



RAA Leaders working together

PRACTICE GUIDANCE

FOR REGIONAL
ADOPTION AGENCIES
IMPACTED BY THE
CLOSURE OF A
VOLUNTARY ADOPTION
AGENCY

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Introduction

This Practice Guidance was commissioned by the National Adoption Strategic Team on behalf of the Regional Adoption Agencies (RAAs) to set out guidance on how the RAAs, local authorities (LAs) or other voluntary adoption agencies (VAAs) in the region need to respond when a VAA closes.

The closure of a VAA will have the greatest impact on the RAA operating on behalf of the LA in the area where the VAA is located as they will hold statutory responsibilities. Other RAAs or VAAs in the wider region may also be able to play a role in supporting prospective adopters, adoptive families, children linked, matched, or placed and adopted adults and birth relatives who have been affected by the closure.

The need for this guidance was identified following the closure of Families for Children, a VAA based in Devon, in August 2022 which impacted on the 3 RAAs and 1 LA in the region as well as another VAA, all of whom responded to the need to support adoptive families, prospective adopters and adoption support services which were affected by the closure.

Another VAA, St Francis Children's Society (SFCS) based in Milton Keynes, went into administration while this work was being completed and there has been further feedback on the learning from this experience from the Service Manager at Adoption Connects, as well as agencies involved being able to utilise some of the learning from the closure of Families for Children.

Interviews were initially completed with the CEO of Consortium of Voluntary Adoption Agencies (CVAA), the RAA Service Managers from Adopt South West, Adoption West and ASPIRE, as well as the Service Director from PACT. The purpose of these interviews was to understand the process that was followed, the challenges that were encountered and the solutions that were developed. The interviews also discussed the impact of the closure on prospective adopters, adoptive families, birth families, and adopted adults, as well as the impact on managers and social workers in the agencies receiving referrals of families, services, and adoption records.

An interview was held with Alexandra Conroy Harris, Legal Consultant at CoramBAAF, to discuss her views on how adoption legislation and statutory guidance inform what is required of statutory agencies. The interview also focused on best practice considerations in other areas of decision making and practice that are not specifically addressed in legislation. Guidance was sought from Link Maker about any impact on the accounts held by adopters on their system.

Interviews were also held with the CEO of Adoption Focus, who had previous experience of transferring the families impacted by the closure and merger of VAAs, to discuss the transfer processes used. As well as with the Head of Service at Adoption Counts, who had experience of managing the transfer of current and historic records when the VAA After Adoption closed in 2019 and more recently in September 2022 when the Caritas Salford Adoption Support Service closed, and with an IT Manager from Devon to consider the learning from the closure of Families for Children.

A number of templates were developed by Adopt South West and ASPIRE in response to managing the issues they were confronted with and Adoption Focus has shared templates of letters they sent, which have been shared with the permission of these agencies in the Appendices for others to adapt and use as required.

Key messages

Several key messages have been developed during the work that underpins this guidance, as set out below:

- The welfare and best interests of children should be the first and foremost consideration when VAAs and RAAs are working together to manage the closure of the agency, as well as the transfer of responsibility for all work being undertaken with children, families, and prospective adopters.
- Agencies should work together to ensure that children and adoptive families experience minimum delay and disruption as the transfer process is progressed.
- The value in all the RAAs impacted by a closure and any VAAs in the region working together to ensure there is a swift response to families to minimise the uncertainty of the situation they find themselves in when their agency closes.
- The need to prioritise an immediate response for adopters who are being linked or matched to children or who have children placed with them.
- For VAAs and RAAs to have a shared message when communicating with prospective adopters and adoptive families impacted to provide reassurance that the agencies are working together to get the best outcome for them.
- An open and honest dialogue between the VAA and RAAs, once the decision to close has been made public, about the families and cases that need to be transferred to ensure those families get the support they need.
- Adopters still in assessment are recognised as a valuable resource for children waiting for adoption.
- Although the organisational challenges of transferring records will inevitably impact the work with adopted adults and their relatives, they should be provided with information and sources of support while recognising the importance to them of their search for an understanding of their adoption.

