerns the process of adoption. Since the majority of adoptions in 1968 were by 'consent', it is unlikely that the engineers of the Children's Hearing system foresaw the role it would have in securing permanence for children. As adoption moved from 'relinquishment' to more complex and contested legal routes, the Children's Hearing began to occupy an integral role in decision making for children in need of care and protection. The second major impact of the Act is in terms of the wider values of social work. Since 1968, adoption has gradually become understood as a resource for children who are unable to remain within the birth family or kinship networks. The welfarist foundations laid by the 1968 Act were instrumental in this process.

Drawing on a combination of documentary analysis of adoption files and interviews with key informants, the research focused on three key points in the 50-year period; 1968, 1988 and 2014. This revealed increasing fragmentation of the social work role and of adoption records, decreasing the potential for files to be a resource for adopted individuals curious about their origins and story. Paradoxically, over this period there has been an increased understanding of the identity needs of adopted people. Such unintended consequences suggest that the social work role in adoption remains a 'work in progress'.

Exploring the changing nature of adoption work since the Social Work (Scotland) Act 1968

The 1968 Act revolutionised the way that children's welfare was approached in Scotland, in large part through the introduction of the Children's Hearing System. Although practice has been much amended by subsequent legislation and Guidance, the Act lives on both in structures and spirit in social work with children in need of compulsory measures of care. A more detailed examination of the legacy of the Act is set out in the 50 Years of Social Work 1968-2018 report (Daniel and Scott, 2018). This provides the broader context within which the changes and continuities in social work relating to adoption have taken place.

Over the past 50 years, our ideas as a society about the nature of family and childhood have broadened. The factors that inform social work assessments of parental capacity and risk to children are different, just as our expectations of what children and young people can expect from the state have changed. Family solutions have come to the fore and institutional resources and group homes are being phased out.

Our solutions for children who cannot remain within their families of origin in the long term appear at first glance to be very similar. Adoption as a formal means of providing children in need of alternative permanent care with the opportunity to be brought up within a family environment pre-dates the 1968 Act. As an informal practice it can of course be traced back much further. However, the key social work role in adoption has grown both in significance and sophistication over the past 50 years.

All the changes in adoption policy and practice in Scotland since the 1968 Act cannot be considered within the scope of a single paper. This paper focuses specifically on the changing nature of the social work role in adoption. The following research question was explored through a qualitative study:

What have been the major changes and continuities in the social work role in adoption assessment and support in the Scottish context since the 1968 Act?

The model for this research was one of researcher and practitioner collaboration consisting of a literature review on the topic and documentary analysis of a selection of adoption files drawn from the 50-year period. The textual analysis was guided and supported by semi-structured interviews with five social workers, an adoption records archivist and an expert QC, all of whom have practiced extensively in the area of adoption over the past 50 years.

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Methodology

Literature review

The literature review focused upon practice and policy developments in the Scottish context over the fifty-year period, with other UK and international research selected to help compare and situate the Scottish experience. This informed the interview schedule for the informant interviews. Literature contemporaneous with the case file sample provided context for the documentary analysis.

Informant interviews

Supporting qualitative interviews were undertaken with five key informants who had long service in adoption work. Informants had experience of different roles within adoption including law, social work, and adoption panel chairing. Experienced professionals were sought so that their perspectives could encompass as much of the period since 1968 as possible. Interview participants were identified through the research team and both partner agencies' networks and selected to represent practice in both the East and West of Scotland.

In line with the research question, interviews focused on the period from assessment of prospective adopters and registration of a child for permanence through to granting of an adoption order, or their historical equivalent. This had the advantage of being an aspect of adoption which is well documented, and informed the content of the interview schedule. Semi-structured interviews were conducted and audio-recorded and detailed notes taken from the recordings. These notes were thematically analysed (Braun and Clarke 2006).

Prior to approaching sampling and data collection for the documentary analysis, an interview was conducted with two informants who have been involved in archiving adoption files at Scottish Adoption. One of these informants also had long service in adoption work as a social worker.

Adoption files

Sampling
Scottish Adoption holds a range of historical records for adoptions carried out by churches or local authorities, in addition to records for their own adoptions. Three time periods were chosen from which to sample adoption files: 1968, 1988 and 2014. These dates were chosen based upon the interviews with the archivists; being roughly the beginning, middle and end of the 50-year period; and being points between significant legislative developments in adoption in Scotland.

The adoption records reflected changes over time in data storage, including microfilm (1968, some 1988), microfiche (some 1988, 2012) and electronic records (2014). To ensure randomisation, a mixture of numerical approaches (for example, checking every fifth microfilm) and alphabetical approaches (for example, selecting every fourth record on list by surname) were used. As the 2014 records did not contain the child's full case history, the last known full adoption record (for an adoption that took place in 2012) stored on behalf of a local authority was added to the sample.

