



Intermediary Services

June  
2021

## SCOPE OF THIS CHAPTER

This applies to adoption orders made pre-30 December 2005.(Pre Commencement) and post – 30 December 2005 (Post Commencement)

## RELATED GUIDANCE

**Adoption: Access to Information and Intermediary Services (2005)**

## AMENDMENT

In November 2015, this chapter was extensively updated in line with the 'Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Amendment) Regulations 2014' and should be read in its entirety.

Further update included in March 2021. Adoption in Merseyside does not provide Intermediary Services but will signpost referrers to appropriate agencies.

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## 1. Introduction

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On 30 December 2005, legislation came into force assisting persons adopted before that date to obtain information about their adoption and to facilitate contact between them and their birth relatives.

With effect from 31 October 2014, further legislation extended this to persons having a **Prescribed Relationship** with an adopted person. This will include all relatives of adopted adults, from children and grandchildren to civil partners and adoptive relatives. Intermediary agencies may accept applications from a person with a Prescribed Relationship to an adopted person for assistance in contacting a relative of an adopted person and vice versa. This allows, for example, descendants to obtain information about family medical history in relation to inherited diseases.

## 2. What are Intermediary Services?

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**Intermediary Services** are defined as:

- Assistance to an adopted person aged 18 or over, whose adoption order was made before 30 December 2005, (pre commencement) or after 30 December 2005 (post commencement) to obtain information in relation to his or her adoption; and
- Facilitating contact between such persons and their relatives.

Local authorities do not have a statutory duty to provide such a service but where they do so, the **Regulatory Authority** should be notified.

Intermediary agencies and those involved in providing information to such agencies may charge a fee.

In all cases, the provision of an intermediary service involves:

1. Establishing that both the applicant and the subject are 18 or over;
2. Undertaking preparatory work with the applicant including the provision of information about the available services and the possible impact of using them, including the **Adoption Contact Register** and qualified and absolute vetoes;
3. Obtaining information from a range of sources (adoption agencies, the Registrar General, the Courts);
4. Using the information to trace and contact individuals;
5. Obtaining the informed consent of the subject to disclose identifying information;
6. If consent has been obtained, disclosing to the applicant in appropriate cases any identifying information obtained by the intermediary agency about the subject;
7. Acting as an intermediary between the applicant and the subject and facilitating contact between them;
8. Providing counselling, support and advice to both the applicant and the subject about the process.

### 3. Who may Apply for Intermediary Services

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Provided that the applicant/subject/adopted person are aged 18 or over, an intermediary agency may accept an application from:

- An adopted person for assistance in contacting a relative of his;
- A relative of an adopted person for assistance in contacting;
  - The adopted person; or
  - A person with a Prescribed Relationship to the adopted person; or
- A person with a Prescribed Relationship to an adopted person for assistance in contacting a relative of an adopted person.

The Adoption Service will consider applications from residents of the local authority area or where the adoption was arranged by their service or where the Adoption Case Record is held by the service.

## **4. Procedure for Accepting Applications**

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Where an application is made, the Adoption Service will first verify the identity and age of the applicant through the production of the person's passport, driving licence or birth/adoption certificate; and that the subject is also an adult. The agency must also verify the identity of any person acting on behalf of the applicant and that he or she has the authority to do so.

Where the applicant is a birth relative of the adopted person, the agency must also verify the relationship with the adopted person.

All verified applications for intermediary services must be passed to the Adoption Team Manager, who will decide whether the application can be accepted. Priority must be given to applications where the adoption order was made before 12 November 1975. Applications should only be accepted in relation to adoptions occurring after that date if the Adoption Team Manager is satisfied either that there are exceptional circumstances or that the Adoption Service has capacity to deal with them.

Where an application is accepted, applicants must be informed in writing of the likely scale of charges that will apply and asked to confirm their wish to proceed on this basis.

Where the applicant confirms a wish to proceed, the case should be allocated to a social worker from the Adoption Service.

Where an application is not accepted, the applicant must be informed in writing of the reasons and advised about the contact details of other agencies which may be in a position to help them.

## **5. Procedure for Dealing with Accepted Applications**

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### **5.1 Provision of Counselling**

Where an application is accepted, the allocated social worker must provide written information about the availability of counselling to the applicant and to the subject, including information about agencies that provide counselling in the relevant area and any fees which may apply.

Where the applicant indicates a wish to receive counselling, the allocated social worker must ensure that the person receives the counselling, which may be through another agency. Where another agency is used, the allocated social worker should ensure that the counsellor will have the necessary skills and experience to do so.

Where a referral is made to another agency, the allocated social worker should then provide the agency carrying out the counselling with sufficient information about the applicant and/or the subject to enable the counselling to be beneficial.

### **5.2 Applications by adopted adults**

Where an adopted adult applies for an intermediary service, they may request the adoption agency to obtain the tracing information on their behalf and approach the adult birth relative. Alternatively they may have carried out the research already and traced the relative - adopted adults at the age of 18 have the right to apply to the Registrar General for the information needed to obtain a copy of their original birth records and may also apply for access to their Adoption Case Record - see [Access to Birth Records and Adoption Case Records Procedure](#). In these circumstances they may request that the first contact is made by the agency.