Managing the initial notification from a VAA of an agency closure

- It is inevitable that any discussion being held by a VAA about their future as an adoption agency will initially be held in confidence as they seek to explore options such as a merger, a takeover or as a last resort the need to close or go into administration. In the event of any of these options being considered, any discussions with other agencies will only be held if they are likely to be part of the final solution and will be held in the strictest confidence. Other discussions will involve seeking advice on legal compliance, HR issues and financial considerations including pensions.
- The VAA is required to notify Ofsted, as the registration authority, in writing 'as soon as it is practicable to do so' if the agency is going to close or stop their activity as an adoption agency or if they are going to appoint a receiver, manager, liquidator or provisional liquidator. If any of the latter are appointed, they must notify Ofsted of their intentions regarding the future operation of the agency within 28 days of their appointment.
- Any formal notification to an RAA of the decision that a VAA will be merging, closing, or going into administration will therefore only happen when the way forward has been decided and there is then a role to be played by other agencies in the region. The likelihood is that there will be a limited period of time in which any transfer of adopters and/or records will then need to take place.
- When a VAA is closing or transferring some (or all) of their functions to another VAA, the initial contact with RAAs is likely to be made by a senior manager of the agency who will be seeking to start discussions about the role RAAs are able to play in taking on responsibility for prospective adopters and adoptive families over and above any statutory duties. They may already have discussed what support can be offered with other VAAs and their focus will be to ensure the needs of the families and children they work with can be met by other agencies.
- When a VAA goes into administration all communication and decision making will then be conducted by the administrators. Agency staff will have no further authority or decision-making responsibility, although they may be kept on in their roles to assist with the transfer of adopters and files. Experience has shown that the administrators may, initially at least, be less informed about adoption processes and will be seeking legal advice to guide them through the process.

- The administration process is a business/financial model for closure with clear timescales and therefore may feel more transactional and practical than a social care model, with less emphasis placed on the emotional wellbeing of children and families.
- Many transfer processes and considerations will require managing and communicating at the same time to a variety of agencies and families. This includes:
 - efforts to identify agencies to support families approved by the VAA
 - decisions being made on other commissioned services
 - the transfer of historic and current records and notifications to prospective adopters, adoptive families and local authorities placing children with approved families or with children in placement
 - The practicalities of achieving what needs to be done in a relatively short space of time will need to be balanced with trying to provide the families affected with information and support at a very difficult and uncertain time for them.
 - Staff from the agency will also be going through a range of feelings and emotions about the closure, as well as considering the impact on them personally. Nevertheless, experience has been that VAA staff have gone over and above to try and support their families and ensure a positive outcome for them.
- There will be significant demands on managers and staff in the RAAs approached. Decisions will need to be made about what they are able to offer to prospective adopters and adoptive families; a project plan will need to be established with IT and archiving staff in the LA responsible for taking on the agency's case records and historic adoption files. HR and legal advisors will be consulted if another VAA is considering taking on responsibility for any commissioned services or there is a need to TUPE staff to maintain consistency of service.
- Although the closing VAA, or its administrators, will hold initial discussions with RAAs on an individual basis, recent experience of the RAAs and LAs impacted by the closure found that there was a significant benefit in working together to identify the best way to respond to the situation. This working group should include any VAAs or ASAs (Adoption Support Agency) operating around the region who may have some capacity to respond to the closure.

- There will need to be a lead co-ordinator for this group and experience would suggest this should initially be the Service Manager of the RAA who works on behalf of the LA where the offices of the VAA are situated as they will be directly involved in supporting the LA to manage the transfer of files.

Recommendations

- Where an RAA becomes aware that a VAA in their area is exploring a merger, is at risk of closure or is notified of a closure, they should formally alert their Boards and partner LAs who will need to consider potential financial costs and the impact on staffing, including HR matters and service delivery, if that VAA was to merge or close. Where the VAA provides a contracted service for the RAA e.g., an independent birth parent support service or adoption support services, back up plans may need to be put in place for these services or included in service level agreements.
- A pan regional response to a VAA closure should include representatives from all the RAAs, VAAs and any LAs in the region who are willing to work together, led in the first instance by the main RAA impacted by the closure.
- The VAA and lead RAA should inform the CSC Secretariat of potential agency closures as soon as they are aware of the closure and update them once the VAA has closed with details of which agencies active adopters have been transferred to so that active adopter records are accounted for in the ASG data returns without being lost or duplicated when they transfer to their new agency.

Responsibilities of RAAs in relation to prospective adopters or adoptive families