Analysis
Once sampled, documents were anonymised by Author 3 before being analysed by Author 4. Authors 3 and 4 discussed their reading of the files as data collection progressed. Randomly selected cases from the sample were subsequently read by Authors 1 and 2, adding a further check on the validity of the interpretation.

Having taken an overview of available texts, there was a move from random to purposive sampling of documents, based on emergent themes of both the textual analysis and analysis of the interview data. Documents selected for more detailed analysis included case notes relating to assessment of adopters and synopses of adoption case committees from 1968; and 'Form Es', 'Form Fs', and adoption panel minutes from 1988.

In total, from 1968 one entire adoption file was read incorporating 25 documents, and then a more focused selection of documents read from a further five adoption files. From 1988, one adoption file was read in its entirety and then a more focused selection of documents read from four further files. From 2014, three adoption files were read in their entirety. Given the size of the sample, it cannot be claimed that these records are representative for each year. However, it was considered that the themes identified were consistent across the sample, made sense, and were legitimate interpretations of these records (Cohen 2009, Scott 1990).

Adoption Files: 'Documents of Life'[1]

Apart from containing valuable information relating to individual adoptions, adoption case files provide an insight into social work practice from the time of their recording (Hayes and Devaney 2004). However, limitations include the variability of contents, and the fact that most documents were written by social workers and had been included in the file at a social worker's (and archivist's) discretion, creating a possibility of bias or distortion (Scott 1990). Following Rapley (2018, pp.4-6), the approach taken was grounded in social constructionism, through looking not only at activities that were being described in the files, but also interpreting how the social work role was produced, negotiated and represented. To address the issue of subjective interpretation (Hayes and Devaney, 2004; Scott, 1990), each of the research team were involved in reading the adoption files and themes identified within the documentary analysis were triangulated with the findings from the interviews and literature review

Ethics

A research protocol was developed for the project and agreed by the Director of AFA Scotland and Chief Executive of Scottish Adoption. The Social Work Scotland Executive recommended to the Chief Executive of Scottish Adoption to grant approval and access for the research.

Interview participants were provided with information on the background and conduct of the research, and provided explicit consent to being interviewed as well as audio recording and storage of data. Individual names are not used in this report.

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1   Plummer (1983)

Findings

The legal journey of adoption in Scotland

The Adoption of Children (Scotland) Act 1930 marked the point that adoption was legally formalized in Scotland. Unlike other UK jurisdictions, in Scotland it has always been possible for adopted people to access the fact of their adoption. By accessing their annotated birth certificate without any intermediary. This more open attitude later prevailed in the Adoption (Scotland) Act 1978 (S45).

> *'There has always been that greater openness in Scotland… We have been much less protective of adopted persons from their own identity'*
> (Extract from research interview with a leading Scottish QC)

There was no specific intention to reform the law in relation to adoption under the 1968 Social Work (Scotland) Act. The ethical basis for social work in the Scottish context as laid down by the Act affected all aspects of the profession. The Act's focus on the needs of the child and on preventing children being cared for by the state through the provision of support to their parents has affected all social work with families since. However, the 1968 Act significantly changed the future process of adoption through the introduction of the Children's Hearing System (Daniel and Scott 2018, p 1) This can be regarded as an unintended consequence of the Act since up until shortly after its introduction, the majority of 'stranger' adoptions were taking place through legal 'consent' rather than 'contest', in the context of 'relinquished' babies being placed with childless couples. However, in the present context the Children's Hearing System interacts with the Court in terms of permanence decisions in significant ways. This additional layer of complexity in the legal process required for a child to be adopted in Scotland without the consent of birth parents has not been without criticism. The three major criticisms of the way that adoption is legally achieved in Scotland were highlighted in interview by an Advocate experienced in this area.

> *'The thing that has plagued and still plagues Scottish permanence is that you have a Children's Hearing that is great in its way, well-conceived, but is essentially from its inception a constructive forum designed to get children home. And it is very difficult sometimes for that Hearing to recognise and say "we can't do that" and for children to move on… you still*

> *see Hearings that struggle with that… I worry that it is a very complex decision that you are entrusting to the three lay people… I mean the least we should be able to do is have some clear and rational decision making. And we haven't cracked it'*
> (Extract from research interview with a leading Scottish QC)

Despite not being concerned with adoption, the 1968 Act has had a lasting legacy on the values of social work with families and on the distinctive processes by which children can be offered care, protection from harm and permanence in Scotland. Social work was simultaneously becoming a more theoretically informed and professionalised activity through the generic social work qualifications that were encouraged by the report of the Seebohm Committee (1968).

