



Policy for consideration of a name change for children who are to be adopted.

1. Purpose:

September 2020

- 1.1 This policy relates to children looked after within the Adoption@Heart Partnership, where their permanency plan is adoption.
- 1.2 The policy sets out the position of Adoption@Heart in relation to the value and importance of children's names, and the exceptional circumstances where it may be appropriate for a change of name to be considered.

2. Underpinning Legislation and Guidance:

- 2.1 The following legislation and statutory guidance also underpin this policy:
- 2.2
 - Section 28 Adoption and Children Act 2002
 - Article 7 United Nations Conventions on the Rights of the Child

A child's recognition of their name is dependent up their age and stage of development. However, it is also intrinsically linked to their roots and sense of identity. It will have significance for them as they grow older and for them as adopted adults. It can be argued that maintaining a child's name acknowledges an acceptance and positive recognition of respect for the child's past history and provides the child with continuity.

In the Court of Appeal in Re D, L and LA 2003, Butler Sloss stated:

"To change a child's name is to take a significant step in a child's life. Forename or surname, it seems to me, the principles are the same in general. A child has roots. A child has names given to him or her by parents. The child has a right to those names and retains that right, as indeed the parents have rights to retention of the name of the child which they chose. These rights should not be set to one side, other than for good reasons".

3. Key Principles:

- 3.1 Every child has the right to a/their name, and this is enshrined within the United Nations Conventions on the Rights of the Child which states:

"The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents." (Article 7)

- 3.2 Section 28 Adoption and Children Act 2002 states that whilst a child is subject to a Placement Order, a child's name should not be changed;

"...unless the court gives leave, or each parent or guardian gives written consent".

- 3.3 Adoption@Heart is clear in its position that a child's name is an absolutely core component of their identity. Birth parents have a right and a duty to give their child a name. In almost all cases, they will have put a great deal of thought into naming their child and; regardless of the circumstances around the child's entry into care, this name will have value to the child and future adopted adult.

- 3.4 It is of importance that the social worker checks the child's name against their birth certificate to ensure accuracy of the full name and spelling and for this to be checked at stages during case transfer between teams to avoid errors and mistakes.

4. Circumstances where a change of name should be considered:

- 4.1 There will always be exceptions and in those circumstances careful consideration should be given to the issues by the professionals involved. Exceptional reasons for the agency to consider a name change are:
- 4.2 If the name given causes ridicule or potential emotional harm. A professional discussion would need to take place between the Child's team and Adoption team, with a clear management decision recorded with the reasons.
- 4.3 In the case of an older child at the child's request.
- 4.4 For cultural and religious reasons where the name change would serve to integrate the child within the family and wider community
- 4.5 If there is a known, identified and significant risk to the child which cannot be ameliorated by the child being placed outside the local geographical area.
- 4.6 If there is a known, identified and significant risk to the child and it is not appropriate to place outside the geographical area e.g. the child is being placed with a sibling already in an adopted placement.
- 4.7 The name is more identifiable due to its non-traditional spelling, which would increase a **known risk and/or threat** to the child. In these instances, the name may be changed to the correct spelling.
- 4.8 The identified prospective adopter has a child already at home with the same name **and** they are the only prospective adopters who can adopt the child. The reasons for this must be identified in the matching criteria.

- 4.9 Please note, where it is necessary for the child's name to be changed for the reasons outlined above, the impact on the child must be fully considered. If the adopters are involved in choosing the new name, this cannot start to be used until after the match is agreed. When considering a new name, it is important that if at all possible, the name sounds similar to the one that the child knows themselves by or is one, they have been accustomed to as a second name. Careful consideration and planning is needed in deciding what the new name will be and how and when the child's new name will be introduced and used- particularly as they will have other transitions and losses operating alongside this.

5. Relinquished baby:

- 5.1 In circumstances where a child has been relinquished, a name change will still not be agreed unless any reasons outlined in section 2 apply.
- 5.2 In circumstances where a child has been relinquished or abandoned and has not been named, it will be the responsibility of the child's Social Worker and Manager to name the child. Consideration should be given to a name that is linked with birth family, if known.
- 5.3 In circumstances where a child has been relinquished, has not been named and is placed with a concurrency carer or foster for adoption carer from birth, consideration will be given to the involvement of those carers in naming the child.

