



Adoption Authority Corporate Plan Consultation Survey Adoption Rights Alliance Response, 17th June 2011

A. PROFILE OF RESPONDENT:

A1. Q: Are you responding as an individual or on behalf of an organisation? **A:** Organisation

A3a. Q: If you responding on behalf of an organisation, is it: **A: Other:** Support and advocacy group

A3b. Name of organisation: Adoption Rights Alliance

A3c. E-mail: info@adoptionrightsalliance.com

Website: www.adoptionrightsalliance.com

B. DRAFT MISSION STATEMENT

The draft mission statement of the Adoption Authority of Ireland is:

'To ensure the provision of world class adoption related services, with the best interests of children as the first and paramount consideration'.

B1. Q: Is the draft mission statement clear? **A:** No

B2.: Q: Do you agree with the draft mission statement? **A:** No

B3: If you would like to suggest any changes please do so in the space below:

Suggested rewording: *"The accountable and transparent provision of world class adoption and adoption information services, with the best interests of children and adopted adults as the first and paramount consideration."*

Note: We are appalled that the authors of this survey, the management of the AAI and their Board Members failed to include or notice the omission of references to the provision of information and tracing services (including the already established NACPR) to Ireland's 50,000+ adopted people and their several hundred thousand relatives in the AAI's mission statement and objectives. **We cannot sufficiently underscore the need for the Adoption Authority of Ireland to reboot its entire mindset regarding adoption.** Adoption is not a point of sale transaction, it is a life changing event with generation wide consequences.

These glaring omissions vindicate all of the deep misgivings that Adoption Rights Alliance and its predecessors have had about the integrity of the Adoption Authority and the Adoption Board over the last two decades.

We have received considerable feedback from our service users who have all complained about the inaccessibility of the survey document and the complete lack of clarity in many of the objectives. In fact with the exception of one or two adoption specific objectives in the first section, the entire set of objectives is hopelessly generic with the phrase “adoption services” being readily swappable with “veterinary services”, “vaccination services”, “maternity services”, “library services” or “whatever you are having yourself”.

C. DRAFT OBJECTIVES

OBJECTIVE 1

To undertake and promote objective decision-making in adoption services in accordance with national and international law and evidence-based best practice

To make decisions regarding the granting of declarations of eligibility and suitability to adopt and the making of adoption orders

To maintain the register of intercountry adoptions and the register of accredited bodies and to assist the GRO in maintaining the register of adoptions in accordance with adoption law and related laws

To foster and develop national and international relationships aimed at promoting excellence in adoption and adoption related services

C1a. Q: Is OBJECTIVE 1 clear? **A:** No

C1b. Q: Do you agree with OBJECTIVE 1? **A:** No

C1c: What actions do you think are needed to realise OBJECTIVE 1?

"To undertake and promote objective decision-making in adoption services....."

- With reference to Information and Tracing Services, it should be stated clearly that all decision making needs to be professional, sensitive, fair, transparent, timely and fully accountable with an in-built, accessible, independent complaints system.
- With reference to Intercountry Adoptions, it should be stated clearly that all decision making needs to be from the perspective of the best interests of the child rather from the needs of prospective adopters

"To make decisions regarding the granting of declarations of eligibility and suitability"

- With reference to the granting of declarations, the criteria should be transparent and published.

"the making of adoption orders"

- With reference to the making of adoption orders, the AAI should be very clear about its powers to refuse the granting of an adoption order.

C1d: If you would like to suggest any changes please do so in the space below:

- To deal with our response that Objective 1 is neither clear nor does it have our agreement, we suggest the following changes in light of the fact that there is no indication in the breakdown to Objective 1 that

the AAI sees beyond its remit of severing the link between natural parents and their children and placing them with alternatives.