Influenced by Rowe and Lambert's 'Children Who Wait' BAAF study (1973), the Children Act 1975 established the paramountcy of the child's welfare in UK law. Adoption was increasingly seen as a means of providing for children's futures where they were unable to live within their birth family. At a similar time, the inquiry into the death of Maria Colwell, a 7-year-old girl killed by her step-father in England, led to a number of recommendations in relation to child abuse and care proceedings, and placed the issue of child abuse firmly in the headlines (Committee of Inquiry, 1974). The next Scottish legal landmark in adoption was the 1978 Act, which provided the legal means for dispensing with birth parent consent to adoption and the 'freeing' of children for adoption. This reflected the societal change that many more children for whom adoption was being sought had parents who knew them and were resistant to their child's adoption. Domestic adoption was taking a different legal tone in Scotland, alongside the rest of the UK.

Changes in society and social work led to the passing of the Children (Scotland) Act 1995. A children's rights discourse became established and Scotland has retained a particularly strong commitment to the legal rights of children and the responsibility of the state to uphold these in its subsequent legislation and policy (Scottish Government 2015), for example in the Children and Young People (Scotland) Act 2014. This commitment was matched in the 1995 Act by a greater emphasis on parental rights and responsibilities. It has been argued that the rights based treatment of family life in this Act is characterised by family support aspirations to meet

the needs of children in the community. However, it also paved the way for more contested legal processes. Although possibly inadvertent, this has resulted in more legal representation for parents in Children's Hearings, following changes introduced in the Children's Hearings (Scotland) Act 2011, although reportedly only in a minority of cases overall (Porter, Welch and Mitchell, 2016). Given that children's life courses are the subject of permanence decision making, it is notable that children are only rarely represented by a solicitor, and that *'90% of legal aid work in hearings during 2013/14 was conducted on behalf of parents and other relevant people'* (Porter, Welch and Mitchell, 2016 p.5). The Children's Hearing (Scotland) Act 2011 also shifted the governance of children's hearings but did not make substantial changes to the role of the children's panel in permanence decisions.

> *'Having been practising at the birth of the Children's Hearing System. The Children's Hearing System is doing things that are much more complex than what it was set up to do. And I don't think that's helped planning for children'*
> (Extract from research interview with an experienced adoption social worker)

The Court is of course the final arbiter in permanence decisions for children. While legislation mapped here is important in identifying the legal context for adoption, it is the Courts who make permanence decisions in respect of children. They apply the legislation to the individual circumstances of the child and family's lives and, in so doing, contribute to the body of legal precedent that shapes the law.

> *'Law is a binary process. It is a yes or a no… so you can't nuance it… all of these things in reality are quite nuanced'*
> (Extract from research interview with a leading Scottish QC)

Permanence Orders, brought into being by the Adoption and Children (Scotland) Act 2007 and based on the extensive deliberations of the Adoption Policy Review Group, were an attempt to bring nuance into permanence for children. This legislation also reiterated and extended Scotland's commitment to adoption support for all parties in the adoption triangle (child, birth parents and adoptive parents) that can be read

in the 1978 Act, reflecting the complexity of modern adoption practices. The Permanence Order, and the tests that it requires the Court to be satisfied are met, have come under scrutiny in recent Supreme Court and Sheriff Appeal Court judgments. In a number of cases[2] the judgement has highlighted the local authority's failure to establish facts that would permit the making of a Permanence Order by the court. As a result, social work analysis and assessment in pursuing adoption for a child has been criticised.

> *'What has happened in consequence of that case is there has been a sea change and whereas prior to that case, virtually every permanence application that a local authority brought was granted. Now there are a number of them that appear to be refused...It is a pivotal time just now for adoption work. Because if we can use the present discomfiture to get the parameters of what we are doing properly identified then that in future will be helpful to children'*
> (Extract from research interview with a leading Scottish QC)

Given the lifelong implications of adoption for the child, their birth family and their adoptive family, decision-making processes in adoption necessarily involve high levels of scrutiny, and it is perhaps unsurprising that the legal framework has become increasingly complex over time (Woods et al, 2018). One interviewee noted the challenges that have endured throughout changes in legislation:

> *The legislation to adopt has never felt quite right… It shifted to freeing, [with] the thought there would be less drift with that but that didn't really happen, and then it shifted again, there was a huge consultation with Permanence Orders but there's still variation in terms of different agencies. It's almost like it's still always too blunt a tool, and yet you can see why that's difficult given the three parties involved, and the ethics underneath it, and where the balance lies.*
> (Extract from research interview with an experienced adoption social worker)

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2   EV (A Child) (No 2) (Scotland) [2017] UKSC 15; The City of Edinburgh Council v RO and RD [2016] SAC (Civ) 15.

