

Consultation

Increasing the retention period for adoption records

September 2026

Proposal 1

5.0 Do you agree that the statutory retention period for adoptee case records, where the adoption order was made between 26 November 1976 and 29 December 2005, should be increased from 75 years to 100 years?

5.1 Yes

6.0 What benefits do you think this change would deliver?

Please comment below:

6.1 We should do all we can to ensure records are retained, preserved and looked after on behalf of those whose information is contained in them.

6.2 The current protections for adoption records are neither consistent nor effective, which add to the shortcomings of an already inadequate system. This is a system which fails those who have already experienced trauma and are themselves vulnerable.

6.3 Recent quote from someone with lived experience 'identity, history and records really matter. Making sense of the past is not optional extra'.

6.4 The process each person has to undertake to gain access to what is essentially their own information, is complex, emotionally challenging and frequently takes several years. Adopted adults are expected to navigate this largely unsupported. To then find that records have been destroyed or lost really is the most devastating outcome.

6.5 2024 Guidance published by the Archives and Records Association (ARA) and CALGG was based upon research (ARA, 20204) which consulted with archivists, records managers, social care and compliance professionals, in addition to those with lived experience. It concluded that records required much greater protection and should ideally be preserved indefinitely. The Guidance recommended that





record-keeping bodies move to a retention regime of either 125 years ('good practice') or 150 years ('exemplary practice'). We would therefore endorse this finding and recommendation.

6.6 However, a person's legal route through care, including whether or not they were subsequently adopted, should not determine whether records central to their identity, history and relationships are preserved, discoverable and accessible, or the level of information, advice and support available when they seek access to them. We consider there should be explicit parity of provision for adopted and other care-experienced people. We therefore recommend that Government use this amendment as a first step towards a consistent 150-year retention framework across adoption and care records, rather than treating 100 years as the endpoint.

6.7 As people live longer, 75 years is no longer adequate to ensure availability of records to those who wish to access information. Post Commencement Regulations allow related persons (including descendants) to access information in respect of their adopted relatives which extends the timeframes still further as they may find out their relative was adopted after the death of the individual. We regularly hear about people in their late 90's wishing to access their records in late adulthood. Those working in this area as intermediaries have told us they regularly support adopted people over the age of 75 to access their records.

6.8 Increasing the minimum period would also reduce the risk that records are lawfully destroyed before the person whose life they document (we are aware of at least one 106 years old adoptee who recently requested access to their records and others over 75 who have done so), or a person entitled to seek information about them, has had an opportunity to access them. It would better reflect increased longevity, the fact that people may seek information very late in life, and the intergenerational value of records to descendants and other relatives who may only discover an adoption after the adopted person's death.

7.0 What risks or unintended consequences, if any, do you think could arise from increasing the statutory retention period to 100 years?

Please comment below:

7.1 There is a potential cost to retention of records. But this is peoples' information and we owe it to them to ensure it is looked after.

7.2 There is a potential crossover with local archives which needs to be considered. If the retention period for adoption records is extended to 100 years, or potentially 150 years, this may affect records that have already been transferred to local archives. Longer retention periods may mean that some records remain restricted for longer. Clear guidance will therefore be needed on how extended retention periods interact with archival access, including for records already held in local archives.

7.3 A further unintended consequence would arise if organisations interpreted 100 years as a destruction date rather than a statutory minimum. Guidance should make clear that records should not be routinely destroyed once the minimum period expires. Given the ARNCALGG recommendation for 125 or 150 years, organisations should be encouraged to retain records for longer, with 150 years providing a more consistent long-term benchmark.



7.4 Any extension must also be accompanied by adequate resourcing. The costs of preserving records should not be displaced onto adopted or care-experienced people through reduced access services, long delays or charges. Government should recognise secure long-term preservation and access as part of the public responsibility owed to people whose personal histories are held by the State and its agencies, where the state has intervened to permanently sever family ties.

8.0 What practical, operational or cost impacts do you think this change would have for organisations that hold adoptee case records?

Please comment below:

8.1 There will be a requirement to allocate resource (staff capacity) to consider what records are held where and consider the practicalities of retention. This may include consideration of new formats where records are held on outdated systems.

8.2 Regionalisation and organisational change create particular operational risks because responsibility for records may become separated from the service that understands their statutory and personal significance. Contracts and transfer arrangements should identify clearly who is responsible for custody, preservation, indexing, access and eventual transfer of records. Records should not become effectively 'orphaned' when services are reorganised or commissioned differently.

8.3 These requirements will have resource implications for local authorities, adoption agencies and archive services. Government should assess and fund those implications. A longer retention period will have limited practical value if organisations lack the staff, systems or archival capacity to preserve records securely and respond to requests within a reasonable period.