- **There must be a direct mention of creating, delivering & monitoring information and tracing services (including the already established NACPR) to adult adopted people and to natural parents with clear objectives, aims & success criteria.**
- In addition to the AAI's maintenance of a register of Intercountry Adoptions, a register of Illegal adoptions plus a register of "failed adoptions" (e.g. Tristan Dowse case) should also be established as matter of urgency.
- In addition to the AAI's maintenance of a register of Intercountry Adoptions, a register of adoptions from Ireland to America and other countries (e.g. the 2,000+ sent to the US for adoption) should be established and maintained (i.e. where new, previously unknown cases emerge).
- In the breakdown to Objective 1, where the development of national relationships is outlined, there must be a reference to the participation of stakeholders, such as adopted adults and natural parents. Without such reference, the impression given is that the AAI will revert to type and foster and develop relationships solely with academics and adoption professionals.
- With regard to the development of international relationships (in particular with the UK) the AAI should honestly benchmark and report Ireland's progress, or lack thereof, in the area of adoption information and tracing against international centres of excellence.

OBJECTIVE 2

To build capacity for excellence in adoption services both internally and externally:

To build a capable and effective organisation that is well governed and efficient both at Board and executive level

To achieve the best use of the financial and operational resources allocated to the Authority and to ensure value for money

To plan and oversee the development of comprehensive, high quality and integrated adoption services with our key statutory and non-statutory partners

To engage effectively with service users and their advocates, service providers, policy makers and the Government to bring about continuous quality improvements in our adoption services

C2a. Q: Is OBJECTIVE 2 clear? **A:** No

C2b. Q: Do you agree with OBJECTIVE 2? **A:** No due to omissions

C2c: What actions do you think are needed to realise OBJECTIVE 2?

"To build capacity for excellence in adoption services both internally and externally:"

- To reiterate our earlier point: **We cannot sufficiently underscore the need for the Adoption Authority of Ireland to reboot its entire mindset regarding adoption.** In order to "build capacity for excellence" in the

AAI, an entire overhaul of attitudes, staffing, training, efficiency, implementation, and professionalism is required.

“To build a capable and effective organisation that is well governed and efficient both at Board and executive level”

- In order to achieve this objective the AAI requires root and branch reform. The change from the Adoption Board to the Adoption Authority of Ireland cannot be in name only, the AAI must commit to timely, thorough, impartial and balanced examinations of all complaints about their own operations and operations of the agencies who they accredit.
- The AAI must develop, maintain and police a code of practice (made publicly available) for each distinct area that an accredited body is involved in. The AAI should elicit feedback from service users regarding the performance of accredited bodies against the published code of practice. Agencies and individuals against whom persistent complaints of malpractice are made must be deregistered without significant delay, have their funding withdrawn and/or clawed back. If necessary criminal prosecutions should be sought, e.g. in the case of illegal adoptions carried out by St. Patrick’s Guild.
- The AAI should develop a Whistleblower’s Charter to apply to AAI staff, accredited bodies and any third parties with relevant information.
- The Annual Report must be totally overhauled, firstly to be an Annual Report and to be published every year. It should reflect the true nature of enquiries to the AAI, in particular the area of adoption information and tracing with detailed analysis, such as performance statistics on waiting lists, success rates, failure rates, numbers of traces completed per annum, numbers of illegal adoptions discovered etc. Stakeholders should have an input into the Annual Report and be afforded an opportunity to provide an adjudication reflecting service users’ experience of the AAI and accredited bodies. Any accredited bodies failing to deliver appropriate services should be named and shamed. The Minister for Children would be formally notified of such violations to ensure the greatest level of scrutiny and to keep the Oireachtas informed.
- We also envisage the AAI holding an Annual Conference at which the Annual Report would be presented and the stakeholder feedback would be presented and discussed. Following each Annual Conference the AAI would be tasked with responding to any negative feedback and would formally present remedies to any problems at the next Annual Conference.