Broader policy and societal contexts

Although domestic adoption has a long history in Scotland, it has changed over the years. At the time the 1968 Act was introduced, adoption mostly involved relinquished babies, whose birth mothers were often young and unmarried (Triseltiotis et al, 1997). The majority of children placed for adoption in recent years are more likely to have been removed from their birth parents' care through child protection proceedings, in the context of neglect, abuse or pre-natal exposure to drugs or alcohol (Thomas, 2013; Castle et al 2000).

The period leading up to and following the introduction of the Social Work (Scotland) Act 1968 saw numerous shifts in broader policy, societal and family contexts. Harold Wilson's Labour Government (1964-1970) brought increased spending on social security and health, increased social housing and increased protection of tenants' rights (Thane, 2011). The Abortion Act 1967 legalised abortion on certain grounds across the UK, except Northern Ireland. In 1961 the contraceptive pill was introduced on the NHS (for married women only). These factors are likely to have contributed directly to the substantial drop in the 1970s in the number of babies 'available' for adoption (Triseliotis et al, 1997).

During the same period, a deeper understanding was emerging of the importance of the impact of separation and loss (Bowlby, 1953). Interest was also growing in the development of adopted people's identity over the lifespan, and the feelings and questions that arise from *'having a family tree with two sets of roots'* (Feast et al, 2013). Alexina McWhinnie's (1967) and John Triseliotis' (1973) research helped shift the debate from framing adopted people who searched for or were interested in their birth family from a form of deviance to a natural curiosity, and argued strongly for adopted people's rights to access information about their origins and adoptions.

The first national study of children awaiting adoption across England, Wales and Scotland identified that children who wait the longest for placements were more likely to be older, part of a sibling group, from some minority ethnic groups or have complex needs (Rowe and Lambert, 1973). Despite changes in adoption practice and policy, outlined in this paper, that picture is likely to be familiar to social workers looking to place children for adoption today. Adoption across the UK

continues to include substantial numbers of children placed in middle childhood (Rushton, 1998), sibling groups (Saunders and Selwyn, 2011), children from some minority ethnic groups (Selwyn et al, 2010) and disabled children (Cousins, 2009) or children with complex health needs (Forrester, 2012).

Adoption for such a diverse group of children from the care system makes Scotland, and other UK nations, *'almost unique'* in Europe (Ward and Smeeton, 2016). The UK has comparably higher rates of domestic adoption (as a proportion of population) than most other countries except for the US and Canada (Smith and Donaldson Adoption Institute staff, 2014). Criticisms have been made in relation to adoption policy being against parental wishes (Dale, 2013; Featherstone, Gupta and Mills, 2018) but it is beyond the scope of this paper to comment here. However, the Scottish Government clearly sets out four permanence options: returning or remaining at home with birth parent(s), Permanence Orders, kinship care orders or adoption (Scottish Government, 2015).

Changes and continuities in assessment and decision-making

Assessment of adopters

The documentary analysis demonstrated clearly that the social work assessment of adopters has grown over time. Although many of the core components of adoption assessments seen in the 1968 files are alluded to in modern assessments – the process appears to be more robust. It challenges adopters, requires more detail and a greater level of reflection is expected. Nevertheless, many of the core components of adoption assessment appear to have remained broadly similar since 1968. These include assessment of the adopters' relationships and support networks, their occupation and income, accommodation, health, understanding of adoption and motivation to adopt. When asked what had changed over the period, a social work interviewee who was practicing in 1968 suggested, *'everything and nothing'*, indicating the task had altered little but that, in line with these findings, assessments had grown longer and more complex.

> *'I think we have tried to become more sophisticated. I think we have tried to become more thorough. I think we have tried to explore things like attachment styles… it would be interesting to look at some*

of the early home studies. I mean the 1968 home studies…because they were two-page, three-page, you know. I mean we did references, we saw people together, we saw them apart'
(Extract from research interview with an experienced adoption social worker)

Substantial differences were identified in the amount of information recorded in the written assessments across the three points sampled. In the 1968 records, the typical length of the social worker's assessment was two pages, consisting of a write-up of an office appointment and a home visit. The development of the Form F (published by BAAF, now CoramBAAF) standardised the recording of the social work assessment of prospective adopters. In the 1988 records, the Form F was between fifteen and twenty-two pages. By the 2014 records this had expanded to sixty-one to seventy pages. Part of the increase reflects the inclusion within the Form F of references, checks, health assessment, financial assessment and so on. One informant reflected that the inter-country adoption Form F had paved the way for a more comprehensive assessment of domestic adopters.