- Depending on the size and level of activity of the VAA when it closes, there will be a significant number of adopters or prospective adopters who will be impacted at various stages of their adoption journey. Before After Adoption went into administration there was liaison with another VAA, Adoption Focus, who agreed to take on all of the 20 adopters who were being supported by the agency and this process was achieved in 2 weeks.
- When Faith in Families merged with Adoption Focus in 2021, Adoption Focus took on 56 adopters and created a process for them to transfer to their agency. By contrast, when SFCS went into administration there were about 55 families who were in assessment, approved or at various stages in the adoption process prior to adoption order. Six RAAs had 1 or more families living in their area and a further 15 RAAs were linked to LAs who had children being matched or who were placed with families approved by the VAA. There were also 2 VAAs who covered that geographical area who agreed to be involved in the transfer of families.
- Some of these families will be at a critical part of their adoption journey e.g., about to go to panel for approval; being matched with a child; involved in introductions or in the early days of a child being placed. For all of the families, the disruption of the agency will have a significant impact on them and will engender a range of emotions and they will benefit from clear messaging from the VAA which is closing or its administrators, the VAA assuming responsibility for its families where a merger or takeover is happening and any other agencies who then come into contact with them.
- For adopters who are already linked, matched or placed with children there will be an LA/RAA involved in placing the child who can either take direct responsibility for supporting them or will look to find any agency that can provide more local support if they are not living in their area.
- Children will be the priority for any transfer options so for prospective adopters at any stage of their adoption assessment or who are approved but not yet linked to a child, they will be reliant on the goodwill and discretion of an RAA to take on responsibility for supporting them and enabling them to continue their adoption journey.

The following section sets out statutory responsibilities or best practice guidance on how RAAs can respond to families.

Adopters who are approved and are linked or matched to a child/ren

- Adopters who have been linked or matched with a child/ren should be seen as a priority for allocation by the RAAs in the region as there will be children whose adoption plans will be dependent on support being available to the families during the matching and panel process, adoption transition and placement.
- RAAs should be willing to take on responsibility for supporting prospective adopters being linked or matched to a child/ren who is the responsibility of a LA who has an agreement with the RAA to provide their adoption services.
- If the match has not yet been agreed the RAA could prepare an update to the PAR and update any statutory checks which are not still in date while approving them as adopters at the same time as the match is being heard. This would enable them to become agency adopters for the RAA and help inform the RAA with identifying adoption support needs for the family.
- There may be some families who are linked with children from an LA at some distance from the adopters and it would be difficult to provide meaningful support for them post placement. If there is a VAA operating in the region, they may be willing to take on responsibility for supporting these families and an interagency agreement can be set up to cover Stage 2 and 3 of the interagency agreement or alternatively this could be offered by a local RAA.

Adopters who have children placed but not yet adopted

- Adopters who have children placed with them should be seen as a priority for allocation by the RAA for the LA who placed the child. They will already be familiar with the family from the family finding process and may already be involved in offering support alongside the VAA in relation to general support services, supporting contact arrangements or making pre-order applications to the Adoption Support Fund (ASF).

- Although LA social workers may have relied on the VAA to complete some of the social work visits to the child, they should be made aware of the situation and asked to take a proactive role in visiting children and adopters during the transfer process as they will be familiar people to the families and able to offer any support needed and liaise with the receiving agency about any immediate support needs.
- One RAA noted that they initially viewed the families they took on where they were supporting children already in placement as posing more of a safeguarding risk due to the additional vulnerability of the children and the agency's lack of knowledge and relationship with the adopters, making it harder to pick up on or be aware of their support needs.

Recommendation

- RAAs agree to take responsibility for any adopters being linked, matched or with children placed from an LA for whom they provide adoption services. RAAs are open to taking responsibility for adopters living in their area where the placing authority is at a distance which would make support difficult.
- Children's social workers are asked to make additional visits, proportionate to the individual needs and circumstances of the child and adoptive family, while transitional arrangements are being put in place.

Adopters currently in Stage 1 or who have completed Stage 1

- There is no requirement in legislation for an adoption agency (RAA or VAA) to accept adopters who are still in Stage 1 of their assessment or who have completed Stage 1. Any RAA approached by the closing VAA or its administrators is therefore able to decide whether to take on responsibility for prospective adopters currently in assessment. However, they should also be recognised as a potential resource for children needing adoption and be given due consideration where possible.
- Adoption Statutory Guidance (ASG) states that *"There could be occasions where a prospective adopter will need to undertake Stage Two with a different agency, for example if they move area or the agency identifies capacity issues which would delay a move to Stage Two, but this would only be in exceptional circumstances. In such circumstances it would be*

up to the new agency to decide whether to accept the prospective adopter at Stage Two and, if they did, any case records would have to be transferred to the new agency under AAR 43."