“To achieve the best use of the financial and operational resources allocated to the Authority and to ensure value for money”

- We find it incredible that social workers without training in genealogy are still conducting adoption traces. There is no oversight of their results, most worryingly in cases where they fail to locate a birth/marriage/death certificate and the person waiting on the results is merely told that the person is untraceable and the case is closed without resolution. Our solution to this is for the AAI to outsource the genealogical aspects of a trace to a reputable qualified professional. We believe that the economies of scale should result in savings to the AAI and the accredited bodies carrying out their own searches.
- In the case of the NACPR the lack of publicity for what should be a quick and simple solution to long waiting lists in fact drives applicants back to the same adoption agencies they are desperate to avoid dealing with, resulting in unnecessary complications for AAI staff.

“To plan and oversee the development of comprehensive, high quality and integrated adoption services with our key statutory and non-statutory partners”

- A laudable ideal certainly, but not one which Adoption Rights Alliance would have confidence in actually being delivered given that the authors of this survey omitted all references to adoption information and tracing services. Additionally in the case of the NACPR, the AAI has failed to recognise the original mandate of the NACPR, as a bypass to lengthy waiting lists and ignores the fact that in the case of a match, there are two consenting adults who wish to be put in touch with each other, instead, it forces them back into the very system they sought to avoid in the first place.
- In order to develop these “comprehensive, high quality and integrated adoption services”, it is absolutely essential for the Stakeholder Advisory Groups appointed by the late Brian Lenihan to be reactivated, albeit with a more balanced representation from those most affected by closed secret adoption, (i.e. adopted people and natural parents) and not outnumbered two to one by social workers and Adoption Board staff. We envisage a Main Advisory Group to handle general feedback, a Files Advisory Group to coordinate the locating and safeguarding of all adoption files, a Monitoring Advisory Group to address the issue of closed and non-accredited agencies, as well as an Illegal Adoptions Task Force to research the scale of illegal adoptions in Ireland and formulate remedies.

“To engage effectively with service users and their advocates, service providers, policy makers and the Government to bring about continuous quality improvements in our adoption services”

- “Effective engagement with service users and their advocates” would require a significant sea change on behalf of the AAI’s Board, management and staff, and would require an extensive, honest and brutal audit of past practices and attitudes within the AAI.
- A recent example of poor practice is the public pledge made by AAI Chairperson Geoffrey Shannon on RTÉ’s Prime Time (21-04-2010) and at the launch of the Adoption Authority itself (01-11-10) to personally investigate all illegal matters brought to his attention which was never delivered upon and which was subsequently contradicted by Kiernan Gildea later in November 2010.
- This pattern of non-delivery and *volte-face* has resulted in increasing cynicism on the part of adopted people for whom the last Corporate Plan is a work of fiction (see AAI website).
- To effectively engage with service providers, policy makers and the Government to bring about continuous quality improvements in adoption services would equally require the same kind of sea change referred to above. If we consider the Adoption Board’s failure in 2007 to impose the *Framework for the Provision of a National Information & Tracing Service* on the same agencies who are now described as accredited bodies, a recalibration on all sides will be required and the AAI mustn’t be the first to blink.
- If the AAI genuinely reached a position, where it could say that all levels of its operations were committed to a partnership with service users and advocates, the involvement of the latter in devising *training programmes* for AAI and adoption agency staff could be envisaged. Adoption Rights Alliance frequently receives complaints of AAI Information and Tracing Staff and adoption agency staff scolding or criticising adopted people for bothering them in their quest for information. A blanket approach of “we can do nothing to help” is the default position of many ill-informed agency staff, some of whom go so far as to tell adopted people that a self-search would be illegal.

OBJECTIVE 3

To support, monitor, investigate and, where necessary, to secure quality standards in adoption services:

To provide a national quality standards framework

To accredit and register against approved standards all agencies providing adoption services

To provide for regular monitoring and evaluation of registered services

To take any necessary action to ensure compliance with standards and continuous improvement planning

C3a. Q: Is OBJECTIVE 3 clear? **A:** No

C3b. Q: Do you agree with OBJECTIVE 3? **A:** No due to lack of clarity and omissions

C3c. What actions do you think are needed to realise OBJECTIVE 3?