'Form F has gone through all sorts of fashions as well. That the people themselves wrote it, we wrote it, you know we've now sort of got a half-way house… I think it is interesting the way that the inter-country Form F was way ahead of the domestic Form F at the time that it was prepared'
(Extract from research interview with an experienced adoption social worker)

In addition to length, the documents highlight changes in the process of assessment and decision-making. The number of recorded contacts between social workers and adopters increased from an office visit and two home visits in 1968, to between eight and twelve visits in 2014. In 1968, the final decision for approving adopters and matches between adopters and a child/children was made by an 'adoption case committee'; each record included a short synopsis report (of approximately two pages), detailing ages, housing, occupation and marital status of birth parents, and a brief 'reason for adoption' for the adopters. In the 1988 records, adoption processes relating to registration, approval, linking and matching were evident, with minutes of these meetings included and being between two and five pages long. In 2014 these were slightly fuller. The increases in recording appeared driven by concerns about accountability for decisions and evidencing decision-making in court. So that there are less balanced descriptions of birth families and a

loss of 'soft information' as it gets 'crowded out' by 'evidence' and accounts of the decision-making process. There is also a fragmentation in the records as the only parts of the local authority records now kept in the later adoption files are the Form E and formal adoption documents.

The introduction of preparation groups marked a shift from *'simple appraisal of applicants'* to a process involving a series of steps from *'preparation – a course of education, information and support for applicants and the child – to assessment and, finally, to evaluation'* (Adcock, 2010:44). Although the idea of preparation groups had emerged in the 1960s, the idea was not taken up widely until the late 1970s and early 1980s (Triseliotis, 1997). Practice at Scottish Adoption was typical in this respect, preparation groups having been introduced in the early 1980s.

The Forms Fs indicated a collaborative relationship between social workers and prospective adopters in each period, in contrast to an investigative assessment approach (c.f. Triseliotis et al, 1997: 142). Over time, adopters' own words were increasingly quoted within the Form Fs, often using technical terms such as 'attachment' and 'funneling'. In 2014 these appeared to be in response to questions from the social worker, and in one Form F, the adopters used a third-person voice when talking about themselves. This left an overall sense of a 'reflective turn', in which standards for approval were explained to adopters and they were asked to evidence these.

The changes in process identified in the documentary analysis reflect an overall shift from adoption primarily meeting the needs of the adults involved to being a resource for children (Kellmer-Pringle 1967). As one interviewee described it, in 1968 the parenting that adopters were expected to do *'was much more similar than what they would have done. They went to hospital, they didn't get pregnant, they went to hospital and brought a baby home'.* The task of adopters has shifted along with the needs of the children whose journey to adoption has been altogether more complex (Thomas, 2013). At the same time, there is greater emphasis on the impact of separation, loss and trauma as well as the physical sequelae of a difficult start to life for children. In one of the 2014 records the Adoption Panel highlight the importance of placing the adopter's strengths within the context of a child's needs: *'Their life experiences and ability to reflect give them empathy and understanding for children who have had difficult early life experiences'.*

Children

The ways that the needs and experiences of children are described in adoption files undergo remarkable changes over the period. In 1968 there was less explicit consideration of the impact of adoption on the child, as the priority seemed to be to find a 'normal' family for the child. There was an emphasis on children's 'adoptability', using phrases such as *'a perfectly healthy girl'*. As noted above, this period pre-dates the publication of several influential studies about looked after and adopted children's experiences (McWhinnie, 1967; Rowe and Lambert, 1973; Triseliotis, 1973). Nevertheless, there was some appreciation of adopted children's needs, as adopters were asked if they would be happy to tell the child about their adoptive status. This echoes other research of adoptions from similar periods, of whom the majority knew from an early age that they were adopted (Howe, Feast and Coster, 2000). In the 1968 records there was a particular emphasis on physical and health descriptions. Although perhaps the concept of a healthy baby in need of a 'normal' loving family life in the infant adoptions of the 1960s also reflects the optimism of the time.

> *'The late 1960s was a moment when there was recognition of widespread social problems, but also, in marked contrast to later times, a confidence that they could be addressed'*
> (Brodie et al 2008, p. 701).

Even by 1988, an optimistic approach to child development is highly evident. One social worker describes a two-year-old boy Michael[3] in need of an adoptive placement as follows,

> *'He is always described as a normal, healthy, happy child who shows no ill effects from his previously unstable life with his natural mother'*

Michael was settled in a foster care placement at the time of writing. However, he had undergone six moves in the first 15 months of his life. The records document Michael's mother Lucy's extreme ambivalence through her reported speech and her repeated rejection and reclaiming of her son from foster care. Lucy had spent much of her own childhood in the care of the local authority and vacillated between trying to offer Michael a different experience and violently rejecting him.

Michael was placed with first time adopters who were recorded as having been *'attracted by his ordinariness'* in Linking Meeting minutes. There is no suggestion in the records that Michael's adoptive family were prepared for any potential issues in his development or expected to 'therapeutically parent' Michael.