- There are statutory checks and standard requirements that are set out in regulations that must be completed during Stage 1 and signed off by the adoption agency. However, it has also been noted that there are non-statutory checks that RAAs may choose to complete during Stage 1, such as ex-partner checks, education checks etc, and there may also be training modules that would usually form part of the work an RAA would complete during Stage 1 which have not been covered in the work completed by the VAA.
- These additional checks and any additional training could be completed during the Stage 2 assessment if a decision is made to accept the prospective adopters and begin Stage 2 of their assessment **but** if the agency viewed these as **significant** gaps in the information available, they could decide that they required a new ROI to be made so they could complete the Stage 1 work themselves.
- If there has been a gap of more than 6 months at the point of transfer since the prospective adopter completed Stage 1 then Statutory Guidance would indicate that they would need to start Stage 1 again. ASG 3.44 *"If a prospective adopter wishes to take a break between Stage One and Stage Two ... this will be subject to a maximum time limit of six months ... Where this break is longer than six months the prospective adopters will need to restart Stage One."*

Adopters currently in Stage 2 or who have completed Stage 2

- There is no requirement in legislation for an adoption agency (RAA or VAA) to accept adopters who are in Stage 2 of their assessment or who have completed Stage 2. It is preferable that any prospective adopters who have completed their Stage 2 assessment will be presented to the VAA Panel for approval before the agency closes. Depending on the speed of the closure this may not be possible and where the agency goes into administration the work of the agency will cease at the date of the administration.
- An RAA or VAA may want to review the information gathered during the

assessment to identify any gaps or areas for further exploration and assessment before deciding whether to accept them and continue with their assessment and take them to Panel for their approval as prospective adopters. Alternatively, the RAA or VAA may be willing to accept the transfer without this level of scrutiny. It will be important the prospective adopters are clear about what decision-making process is being put in place to enable a decision regarding transfer to a new agency.

- The closing VAA will be able to transfer all existing assessment information with the consent of the prospective adopter to the new agency to enable this decision to be made. A template to obtain consent is included at Appendix 3. See the later section for more information about transfer of records.
- Adopt South West identified essential and desirable criteria which they used to help inform their decision making and to provide transparency for prospective adopters. This was set out in an analysis matrix as a decision-making tool for transferring VAA adopters to the RAA and the decision-making tool was agreed by the 3 RAAs and 1 LAs involved. The key criteria when considering transfer requests for the receiving agencies were their requirements for adopter sufficiency and the demographic of their existing adopters and those seeking to transfer to them. The matrix is set out in Appendix 5.
- If an RAA or VAA decides to accept a prospective adopter and continue their assessment there should be a letter of acceptance sent by the agency to the adopter for them to sign so there is a formal recognition that they have now become an agency adopter in the process of assessment. See Appendix 6 and 8.
- A new Assessment agreement (AAR 29) can then be completed to set out what work is needed to complete the assessment and present the application to the Adoption Panel.
- If the RAA decides they want the prospective adopter to make a new application and to restart an assessment, they should be clear about their reasons for this decision as the prospective adopter will have the option to re-apply to another agency. This situation could be for example due to the prospective adopter having had extended periods on hold during the assessment or where the assessment notes have highlighted concerns that have been identified and not yet resolved during the assessment.

Recommendation

- RAAs work in an open and transparent way with prospective adopters so they are clear about the decision-making process being used and any areas of concern that may be identified during the transfer process.
- Where an RAA does not have capacity to take on and complete an assessment, they signpost prospective adopters to other RAAs and VAAs in the region.

Adopters who are approved and waiting to be linked / matched

- There is no requirement in legislation for an adoption agency (RAA or VAA) to accept approved adopters and support them on their adoption journey. RAAs will be aware of their priorities to identify placements for the local authority children who are waiting to be matched in their region and both RAAs and VAAs will be aware of their responsibilities to identify potential matches for their existing pool of adopters. They will therefore need to take a decision about whether they have the capacity to accept additional approved adopters from the closing VAA.
- However, prospective adopters are clearly a valuable resource for children who are waiting to be adopted and all efforts should be made to ensure that approved adopters are not lost through this process unless of their own choice. There can be discussion across the regions about where capacity is available so adopters can be signposted if they want some choice in the process.
- Once adopters have been approved to adopt there is no requirement for them to go through any further assessment or approval process if they transfer to another agency from the agency that approved them.
- The essential and desirable criteria set out in Appendix 5 can be used for prospective adopters who are approved and waiting to help inform the RAA's decision making and to provide transparency for the prospective adopters on the decision reached.
- Although there is currently no legal requirement for putting a formal process for accepting the transfer in place this practice has been supported when subsequently noted by OFSTED. This could be done through a transfer summary being provided to the ADM for each family and a letter of decision then being sent to the prospective adopters (see Appendix 9 and 10).