### **5.3 Applications by birth relatives**

Where an adult birth relative applies for an intermediary service, the allocated social worker should request information from the applicant to enable the current identity of the relevant adopted adult to be established. The allocated social worker should then take any steps required to trace him or her, including contacting other adoption agencies and/or the Registrar General - see [Section 5.5](#) below.

### **5.4 Obtaining consent from the subject**

Once the subject has been identified, the allocated social worker should seek that person's consent to disclosing identifying information about the adopted person to the birth relative.

The social worker must ensure that any consent is given in the full understanding of the implications of the consent. The consent must be obtained in writing and witnessed by the social worker.

If informed consent is given, the social worker may then proceed to disclose identifying information about the adopted adult to the birth relative and, where requested to do so, facilitate contact between them.

See [Section 5.7](#), [Section 5.8](#) and [Section 5.9](#) below for situations where informed consent is not obtained.

### **5.5 Where another adoption agency is involved**

Where the intermediary agency is not the adoption agency that arranged the adoption, the allocated social worker must take steps to identify the relevant adoption agency by making enquiries of the Registrar General.

If the Registrar General does not hold the information, s/he will provide details of the Court which made the Adoption Order. The allocated social worker must then make enquiries of the Court and the local authority for the area where the Adoption Order was made with a view to identifying the adoption agency involved.

In making the above enquiries to identify the relevant adoption agency, the allocated social worker may provide sufficient information to the Registrar General, Court and relevant local authority, including identifying information about the applicant and the subject, to enable them to properly check their records.

Where the adoption agency is identified, enquiries must be made of that agency to establish if a veto has been registered by the adopted person - see [Section 6](#) below and/or if the subject of the application has ever registered their views as to contact with any birth relative or being approached with regard to facilitating contact. The intermediary agency must take account of those views in deciding whether to proceed with the application.

The intermediary agency must also establish the adoption agency's views on the application and the proposed contact between the applicant and the subject. The adoption agency's views must be taken into account by the intermediary agency before deciding whether to proceed with the application - see [Section 5.7](#) below.

Where a decision is made to proceed with the application, the intermediary agency may request the disclosure of information from the adoption agency for the purposes of counselling the applicant and the subject, tracing the subject, and enabling the subject to give informed consent to the disclosure of identifying information to the applicant and possible contact.

## 5.6 Other sources of information

Where the adoption agency cannot be identified or the adoption agency is not able to provide sufficient information to trace the subject, the allocated social worker may seek additional information from the Registrar General, for example any information held on the [Adoption Contact Register](#) or a certificate from the [Adopted Children Register](#) or, in order to establish the post-adoption identity of the adopted person, any information which links an entry in the Register of Births to an entry in the Adopted Children Register.

## 5.7 Decisions to proceed/not to proceed with applications

Where the Adoption Contact Register indicates that the subject of the application has registered a wish not to be contacted by the applicant, a decision may be (but does not have to be) made not to continue with the application. For example if the contact is with a view to pass on or obtain medical information about a hereditary medical condition, it may be appropriate to proceed.

In deciding whether it is appropriate to proceed, the allocated social worker must consult with the Adoption Team Manager. The decision must have regard to the welfare of the applicant, subject or any other person (particularly a child) likely to be affected (for example a younger sibling within the adoptive family or a natural sibling of the adopted person) or any other circumstances of the case.

Where an application has been made by a birth relative and the adopted person has registered an absolute or qualified veto with an adoption agency against an approach by the applicant - see [Section 6, Registration of Veto by an Adopted Person](#), the intermediary agency *must not* proceed with the application.

However, in the event of the veto preventing a birth relative making contact with the adopted person, or in any case where consent is not obtained to disclose identifying information, the intermediary agency may decide to pass background information to the applicant where the circumstances of the case justify it. This may include information about the subject's family circumstances, general health or wellbeing, but *must not include* information by which the subject can be identified.

In exceptional circumstances, the birth relative may apply to the High Court for an Order allowing the disclosure of identifying information held by the Registrar General.

## 5.8 Where the subject has died

Where it is discovered that the subject of the application has died, the allocated social worker should obtain the views of the next of kin and other family members before a decision is made whether to disclose any identifying information. The decision should take account of their views and have regard to their welfare.

## 5.9 Where the subject cannot give informed consent

Where it is discovered that the subject of the application cannot give informed consent for example because of a learning difficulty, the allocated social worker should obtain the views of other family members and other

significant people involved with the subject before a decision is made whether to disclose the identifying information. The decision should take account of their views and have regard to their welfare.

## 6. Registration of Veto by an Adopted Person

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Where an adopted person wishes to register a formal **Veto** with the adoption agency, the allocated social worker must first verify the identity of the applicant. The veto may be absolute - i.e. that an intermediary may not make an approach under any circumstances - or qualified i.e. that the subject only wishes an approach to be made by specified people or in specified circumstances.

The social worker must offer counselling to the applicant and ensure that the applicant fully understands the implications of the veto - particularly where the veto is absolute. The social worker should also explain the right to amend, or withdraw the veto at any time and the steps required to do so.

A written record of any veto must be kept on the person's **Adoption Case Record**.

**End**

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