> *'It is hugely different now… we did not talk about therapeutic parenting. And it wasn't therapeutic parenting'*
> (Extract from research interview with an experienced adoption social worker)

The work that went into sustaining Michael within his birth family, despite what from a current practice perspective appears a great deal of evidence that this was unlikely to succeed, may be linked to evidence of some antipathy to adoption in the Scottish Courts decisions of the 1980s[4].

> *'I was very enmeshed in the local authority view of it and the urgency of the need to provide for children. I was also, having come from England very much aware of the 'Children Who Wait' issues. And I didn't think they really had the same impact here. I didn't think they had really been properly understood. That was my impression'*
> (Extract from research interview with a leading Scottish QC)

However, recent research shows that decision making to secure a child's future can still take time in Scotland. The Permanently Progressing? study tracked children aged five and under who became looked after away from home in 2012-2013. By 2016, for children for whom adoption was the plan, the process of being adopted took an average of two to three years (Biehal et al, forthcoming).

> *'Where adoption is the most appropriate route for a child, there is no evidence that in Scotland this decision is taken hastily, rather the opposite'*
> (Permanently Progressing? Summary Report, 2018)

Our small-scale review of adoption files suggests that social workers have generally sought to maintain children in their families, or extended families, before looking to adoption. Recent Court judgements on local

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3   All names used are pseudonyms
4   R v the Children's Hearing for the Borders Region 1984 SLT 65; A v the Children's Hearing for Tayside Region 1987 SLT (Sh Ct) 126; Decision of Sheriff Principal O'Brien in Lothian Regional Council v H 1982 SLT (Sh Ct) 65.

authority Permanence Order applications support a cautious approach and look to social workers to provide robust, analytical evidence before Parental Rights and Responsibilities are removed from the parents. In a recent judgement social workers were reminded of the need to apply the minimum intervention principle of the 1995 Act. A 'best interest' argument is not sufficient to justify an adoptive placement[5]. The 2014 records give a large volume of assessment detail regarding the children and the birth family. However, this is very negatively framed, as it is primarily aimed at convincing the Court of the need to grant an Order to secure permanence for the child. One interviewee highlighted this issue.

> *'I think social workers may have a fear of saying something positive – I think that is a change. The legal system is so complex I do not think that it is child driven'*
> (Extract from research interview with an experienced adoption social worker)

This informant, who had experience of sharing adoption records with adopted adults, raises the problem with files containing information that is largely focused on the legal facts and the family's difficulties.

> *'When you are about to share a record with an adoptee you are much more worried if there is relatively little soft information – the soft information is what they want. Sadly, the soft information is often not recorded. Soft information – is the information around people, e.g. in the house there were lots of toys on the floor for the child, mum took little Jimmy onto her knee. It is so important for the adoptee so they can see that they were noticed by the birth parents'*
> (Extract from research interview with an experienced adoption social worker)

Another interviewee added:

> *'It is really important that people can look back at the papers and see what happened and why decisions were made. Why was I removed from my parents? What was it ultimately that led to that decision?'*
> (Extract from research interview with an experienced adoption social worker)

The multiple uses of adoption documents emerge as an issue here. As now, in 2014 the Coram BAAF 'Form E' was used to describe the child, the birth family, the child's need for placement and the history leading up to permanence planning. The Form E becomes a tool for permanence discussions, advice Hearings, report writing for Court proceedings, and later for linking and matching. Another social work informant felt that the information recorded in the form is not necessarily helpful at this stage.

> *'People do not use it to record what as a matching tool needs to be there. So when there is a list of children's placements, it doesn't indicate how many moves a child has had. It doesn't indicate whether they went into respite every other weekend…. They don't track what a child hasn't had. Yes, the negative experiences are there. But what isn't drawn out is therefore what gaps does this child have when we place them'*
> (Extract from research interview with an experienced adoption social worker)

Birth parents

Just as the profile of children shifts across the period, so does that of birth parents. Legally there was clarity in 1968. The birth mothers were 'consenting' to both the contact with agencies and in 'relinquishing' their child for adoption. One social worker interviewee noted, *'it was a sharper, more ruthless system.'* It later became clear (Clapton and Hoggan, 2012) that the processes were potentially open to significant abuse.