- There is a requirement under AAR 30D for a prospective adopter's approval to be reviewed "whenever the adoption agency considers it necessary but otherwise not more than one year after approval and thereafter at intervals of not more than one year" if a child has not been placed with them or the agency is in the process of considering placing a child with them".
- If an RAA or VAA decides to accept an approved adopter they may want to hold an early review to update the information available and better inform family finding and matching. This would allow the updating of DBS checks and medical information to take place. ASG 3.90. sets out that "*Where the agency completes its review and considers that the prospective adopter remain suitable to adopt, it need only inform the prospective adopter and record its view on the prospective adopter's case record". If the outcome of the review is that the adopter/s are no longer suitable to adopt then a report is presented to the adoption panel for a recommendation and then to the ADM for a decision".*

Registration on Link Maker

- At this present time once the approving VAA has closed, adopters will need to re-register on Link Maker so that they can view and access children's details. Adopters who have transferred to another Adoption Agency will then be supported by the Support Team at Link Maker to obtain all of their information which is stored on the system and to re -register with details of the new agency.
- However, adopters who have not yet been accepted by an adoption agency will not be able to access the information on Link Maker until they have been accepted by a new agency.
- Although the adopter's approval remains in place once their agency closes it will be very difficult for them to identify children waiting that they may want to consider if they cannot access Link Maker and are not being supported by another adoption agency.

Information provided by Andy Leary May, CEO Link Maker. Sept 2022

Recommendation

Where the adopter's agency of preference decides not to transfer them into their agency they should liaise with other agencies in the region and signpost the prospective adopters to other agencies who may be willing to consider them.

Adopters post Adoption Order who are in receipt of adoption support services from the VAA

- Adopters whose children have been adopted should have been notified of the closure by the closing VAA if they are still receiving support services from them or are in contact through newsletters etc and be given information about where to seek support – namely through the LA/RAA who placed the child if within the last 3 years or the LA where they live after that time. Some families may already be receiving services from these LAs where there is ongoing adoption support being provided directly or through funding from the ASF.
- However, there may well be families who are not receiving services or still in contact that will remain unaware until they return to seek support. It is helpful if there is clear information on the website and Facebook and other social media sites which provides information about where adopters should go to request adoption or as long as these are available and for the LA/RAA where the agency is based to feature something on their website.
- RAAs may not always be aware of adoptions that have taken place in their area if notifications have not been made or received. One of the RAAs in the Southwest had not received any such notifications in the previous 3 years and so had no information about adopters who may need to access their support services.
- The Adoption Support Services Regulations 2005 (ASSR) 7 sets out that adopters who have adopted their child/ren for less than 3 years are entitled to receive adoption support services from the LA / RAA who placed the child. The placing LA can also continue to provide adoption support services beyond 3 years to adopters who live outside their area where they consider it appropriate to do so e.g., to prevent a placement disrupting.
- ASSR 4(1) requires that the LA where the adopters live must provide counselling, advice and information to all adopters living in their area. The placing LA / RAA can also commission other support services to be provided on its behalf from that LA / RAA or from a VAA or ASA who are based more locally to the adopters under ASSR 3(4).
- ASSR 6.1c sets out the role and responsibilities of the ASSA in consulting with, and giving advice, information and assistance to another local authority where appropriate. Statutory Guidance 9.15 states that "The ASA

receiving authority will be a key contact for a local authority placing a child for adoption out-of-area and that while the placing authority remains responsible for the assessment of an agency adoptive child (and their immediate adoptive family) for three years from the date of the adoption order, in some instances the receiving authority might agree to provide services and recover costs from the placing authority (in accordance with ASR 23)'. ASG 9.16 also notes that most VAAs will appoint a person equivalent to an ASSA and suggest that LA ASSAs should liaise with VAA ASSAs in order to coordinate the delivery of a comprehensive adoption support service in the area, and for families that have been approved by VAAs.'

- Families in receipt of adoption support from the closing VAA will need to give agreement for their adoption support files to be transferred to the LA/RAA who placed the child. All closed files will be transferred and archived to the LA where the closing VAA is based.

Recommendations

- RAAs should ensure that there are systems in place so that 1) notifications of children being placed in their local area received from other LAs are received and logged so there is an awareness of families living in the area covered by the RAA and 2) there is an awareness of LA children placed interagency who may need to access adoption support services in the first 3 years following adoption.
- There is good liaison between the ASSAs in the placing LA/RAA and other ASSAs in RAAs and VAAs in the area where the adoptive family lives to ensure a smooth transition of support services.
- Where active support is ongoing **The RAA Adoption Support Transfer Plan*** can be used to ensure all relevant information is gathered at the point of transfer.

Transfer of Historical and Current Adoption Records from the VAA

Adoption legislation is clear about the transfer of responsibility for adoption records when a VAA closes.