8.4 Digital preservation requires more than simply retaining a file. Organisations need secure systems, appropriate access controls, back-up and cyber-security arrangements, and plans for format and system migration so that records remain readable over many decades. Equivalent attention is required for older paper and microfiche records, whose physical condition or storage environment may threaten their practical accessibility even if they have technically been retained.

9.0 Do you have any further views or evidence you would like to share to inform this proposal?

Please comment below:

9.1 ARA (2024) The records of adopted and care-experienced people - developing guidance for record-keepers and care professionals - Chief Archivists in Local Government Group (CALGG) of the Archives and Records Association

9.2 The separation of adoption from social work teams via regionalisation has exacerbated the lack of knowledge in respect of statutory duties to retain information. Storage and files are 'detached' from the adoption service and lack of understanding about what they are or importance of them will inevitably lead to records being lost.

9.3 There is a need for a whole, 'joined up' understanding and process around adoption and care records, including court records. Whilst the new locating records platform will be a positive



contribution to this it will be far from a solution to the longstanding, entrenched and fragmented systems that currently exist. OFSTED should be inspecting storage, documentation and retention of records, including whether their information is up to date on the new locator platform in development.

9.4 These are some of the examples we regularly hear:

- People waiting 2 years plus for a response to their request or not receiving an acknowledgment at all.
- Individuals dying of old age whilst awaiting a response to their enquiries.
- Peoples access to records requests being dealt with as Subject Access Request and subject to data protection legislation due to lack of understanding of the legislation.
- Records lost due to cyber-attacks, fires, flooding, being destroyed.
- Records not available as they are in buildings which are inaccessible.
- Individuals being passed from one organisation to another repeatedly and no one being able to identify where records are.
- Even after several years searching the information which finally emerges is incomplete, fragmented and incorrect.
- Information is frequently withheld or wrongly redacted due to lack of understanding around what people are entitled to.

9.5 Many adopted people will also have spent time in care before their adoption, and some may later return to, or have further involvement with, children's social care. Their life history may therefore be recorded across different legal and organisational systems. This is particularly significant in the modern statutory framework, where many children adopted through the care system will have been looked after before an adoption order was made. It is equally relevant to adults adopted under earlier legislative frameworks, whose pre-adoption histories may include periods in voluntary care or accommodation, an assumption of parental rights resolution, or a care order under the Children and Young Persons Act 1969.

9.6 These records can form an essential part of an adopted person's life history. Adoption records may document the adoption process itself, while preceding care records may contain important information about the circumstances in which the child entered care, their experiences while in care, decisions made about them, significant relationships and the identities of birth family members. Adoption and care records should therefore be understood as potentially interconnected parts of the same life history, rather than entirely separate categories of information.

9.7 At present, however, the legal frameworks governing the retention of and access to these records differ according to a person's circumstances and legal status, including whether they were adopted before or after 26 November 1976, whether they fall within the pre- or post-commencement adoption provisions, and whether they are a child in care, a care leaver or a care-experienced adult beyond the age of 25. Different statutory frameworks and additional safeguards necessarily apply to adoption records and adoption information, but this should not result in unnecessary fragmentation in the preservation of, access to and support around records relating to the same person and life history.

9.8 Under regulation 50(1) of the Care Planning, Placement and Case Review (England) Regulations 2010, a responsible authority must retain a looked-after child's case record until the 75th anniversary of the child's birth or, where the child dies before reaching 18, for 15 years beginning with the date of death. The recent independent review, 'You really are on your own': A study of the early



deaths of young people who were in care (2026), further highlights the enduring importance of care records following a person's death. Although the review focuses on care leavers aged 18 to 24, whose children's social care case records would ordinarily be retained until the 75th anniversary of their birth, its findings reinforce the importance of preserving records after death for scrutiny, learning and understanding the person's life and experiences, as well as their potential significance for descendants and family members seeking to understand their own family history and identity. This also raises a question as to whether the shorter 15-year retention period where a looked-after child dies before the age of 18 remains appropriate, and supports consideration of a consistent long-term approach to preservation irrespective of the age at which a care-experienced person dies. Extending the retention period for adoption records without corresponding consideration of looked-after children's case records could therefore result in an adopted person's adoption records remaining available while important records relating to their earlier childhood and time in care have already been lawfully destroyed. In practice, this risks preserving only part of the person's life history.

9.9 We therefore recommend that any extension to the retention period for adoption records is accompanied by equivalent consideration of the retention requirements for looked-after children's case records. Government should work towards a more unified and consistent system of record retention, preservation, access and support across adoption and care, while guidance should clearly explain the different legal frameworks, rights and responsibilities that currently apply.