> *'Some of the mother and babies home stuff was fiendish. It was punitive. It was punitive that they looked after their babies for 6 weeks, which is how it was in Glasgow…It was hugely open to abuse. And at a time of great trauma for them, what did they hear of what we said?'*
> (Extract from research interview with an experienced adoption social worker)

The legacy of cruelty and lasting shame and grief that some women experienced in the 1950s and 60s on future social work practice in adoption is difficult to estimate. Birth mothers faced a range of barriers: from social stigma to lack of financial or social support, lack of access to housing or work to support themselves and their child, and in some cases family or religious

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5   The City of Edinburgh Council v RO and RD [2016] SAC (Civ) 15, Sheriff Appeal Court.

pressures not to have a child out with marriage. One of the few contemporaneous studies of birth mothers' experiences found that among 160 women who accessed a service in England for single pregnant women, 88 kept their child and 72 'surrendered' their child for adoption. Three factors increased the likelihood of an adoption decision: already having other children, parents' (of birth mother) negative attitude and the birth father being a married man (Yelloly, 1965).

The Advisory Council on Child Care's 1970 Guidance encouraged the building up of a realistic, balanced and holistic view of the family by the social worker. However, there arguably remains an assumption that birth mothers were 'voluntary' social work clients. Mothers of 1988 and 2014 are involved with child protection and child welfare systems along a broad continuum of voluntariness. Although the birth mothers of 1988 and 2014 are subject to intensive state scrutiny, which seeks to determine their capacity to parent the child in question, there was still evidence of good working relationships between the child's social worker and the birth family in the records for both periods. The social work task was extremely complex across all of the time periods explored and the sample of documents showed that social workers were generally attempting to provide a compassionate response to the difficulties within families that had brought them in contact with services. There were also documented attempts of social work agencies exploring kinship alternatives with birth families before considering a 'stranger' adoption.

However, birth fathers had little locus in the adoption of 'relinquished babies', and the tendency to treat birth fathers as peripheral in adoption (Clapton 2003, 2007) has not been fully addressed by social work. One interviewee described her efforts to include a birth father in an adoption case of the 1970s. This social work informant recalled how she met with the father, not current practice at the time at all, and not legally required. The child was later placed with the benefit of extremely significant medical history from the father's side that affected where the baby was placed.

'I think the big change, and I can't put this legislatively but when I was working in Glasgow putative fathers had no role, we interviewed women. Because I can remember a young woman coming, she must have been 19, 20, 21. And she was in a stable relationship… and legally I had no need to see the father. But he presented himself and made

himself known. And I felt really bold but really right in taking him to see the baby in foster care. And he took photos, and I said, "You can't have those just now", and he gave me the film and he came and got them later. He had no right legally… I mean, it's hard to explain it… but it's also hard to justify it, but it was the law… You kind of scratch around for when did I do something right that I wasn't supposed to do! But at least this baby was placed with the adopters knowing'
(Extract from research interview with an experienced adoption social worker)

There was no obvious means of putting the father before the Court as the potential carer for the baby at the time, and this was not attempted in the case described, although he would have wanted the opportunity to be considered in this way. There was no legitimacy to put it before the Court, *'and it felt unjust'*.

Relinquishment of children did not end in the 1960s and the random sample of records from the 1980s analysed for this study contained a higher proportion of adoptions with parental consent than expected: not a sample that the literature or practice wisdom would have predicted. In one 1988 case, the social work department were attempting to trace the estranged husband of a mother who had asked the local authority to find an adoptive placement for her older baby. Her husband was not the biological father of the baby, yet as he was married to the mother he was assumed to enjoy parental rights and responsibilities for the child. An adoption memorandum was sent to the husband and later returned through the birth mother although records note that *'the suspicion is however that mum has signed it herself'*.

The other two relinquished children's files from the 1988 sample were more legally straightforward but only one recorded other features which might be expected as typical of social work with families in the period (Parker 2005, Strang and Gossop 2005). The parents were both HIV positive with a history of heroin addiction. They were relinquishing a third child who had suffered neonatal abstinence syndrome at birth. The birth parents intended to retain the care of the older two children with family support. There was evidence of counselling support being offered to the birth parents during this period. One interviewee recalled the experience of offering support groups to birth parents in the changing context of adoption over the 1980s.

'It was new… I can still remember our nervousness at bringing groups of birth parents together. It was fascinating and it was interesting and it wasn't scary when you did it, but it felt scary planning it'.
(Extract from research interview with an experienced adoption social worker)

Implications: Fragmentation

A starting point for the research design was that texts serve a range of functions beyond their stated purpose. Our interpretation of the documents analysed from the adoption files indicated a shift towards documenting evidence for legal and social work processes: that decision-making about what to record, and what to retain, was informed by a focus on processes rather than the people who might seek to access information in the future, in particular the child as an adult or the birth parents.

There has been a fragmentation of the social work role in adoption since 1968. The adoption files at the beginning of the period reflect the 'holding' of the adoption by one worker who had a locus with each corner of the adoption triangle. Later records show the shift to a division between what can broadly be understood as the tasks of 'child protection' and 'family finding'. The child has a social worker who has responsibility for the work of assessing and presenting the child's needs in a complex variety of potential fora: Child protection case conferences; Looked After and Accommodated Child review meetings, permanence panels, Children's Hearings, linking meetings and matching panels, and finally Court. The social work records show an increased turn towards evidencing the problems in the birth family. Meanwhile adoption records become more fragmented and less coherent as documents are held in different systems and different sites.