- **The Adoption Agencies Regulations 2005 (AAR) 43.1** sets out that an adoption agency can transfer a copy of a child's case record or prospective adopter's case record (or part of that record) to another adoption agency when it considers this to be in the interests of the child or prospective adopter to whom the record relates, and that a written record should be kept of that transfer. This will cover the transfer of individual records to an RAA, VAA or LA who are taking on responsibility for prospective adopters or adopters with children being linked, matched or placed. Prospective adopters should be asked to give written consent for these records to be transferred to the new agency.
- **AAR 43.2 – 3** sets out that an adoption agency which intends to close should either transfer its case records to:
 - another agency having received agreement from the registration authority's (Ofsted) for the transfer
 - the local authority in the area where the society's principal office is situated.
 - when forming a newly registered adoption agency through a merger with another registered adoption agency to that new agency. The receiving agency must notify the registration authority (Ofsted) in writing of the planned transfer.

This sets out that historic files will become the responsibility of the LA where the VAA office is based if the agency closes and that Ofsted must be notified of their transfer. See Appendix 11 for a letter written to Ofsted at the time of a merger.

- When Ofsted becomes aware that an agency has received a transfer of case records they will consider if the process has been managed appropriately e.g., checking compliance with the Adoption Agency Regulations 2005 (sometimes this will be at the next inspection) by notifying Ofsted of the transfer and complying with their own obligations regarding keeping of records.

- The experience of LAs who have become responsible for historic files when a VAA closed is that this will be a time consuming and costly process. The challenges in achieving a successful transfer can be helped by good planning early in the process.
- As well as their own adoption records VAAs may have taken on responsibility for adoption records for other VAAs that have closed – e.g. After Adoption which closed in April 2019 held the Lancashire and Cheshire Child Adoption Council Records from 1943 to 1979, Families for Children which closed in 2022 held Plymouth Diocesan records from 1948 and Exeter Anglican Diocesan adoption records from 1954. They also held a copy of a national register of Catholic children sent to Australia in the 1950s. Caritas Care Salford which closed in 2021 held the records of Catholic Children's Rescue Society from 1943 – 2008 and some records for the Catholic Moral Welfare Society from 1953-1968.
- VAAs may also hold records from mother and baby homes managed by the Diocese they originally served e.g., Caritas care Salford held some records from 1940 - 1984 for St Teresa's Mother and Baby home, Salford and St Francis Children's Society held care records for St Francis' Boy's Home, Bedfordshire which closed in 1974. It is suggested that these records should be dealt with as Care Records and kept with the main archive.
- Some historical records may still be held on paper files or have been transferred to other formats such as microfiche. There may be some personal objects stored with the files – photos, toys etc all of which will need to be transferred.
- Business support staff in the VAA can be invaluable in providing information about current and historic files but can sometimes be some of the first staff to leave the VAA so identifying where knowledge is held in the staff team is important to do early in the transition process.
- There needs to be early liaison with archiving staff in the responsible LA on the need to identify storage capacity and the practical arrangements needing for transferring documents which may be in a variety of formats. There may be initial resistance from LA staff to taking on responsibility for the historic records so they should be made aware of the legal responsibility but also it has been beneficial to arrange separate meetings with the relevant staff to explain the nature and importance of these records to the adopted adults and their relatives as part of their identity and life story.

- Devon set up an initial meeting with an ICT manager who was then willing to act as a project manager in coordinating the transfer. People from the following departments were then needed to be involved or consulted during the process; Information Governance, Facilities Management, Procurement, Legal, RAA manager and any adoption staff likely to be involved in the records transfer.
- There may be pressures on available space to accommodate many filing cabinets or paper files particularly where LAs have moved to holding information digitally. LA staff must be made aware of the responsibilities set out in AAR 39, namely that the adoption agency must ensure that the child's case record and the prospective adopter's case record and the contents of those case records are at all times kept in secure conditions and in particular that all appropriate measures are taken to prevent the theft, unauthorised disclosure, loss or destruction of, or damage to, the case record or its contents.
- The more recent electronic files may be held on systems such as Charms or in Microsoft SharePoint. All information held on SharePoint should be able to be migrated to the LA's SharePoint account. Where records from Charms are being transferred to the local authority it is unlikely to be using the same electronic system so options for transfer will need to be explored. Staff at Charms have now developed some experience of the need to transfer files when VAAs or ASAs close and receiving agencies have found them helpful and were willing to deal directly with the LA/RAA staff with permission from the VAA. General Charms System Support - 01706 509 198 - available Monday to Friday 9am to 5pm (except bank holidays)
- File transfers were more straightforward when the RAA was using Charms (e.g., Adoption Counts) but with most RAAs using a range of different systems there will be different solutions for where just a few case records are being transferred to where the LA is taking on responsibility of all the remaining electronic records.
- Individual files from Charms can be shared with the RAA who had agreed to accept responsibility for adopters through a zip file being created. This was not a straightforward process and even for a small number of families additional business support hours were needed to transfer the information to the host RAA's own system.
- Adopt South West negotiated an initial one year license with Charms to facilitate the work needed to be completed to move all the records to their own system. Once files became closed files a 'flat file' can be created and moved to the system used by the RAA. Training was given by Charms for the social work and administrative staff who would need to access and use .

the data. This had to be funded by the responsible LA receiving the records.