“To support, monitor, investigate and, where necessary, to secure quality standards in adoption services:”

Investigation of illegal adoptions

- Despite being the regulatory body for adoptions, the AAI has repeatedly refused to deal with the issue of illegal adoptions. AAI Chairperson Geoffrey Shannon is the only person within the Authority to have taken a different stance on this, when he gave a personal commitment to deal with the issue of illegal adoptions during an interview with RTÉ’s Prime Time in May 2010. Mr. Shannon repeated this commitment at the official launch of the AAI on November 1st, 2010. However, later in November 2011, Registrar of the AAI, Kiernan Gildea issued a Statement that the Authority would not be investigating illegal adoptions, but it is not clear whether or not this Statement had the imprimatur of the chairman or the Board of the Authority.
- With regard to the illegal adoption of Tressa Reeves’s son Andre Donnelly (exposed by the Irish Examiner in April 2010 and further covered in RTÉ’s Prime Time in May 2010) of which the AAI were made aware a decade ago, no one at the AAI has seen fit to resolve the matter for Ms. Reeves, a dignified and frail woman now in her 70’s. This utter lack of compassion and a staggering inability to see difficult cases through to conclusion has no place in an organisation with a quasi judicial status and reaffirms our lack of confidence in the AAI’s abilities.
- To reverse the Authority’s poor record on investigating and quantifying historic Adoption Act violations it is imperative that a clear strategy is set out in the Corporate Plan on how the AAI intends to proceed on illegal adoption, commencing we suggest with:
 - ✓ the establishment of an “Illegal adoptions Advisory group” (to include adopted people and natural parents)
 - ✓ the locating and seizing of all relevant files
 - ✓ the compilation of a comprehensive tracing database to be used by parties to an illegal adoption

“To provide a national quality standards framework”

- If we consider the Adoption Board’s failure in 2007 to impose the *Framework for the Provision of a National Information & Tracing Service* on the same agencies who are now described as accredited bodies, with the same staff on both sides, we see little hope in such a framework being implemented.

Neither side even paid lip-service to the Framework document as it was removed from the then Adoption Board's website in 2009 we understand due to the various agencies' refusal to be guided by it.

- If such a document could be produced, it would need significant input from the key service users in each area and the AAI should make it abundantly clear that agencies refusing to work within the standards risk immediate deregistration and withdrawal/clawback of funds.

“To accredit and register against approved standards all agencies providing adoption services”

- If we consider the Adoption Board's 58 year long failure to even know the standards against which agencies were benchmarked, having never deregistered a single agency for malpractice in that time period, we see little hope in either side (AAI or the agencies) accepting that their industry will be subjected to standards monitoring.
- Our fears about renegade agencies and the lack of control exercised over them by the AAI were realised in February when the AAI announced the accreditation of St. Patrick's Guild Adoption Society, one of the country's largest ever adoption agencies. This agency's illegal activities include:
 - ✓ the trafficking of Irish children to the US
 - ✓ the falsification of birth certificates
 - ✓ the fact that they *“deliberately misled people by giving grossly inaccurate information, both to adopted persons and to birth mothers, with regard to the background to their adoption.”* [Alan Shatter, Dáil Debate 9th April 1997]
- These infringements have gone entirely unreported and unpunished by the AAI and its predecessor, the Adoption Board so that St. Patrick's Guild and the religious congregation overseeing operations at the society continue to operate with impunity.

“To provide for regular monitoring and evaluation of registered services”

- St. Patrick's Guild is not the only adoption agency run overseen and run by members of a religious congregation. Worryingly, St. Brigid's at the Coombe maternity hospital in Dublin is also an example and as far as we know they employ no professional social workers.
- The AAI would also be minded to consider this useful summation of the Catholic Church's attitude from the Murphy Report as a warning about the levels of co-operation they could expect:

“The Dublin Archdiocese's preoccupations in dealing with cases of child sexual abuse, at least until the mid 1990s, were the maintenance of secrecy, the avoidance of scandal, the protection of the reputation of the church, and the preservation of its assets. All other considerations, including the welfare of children and justice for victims, were subordinated to these priorities. The archdiocese did not implement its own canon-law rules and did its best to avoid any application of the law of the state”.