The 'electronic turn' (Garrett, 2005) in social work with expectations of a high volume of recording of assessment activities and decision making has been subject to criticism for decreasing professional autonomy and prioritising the management of institutional risk. An aspect of the way the 'managerialism' ideology described by Daniel and Scott (2018) has impacted upon children's services (Rogowski, 2012).

> *'Social care records have thus become primarily ways of achieving accountability, providing an electronic audit trail showing that correct procedures have been followed. This privileging has subordinated a crucial part of the professional sense-making process, namely reading and understanding complex cases, unfolding across time and space'*
> (Wastell and White, 2014, p144, emphasis original)

The impact of this 'turn' in social work is very significant for individuals and families affected by adoption. Adoption records are not only texts for use in the legal and administrative fora of permanence in Scotland, they also tell a story. The identity needs of adopted people have become better understood within social work practice over the past 50 years. An increase in openness over the period can also be traced, with the importance of allowing for the possibility of search and reunion being established over time. Yet paradoxically the records that adopted people may come back to access to understand their stories have become more fragmented and shaped by the need for institutional accountability.

As the interviewees in this study highlighted, social work records have also become more negative about birth family in order to provide evidence in formal processes of the need for separation and permanence for the child, with a decrease in 'soft information'. Many of the 'later life letters' that featured in files demonstrated the care and warmth that social workers felt and demonstrated in their practice with birth families. For the most part the texts show that social workers knew the families and the children well. Yet symbolic and detailed representations of the small acts of affection within birth families became harder to find in records as the years went on.

Conclusion

Shifts within Scottish society and in social work itself have contributed to huge changes in the profile of children adopted in Scotland. The profile and legal position of birth mothers and birth fathers have similarly seen major changes across the period, as has the understanding of filial attachment and the implications of separating siblings. There has been insufficient space within this paper to fully explore changes in the nature of the adoptive families coming forward for children, although it is clear that the expectations of adopters have changed greatly. Adoption has come to be viewed as a resource for children rather than childless couples. Adopters are no longer only expected to care for a child 'as if' born to the family; there is an expectation of this and more, with 'parenting plus', or 'therapeutic parenting' emerging as ways to describe the additional tasks of adoptive parenting.

Originally, this paper sought to provide a more comprehensive survey of the social work role in adoption by including adoption support within the research question. It was not possible to fully address this question through the empirical data created by the documentary analysis and qualitative interviews. The data related much more closely to assessment, approval and matching. We have sought to refer to the important aspect of adoption support within the discussion. However, a fuller examination did not prove possible within the parameters of this study.

Nevertheless, this study reveals that there have been significant continuities as well as changes in the social work role in adoption over the fifty years since the 1968 Act. Documentary analysis and informant interviews showed that throughout the period social workers were required to provide a compassionate, balanced and future focused response to families and children. Theoretical and legal developments can be seen as having informed more complex and sophisticated ways of assessing children's needs and potential adopters' capacity to offer attuned parenting to a child. These developments appeared to have both benefits and costs.

The complexity of the legal and administrative fora to be negotiated to secure a child in adoption do not appear designed with the needs of any party in the adoption triangle in mind. Neither do the requirements for social workers to record their work in ways shaped by a risk-averse, 'managerial' paradigm. Rather these developments mean that social workers are balancing

more competing demands in their practice, that may make retaining a focus on the current and lifelong care and identity needs of the child more difficult. An important implication arising from these findings is the impact of the fragmentation of the social work role in relation to adoption on the case records that make up adoption files. Files over the period of study become a more disparate record of the administrative and legal steps to adoption, reflecting the more contested nature of the work. The capacity of the files to tell the child's story coherently and answer identity questions and curiosities in later life concomitantly decreases.

Furthermore, records retained within adoption files bear decreasing marks of the positives within birth families. As Clapton has highlighted, the way that language is used in adoption records can further polarise the descriptions of birth families and adoptive families under a 'child rescue' narrative (2018, p.130). There is also decreasing evidence of strengths in the relationships social workers have built with birth parents and children across the journey to adoption. This lack of 'soft information' was identified by experienced adoption social workers in interview as a significant issue in adoption records counselling. Overall the study highlighted increasing complexity and sophistication in the legal routes to adoption and in the social work task over the past 50 years. Unintended consequences emerged in terms of the experiences of adopted people, adopters and birth family members that suggest that the social work role in adoption remains a 'work in progress', adapting all the time to changing expectations and consequences in this complex area.

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