6. Foster Carers:

Foster carers are to refer to the child by their given name and not to use 'nicknames' or other names of endearment. The reason for this is to not confuse the child regarding their own identity when moving onto an adopted placement from their foster placement. However, the foster carer may call the child a different name if there is a justification that relates to section 2 of the policy and again for this to be agreed at management level.

7. Key Factors for Consideration:

- 7.1 Children aged two years and over will know their name and it will be a core component of their identity at that stage. To introduce a new name at a time when they will be moving to new surroundings and new carers would create significant confusion for the child. Children younger than two will also respond to their name and begin to understand the name of others, including any siblings.
- 7.2 The impact of changing a child's name is significant and will have a bearing on the child's life story book, especially if this is already completed. It will also impact on the later life letter and have an ongoing impact on any indirect contact with the child's birth family.
- 7.3 It could also impact on the child's identity and self-worth, and on their

relationship with their adoptive family. When the child later discovers their # name was changed, they may consider their new name unsuitable and not right for them, not understanding the reasons why.

- 7.4 The movement of names should not be encouraged, including moving a forename to a middle name, making the new forename the primary name and the child's original name becoming unused or unfavoured. This may be seen as a rejection of the original first name and remains, in practice, a significant change of name.
- 7.5 Prospective Adopters have every right and are encouraged to change the family name and add a middle name of the child to that which reflects their own, following the granting of the Adoption Order. Once the child is placed with prospective adopters, Pre-Adoption Order, permission can be sought for the child to be 'known as' the adoptive family name. However, this should not become the gateway to changing the child's forename too.

8. Procedures:

- 8.1 If it is likely to be necessary for the child's safety to change their name, this should be agreed by the child's Social Worker/Team Manager and raised at the stage of the SHOBPA decision being made. The ADM can then consider the significance of the child's names and give a preliminary view.
- 8.2 In the adoption process, any matters relating to changing the child's name must be addressed at the Matching Meeting stage. As above any changes of name will be exceptional.
- 8.3 For transparency, if a name change is considered necessary subsequent to the SHOBPA decision, the Head of Service or Director should make the decision on behalf of the local authority with corporate parenting responsibility about whether the decision is supported.
- 8.4 The Family Finder in conjunction with the child's Social Worker will present any request for a change of name in writing using the template in Appendix 1 to the Head of Service/Director. The Head of Service or Director will make their decision before the match is considered by Panel and the ADM.
- 8.5 A decision to change the child's name should be recorded on the child's file as a significant event to evidence the reasons why the Local Authority made this decision in order that the child may see this if they choose to look at their birth records later.
- 8.6 Where prospective adopters change the child's name against Local Authority advice, post order, they will be advised that it would be in the child's best interest for the birth parents to be notified.

9. Practice Considerations:

- 9.1 It would be inappropriate for practitioners to 'plant the seeds of change' in their discussions with prospective adopters, giving encouragement to change the child's name.
- 9.2 It is understood and appreciated that prospective adopters may want the opportunity to change the child's name; however, this should be balanced with the child's right to retain the name that has been given to them at birth, the right to have consistency regarding their primary name and respect given to who they are. Aside from their physical characteristics, once given, their name is the only thing that they own.
- 9.3 This is most important with regards to Fostering for Adoption, as the child is still within the court arena and the law is clear that changing a child's name at this time is not permitted.
- 9.4 Preparation of adopters includes the clear expectation they will not change a child's first name(s). parents should be helped to fully understand the impacts of a name change upon their child's identity and offered any help necessary to engage empathically with the consequences of doing so. Adults should also be assisted to fully and honestly contemplate the potential impact, on the development of an attached parent-child relationship, of changing a child's birth name.

10. Roles and Responsibilities:

All staff are responsible for following the guidance within this policy.
Managers are responsible for enforcing this policy