Recommendations

- When agreements between RAAs and their commissioning LAs are being reviewed it would be advisable to include clarification of where responsibility lies for managing any historic files when a VAA closes as this has been a source of contention in initial discussions and additional resources will need to be made available to complete the transfer of all records.
- Identify the right person in the LA who is willing and able to commit to taking on a project manager role to co-ordinate the advice, input and actions of all the relevant people in the LA departments that will need to be involved
- Establish a realistic timescale for completing the archiving of the transferred records and ensure there is a clear process that is known and understood by the relevant staff in the LA and RAA for historic files to be requested and accessed when requests to view adoption files are made.

Access to Records and Intermediary Work for Adopted Adults & Birth relatives

- Any access to records cases for adopted adults or work with birth relatives or descendants will end when the VAA closes. It may be that 'live' cases or those deemed to be a priority can be included in the transfer of adoption support cases. Otherwise, people will have to make a new application to the LA which was the placing agency - the 'appropriate adoption agency' (AAA) or apply to an Adoption Support Agency (ASA) to undertake the work on their behalf.
- Once records have been transferred the following organisations should be notified by the Adoption Manager of the RAA for the LA assuming responsibility for the historic files to ensure information held centrally is kept up to date:
 - Adoption Contact Register – operated by the GRO. Contact details - Adoptions Section, Email - adoptions@gro.gov.uk, Tel: 0300 123 1837
 - CoramBAAF – hosts the Locating Adoption Records Database. <http://www.adoptionsearchreunion.org.uk/search/adoptionrecords/> Contact details – Email - asr@corambaaf.org.uk
 - Family Action hosts the FamilyConnect website - <https://www.familyconnect.org.uk/> and also has access to the Norcap Contact Register. Contact details - Email: familyconnect@family-action.org.uk Tel: 020 7254 6251
- It may be helpful for LA/RAAs to have something on their websites to say which closed VAA files they hold.
- Caritas Salford Adoption Support Service provided information on their website to assist adults wanting access to records or intermediary services. This could be adapted for use by other VAAs or RAAs. See Appendix 11.

Other support services – independent birth parent support, adopter support groups/ children’s support groups

- Any work on contracted services will end when the VAA is closing or going into administration. Decisions about any new commissioning of the service will be made by the RAA/LA who commissioned the service.
- In the South West a new VAA was asked by the RAA to take over an independent birth parent support service with little gap in service once they became aware of the imminent closure - they TUPED the existing worker into their employment before the VAA closed and then set up a new contract with the commissioning RAA. Agreement was sought from the families being offered a service for their records to be shared. Any closed records were returned to the commissioning RAA.
- Adopt South West had a contract with a closing VAA to undertake partner adoption assessments and decided to TUPE the staff member into the RAA to continue offering a seamless service.
- When After Adoption went into administration the DFE agreed that the funding provided for 2 adoption support projects would be transferred to Barnardos. PAC/UK picked up the independent services for adopted adults and birth parents across a number of LA’s in the North West.
- Adoptive families who are accessing adoption support services such as support groups or parenting programmes can be signposted to other services being offered by the RAA who becomes responsible for offering adoption support services.

Recommendation

Contracts for services should include an agreement to how any closure of the VAA would be managed to minimise the impact on service users.

Financial implications

The way in which the VAA closes will have a significant impact on how financial issues will be managed.

Where a VAA goes into administration the management of the closure will be conducted by administrators who are insolvency practitioners. LAs or RAAs who believe money is owed to them by the VAA as a result of not fulfilling interagency agreements and providing the support covered in Part 3 or service contracts e.g. charges for a commissioned service such as independent birth parent counselling will be dealt with as creditors. An FAQ setting out this process is available [by clicking here](#).

RAAs and LAs will want to seek their own advice from their Finance Teams in these circumstances.