- The question of how the files of closed agencies such as Sacred Heart and the RGAS, as well as agencies who have not applied for reaccreditation under the 2010 Adoption Act are being handled has not been addressed at all by the Corporate Plan. Once again we recommend a strategy for the provision of services to people affected:
 - ✓ the establishment of a “Monitoring Advisory Group” (to include natural parents and adopted people)

- ✓ contact closed agencies and HSE offices holding files for closed agencies to arrange the immediate relocation of the files to a secure central location
- ✓ contact agencies who either have not been successful in obtaining accreditation or who have not applied for accreditation to arrange the immediate relocation of the files to a secure central location

“To take any necessary action to ensure compliance with standards and continuous improvement planning”

- We have seen no evidence of the existence of the Standards and Inspection Unit as detailed in the 2004 Corporate Plan, let alone ever seeing the results of any inspection work undertaken by it. Worryingly all references to this unit (if indeed one ever existed) had disappeared from all Annual Reports post 2006. The only meaningful reference to this unit that we can find is in the 2005 and 2006 Annual Reports regarding the compilation of the *Framework for the Provision of a National Information & Tracing Service*, a document which disappeared without explanation from the AAI website in 2009. We suggest that the AAI would look to the inspections model in use by HIQA and that they would also seek to recruit staff of a similar background and calibre.
- In order to ensure a robust standards monitoring and inspection system, it is essential to build in an organised, impartial and user friendly reporting mechanism for stakeholders to offer feedback on the services for which the AAI is responsible for monitoring. (Oversight of this reporting mechanism would reside with the Main Advisory Group of stakeholders as mentioned previously.)
- As we said above: The AAI must develop, maintain and police a code of practice (made publicly available) for each distinct area that an accredited body is involved in. The AAI should elicit feedback from service users regarding the performance of accredited bodies against the published code of practice. Agencies and individuals against whom persistent complaints of malpractice are made must be deregistered without significant delay, have their funding withdrawn and/or clawed back. If necessary criminal prosecutions should be sought, e.g. in the case of illegal adoptions carried out by St. Patrick’s Guild.

“continuous improvement planning”

- We are not entirely clear on what this means – we have taken it to mean that the AAI will attempt to identify logjams or failures in any part of their organisation. Once again we must express our scepticism at the AAI’s ability to do anything of the sort given their past lack of engagement with key stakeholders such as adopted people and natural parents.

OBJECTIVE 4

To provide a comprehensive information, research and communications framework to support the development of adoption policy, service delivery and continuous quality improvement:

To compile and report on statistical information and planning / development aspects of service provision

To undertake and promote research [both internally and by engaging with appropriate academic institutions and professional bodies in order to establish appropriate research opportunities and protocols]

To provide information on adoption services and other information directly to the general public, service users, professionals, policy makers and Government in a user-friendly format and to support others in the provision of information about adoption and adoption-related services

To promote informed and considered analysis and debate on adoption issues

To support Government departments in the development of adoption and adoption-related policy

C4a. Q: Is OBJECTIVE 4 clear? **A:** No

C4b. Q: Do you agree with OBJECTIVE 4? **A:** Yes, if followed through

C4c. What actions do you think are needed to realise OBJECTIVE 4?

“To provide a comprehensive information, research and communications framework to support the development of adoption policy, service delivery and continuous quality improvement:”

- The AAI should go back to basics and firstly identify their clients, their services and recognise the huge (righteous) anger, frustration and sense of injustice that surrounds the whole area of adoption information and tracing. The poor quality and almost zero quantity of information emanating from the AAI does little to persuade adopted people that they even register on the consciousness of the Authority. Much work will be required to build up any level of trust.

“To compile and report on statistical information and planning / development aspects of service provision”

- We are not entirely clear what this section means and would point out that if something is not readily understood it is impossible to measure. Is this reference to the many statistical tables which dominate the arcane Annual Report? If yes, the Annual Report format almost completely ignores the issue of adoption information and tracing and it offers zero analysis of how individual agencies are performing in their field. If no, please explain what is meant here.