9.10 The objective should be parity of provision across the life course. Parity does not necessarily require identical legal arrangements across every records regime, but a person's route through care, whether or not it resulted in adoption, the date on which they were adopted, or their age when seeking their records should not determine whether records have been appropriately preserved and can be located, or the quality of information and support available when they access them.

9.11 The objective should be parity of provision across the life course. This does not require identical legal frameworks for adoption and care records, which are subject to different safeguards. It does, however, require equivalent standards of preservation, accessibility and support. A person's route through care, whether or not it resulted in adoption, the date on which they were adopted, or their age when seeking their records should not result in material differences in whether relevant records have been preserved and can be located, or in the information and support available to them when accessing those records. A more coherent approach would recognise the enduring significance of these records for identity, family relationships, understanding a person's life history and enabling appropriate access to records and information throughout their lifetime and beyond it.

Further resources:

[*A Framework for Person-Centred Recordkeeping: Drawing through the Lens of Out-of-Home Childcare Contexts 'You really are on your own': A study of the early deaths of young people who were in care*](#)

Australia literature:

[*Access to Records by Forgotten Australians and Former Child Migrants: Access Principles for Records Holders, Best Practice Guidelines in providing access to records, June 2015 \(Principles and Guidelines\)*](#)



Volume 8, Recordkeeping and information sharing

Towards Transformative Practice in Out of Home Care: Chartering Rights in Recordkeeping

Proposal 2

5.0 Do you agree that updated statutory guidance should recommend that adoptee case records made before 26 November 1976 should be retained for 100 years, where they exist?

5.1 Yes

6.0 What practical barriers, if any, would organisations face in retaining adoptee case records made before 26 November 1976 for 100 years?

Please comment below:

6.1 2026 is the centenary of the first Adoption legislation and even at 100 years retention there will be loss of important information. We know that there are individuals of 100 years plus wishing to find out information. Therefore, 100 years should be framed as a minimum rather than the desired endpoint.

6.2 Because the earliest legal adoptions are now approaching or exceeding a century old, a 100-year period will already be insufficient in some cases. Updated statutory guidance should state clearly that existing pre-1976 records must be preserved and should encourage wherever possible 150-year retention in line with the ARNCALGG exemplary-practice standard.

6.3 These are already fragmented records which need to be retained wherever possible. The fact that records are fragmented or difficult to manage is a reason for stronger preservation and discovery arrangements, not for destruction. Statutory guidance should require organisations to ensure that staff know how historic records can be located and accessed.

6.4 Practical barriers include incomplete or uncertain cataloguing, records dispersed across local authorities, archives, former voluntary bodies and successor organisations, poor physical condition, inaccessible storage, obsolete digital formats, and loss of organisational knowledge about what records exist and where they are held. Organisational restructuring and regionalisation compound these problems.

7.0 What would be the benefits, in your view, of recommending 100-year retention for adoptee case records made before 26 November 1976?

Please comment below:

7.1 A clear 100-year recommendation would reduce the risk of further loss of historic records and provide a more consistent national baseline for material created under earlier and highly variable



administrative arrangements. It would recognise that pre-1976 records can remain profoundly important to living adopted people, birth relatives and descendants seeking to understand identity, family relationships and personal history.

7.2 It would also help correct an arbitrary disparity created by the date of adoption. People adopted under earlier legal regimes should not have materially weaker protection simply because their records were created before later retention rules came into force. It would support more consistent

7.3 decision-making by adoption agencies, local authorities and archives and could help prevent avoidable destruction while wider reform is considered.

8.0 Do you have any further views on how guidance on adoptee case records made before 26 November 1976 should be framed?

Please comment below:

1.0 Statutory guidance should provide clear and consistent expectations for the secure preservation, accurate indexing, transfer and migration of records, timely retrieval, and organisational responsibility for responding to requests for access.

8.1 Statutory guidance should cover the whole records lifecycle: identification of historic records, preservation, physical and digital security, indexing, transfer and custody, discoverability, access, redaction and support. It should specifically address legacy formats and records held outside current case-management systems and require accurate information about records to be maintained.

8.2 Statutory guidance should explicitly address responsibility for records where organisations have closed, merged, regionalised or transferred functions. This is particularly important for older records, which may be fragmented, held in local archives or legacy systems, or separated from the service currently responsible for supporting access.

8.3 Statutory guidance must also recognise the emotional impact of accessing and receiving records. It should set clear expectations for the provision of trauma-informed information and support before, during and after access, alongside improved professional understanding of trauma-informed practice and of the different legal routes and rights to records and support.

9.0 Do you have any further views or evidence you would like to share to inform Proposal 27

Please comment below:

[The UCL Mirra Project](#), the ARNCALGG [Records of adoption and care-experienced people project](#) and the [ICO Better Records Together campaign](#), provide an evidence-informed basis for a stronger approach to recording, recordkeeping, access and support.