If the VAA is closing they will follow guidance set out in legislation governing charities. [This link](#) sets out all the requirements, few relevant points are noted below:

- Legal requirement: you must tell the Charity Commission if your registered charity ceases to exist, and the commission must remove it from the register of charities.
- Consider if you can make effective use of the charity's remaining funds by transferring them to another charity with compatible purposes. (This would mean any remaining funds must be given to another VAA with the same aims of supporting adoption and could not be given to an LA or RAA.)
- Alternatively, you might find a **community foundation** or some other charity may offer to continue to run your trust in line with its objects. Check if your charity has any restricted funds or [linked charities](#) and what will happen to them if you close your charity. (Funding from DfE or Grant bodies would need to be returned to the funder unless another arrangement is agreed e.g. Barnardo's took over two existing DfE projects previously led by After Adoption.)
- If you do decide to close your charity, you'll need to clear all its debts and liabilities before you spend its remaining assets on your charity's purposes. This will include checking if you have any: unspent grant money - if so, check if there is any specific agreement with the grantmaker about what to do with it where you are closing the charity; money from fundraising appeals that haven't reached their target - if so, check the commission's

guidance on failed appeals to see if you need to return any donations to donors.

- The experience in the South West Region was that some agreements were reached with the closing VAA for the unfulfilled part of the interagency fee to be returned but this will be dependant on each situation on the financial position of the VAA when it closes and RAAs will want to seek their own legal advice in these circumstances.

Conclusions

There have been a small number of VAAs and ASAs in the last few years that have closed and each closure has had a significant impact on the adopters, children and adopted adults and their birth relatives who were receiving services from those agencies.

There has also been an impact on wider adoption services – for the LAs who have had to take on responsibility for significant historic archives often going back decades, a reduction of choice for adopters seeking an agency in their local area and a loss of expertise and knowledge developed over time in agencies that have specialised in finding families for children with additional needs. It is hoped that some of that knowledge and practice will not be lost where VAA staff remain working in other adoption services or where other agencies take over particular programmes or ways of working.

The closure of 2 VAAs in 2022 has brought a sharp focus onto the vulnerability of some VAAs. There will be other forums where the financial and resource implications of these closures on the RAAs and LAs involved, the challenges for VAAs at this time and the wider issues of joint working between RAAs and VAAs will need to be discussed to avoid the loss of further agencies.

Key Recommendations

The key recommendations from the guidance are set out below:

1. Where an RAA becomes aware of indications that a VAA in their area is having difficulties they should formally alert their Boards and partner LAs to the potential financial costs and impact on staffing and workloads if that VAA was to merge or close. Where the VAA provides a contracted service for the RAA e.g. an independent birth parent support service or adoption support services back up plans may need to be put in place for these services or included in service level agreements.

2. A pan regional response to a VAA closure should include representatives from all the RAAs, VAAs and any LAs in the region who are willing to work together, led in the first instance by the main RAA impacted by the closure.

3. RAAs agree to take responsibility for any adopters being linked or matched or with children placed from an LA for whom they provide adoption services. RAAs are open to taking responsibility for adopters living in their area where the placing authority is at a distance which would make support difficult.

4. Children's social workers are asked to make additional visits, proportionate to the individual needs and circumstances of the child and adoptive family while transitional arrangements are being put in place.

5. RAAs work in an open and transparent way with prospective adopters so they are clear about the decision making process being used and any areas of concern that may be identified during the transfer process.

6. Where an RAA does not have capacity to take on and complete an assessment they signpost prospective adopters to other RAAs and VAAs in the region.

7. Where the adopter's agency of preference decides not to transfer them in to their agency they should liaise with other agencies in the region and signpost the prospective adopters to other agencies who may be willing to consider them.

8. RAAs should ensure that there are systems in place so that 1) notifications of children being placed in their local area received from other LAs are received and logged so there is an awareness of families living in the area covered by the RAA and 2) there is an awareness of LA children placed interagency who may need to access adoption support services in the first 3 years following adoption.

9. There is good liaison between the ASSAs in the placing LA/RAA and other ASSAs in RAAs and VAAs in the area where the adoptive family lives to ensure a smooth transition of support services.

10. Where active support is ongoing **The RAA Adoption Support Transfer Plan[1]** can be used to ensure all relevant information is gathered at the point of transfer.

11. .When agreements between RAAs and their commissioning LAs are being reviewed it would be advisable to include clarification of where responsibility lies for managing any historic files when a VAA closes as this has been a source of contention in initial discussions and additional resources will need to be made available to complete the transfer of all records.

12. Identify the right person in the LA who is willing and able to commit to taking on a project manager role to co-ordinate the advice, input and actions of all the relevant people in the LA departments that will need to be involved.

13. .Establish a realistic timescale for completing the archiving of the transferred records and ensure there is a clear process that is known and understood by the relevant staff in the LA and RAA for historic files to be requested and accessed when requests Contracts for services should include an agreement to how any closure of the VAA would be managed to minimise the impact on service users.