“To undertake and promote research [both internally and by engaging with appropriate academic institutions and professional bodies in order to establish appropriate research opportunities and protocols] “

- Care must be taken in future to ensure that any academics engaged to carry out research are not sitting members of the Authority and all research contracts must be put out to public tender to ensure impartiality.
- The AAI should also arrange funding for stakeholder groups to conduct their own research and to maintain statistics so their invaluable on the ground knowledge is not lost.

“To provide information on adoption services and other information directly to the general public, service users, professionals, policy makers and Government in a user-friendly format and to support others in the provision of information about adoption and adoption-related services”

- The irony is not lost on us that reference is made here to providing information to the general public whilst the AAI withholds information on their origins from adopted people, and whilst information and tracing services are not mentioned at all in the survey.
- Historically and currently, the AAI’s website has been sloppily maintained, with no care taken to give the correct information to the correct parties e.g. under the current FAQ section (17-06-11) for Natural Parents/Relatives within Information and Tracing, the text has been cut and pasted almost wholesale from the section concerning adopted people so that one of the FAQ’s advises Natural Parents on how to obtain their own birth certificates!

Source: <http://www.aai.gov.ie/index.php/information-a-tracing/faq.html>

- In the various news sections of the AAI website there is an almost daily update of news regarding intercountry adoption. Meanwhile under the “What’s new” section on information and tracing the message has read as: “This page is under construction” since at least November 2010.

“To promote informed and considered analysis and debate on adoption issues”

- As expressed by the AAI, an organisation which refuses to investigate historic illegal adoptions, this statement has a hollow and insincere ring to it. When has the AAI ever championed the human rights of adopted people? When has the AAI pointed out the juxtaposition of closed secret adoption records in Ireland as opposed to the open regime in the UK and Northern Ireland? When has the AAI ever commissioned any research on the lives of 50,000 adopted people and on the lives of the 2,000+ Banished Babies? It is our firm conviction that because the AAI has no statutory obligation to provide services to adopted people, it has lost sight of its duty of care to its most important clients, the babies who had the temerity to grow up and who demanded to be counted.
- Legislation should not be a prerequisite for treating adopted people equally and with sensitivity and dignity. It is time for the AAI to honestly engage with adult adopted people and to champion their cause.

“To support Government departments in the development of adoption and adoption-related policy”

- If the AAI wishes to cast itself as a subject expert, it must begin to inform government of international legislation and developments, common complaints, preferred language and sensitivities and in the area of adoption information and tracing. We see this role extending to one of advising government on specific law reforms and even to taking radical stances where required.

D. OTHER ISSUES / SUGGESTIONS

D1. If there are important issues that you think we have overlooked, please give details:

In your first and we presume your primary objective you failed entirely to mention the provision of adoption information and tracing services to Ireland’s 50,000+ adopted people and their several hundred thousand relatives. As stated previously, such glaring omissions merely serve to underscore the impression that the AAI is indifferent to its most important clients once the transaction of adoption is completed.

That the AAI sees no role for itself in investigating illegalities nor in assisting those who have suffered as a result of those actions is a glaring omission. Given the following FAQ response on the AAI website, we did not expect that those trafficked to other countries for adoption would receive consideration, however, we draw your attention to the matter once again with the expectation that the AAI will live up to its role as the regulator of adoptions:

“Q7. I was adopted in England/America/Australia and I want to trace a birth relative who is Irish. Can I use your service?”

A7. The Adoption Authority of Ireland would only hold records of legal adoptions effected in the Republic of Ireland. Records in relation to Irish children adopted in the U.K. or elsewhere are normally held either by the individual adoption agency or the court where the adoption order was made.”

D2. If there are any issues that you would like to be consulted on by the Adoption Authority of Ireland in any future consultation process, please give details (maximum 200 words):

As the voice of the adopted child, as well as the adopted adult, we would like to be consulted on all aspects of adoption.