Further info:



https://discovery.ucl.ac.uk/id/eprint/10147326/7/Lomas_13865_Article_Text_17715_1_10_20221205_extracted.pdf

10.0 Would you like to add any further comments that have not been covered by other questions?

Please comment below:

10.1 There are already discrepancies for availability of services and resources between those adopted in different periods, including before and after 26 November 1976 and before and after 30 December 2005. Adoption should be recognised for the lifelong process that it is, and that those affected should have access to services and support at a point in their lives when it is needed. The date someone was adopted should not determine how much information they are able to access or how much support they are eligible for.

10.2 Access to adoption records and information is not something we should be exerting power over. These are individuals that have been powerless in many of the major decisions affecting their life, identity and history. There should be parity of provision across adoption and care records, with equivalent standards of preservation, accessibility and support.

10.3 Recommendations in Chapter 2 of the Public Law Working group report of Nov 24, final report should be fully implemented, including the recommendations around retention and accessibility of court records.

10.4 Recommendations are included here for ease of reference. Recommendations (PLWG,2024)

125. The recommendations sent out for consultation were agreed and endorsed by almost all respondents and many provided us with more detailed suggestions. Our recommendations have been adjusted in accordance with suggestions from most respondents. All are concerned that adoption should be recognised for the lifelong process that it is, and that those affected should have access to services and support at a point in their lives when it is needed.

126. We recommend:

Training:

Professionals:

Professionals providing services should be trained not only in procedures and legislation but should also understand the impact of adoption. Experiential training may assist with this. There should be appropriate training for all staff in all organisations dealing with writing reports (such as CPRs), access to information requests and sharing information. Some organisations asked for ring-fenced-funded training, and all recognised that training for all professionals involved in all aspects of adoption work is of the utmost importance and would like to see this essential training made available for all involved, in whatever way this can be achieved.

Adopters: We also recommend that adopters be provided with training on sharing the information that they are given about their adopted children, such as the CPR, and helping their children with later life decisions regarding, for example, access to information and contact with birth relatives.



ii. Information about services:

We recommend that comprehensive information is made available on all relevant websites, including regional adoption agencies, regional collaborative agencies, adoption support agencies, courts and more. Advice should be simple and clear and should include how to apply for a birth certificate, apply for adoption records and how to engage intermediary services. Email addresses and telephone numbers must be provided.

Template application forms: A template application form for court applications is in the appendices and has been revised in the light of responses to the consultation process. In order to provide consistency as between agencies, we recommend a template application be formulated for adoption agency applications by Adopt England and the National Adoption Service for Wales.

iii. National Registers:

- Adoption Agencies

To reduce confusion and delays for adopted people seeking information in the future there needs to be greater clarity as to the whereabouts of adoption records.

www.familyconnect.org.uk and www.adoptionsearchreunion.org.uk are of great assistance to service users and professionals alike, and Family Connect is developing into the 'go to' hub for finding out about adoption agency records and how to find relatives lost through adoption. The CALGG project has also recommended a database to identify where all adoption agency records are as well as making recommendations for retention and storage of those records. We endorse the recommendation of one central and maintained source of information.

National Register for Court records:

All agencies endorsed the need for an easier way to locate court adoption records. We recommend that a national register of court adoption records should be compiled and maintained. This will require the cooperation of HMCTS as well as other archives which currently hold records.

iv. Retention of adoption records:

We recommend a protocol to standardise the archiving, retention and retrieval of adoption files across the sector. The Chief Archivists in Local Government Group (CALGG) has recently published good practice guidance for records keepers of adoption and care records. [Archivists in Local Government Group (CALGG) of the Archives and Records Association (UK and Ireland) The Archives and Records Association (UK & Ireland), The Keep, Creech Castle, Taunton, Somerset, TA1 2DX The records of adopted and care-experienced people - good practice guidance for record-keepers and care professionals (England and Wales) www.archives.org.uk February 2024]. This Good Practice Guidance for record keepers is invaluable and covers many of the recommendations also made in this PLWG exercise. Along with CALGG, we too recommend the good practice of retaining adoption agency records for at least 100 years, in line with the recommendation we have also made with respect to court records. It needs to be recognized that applications for intermediary services can be made by descendants of adopted adults far into the future; records need to be available for this purpose many years from now. Court records retention: The courts have a 100 year retention period for adoption records. The issue regarding access to records for descendants many years in the future also arises in this context.

v. Counselling:



Counselling is only required legally under Schedule 2 of the 2002 ACA, and it applies only to people adopted before 12/11/1975. Even then the counselling, given by a qualified social worker, is 'advice, guidance and support' rather than therapeutic counselling. The lack of definition of the term counselling in adoption legislation and guidance has created confusion over the years, and if this cannot be resolved we recommend that agency workers and their service users should decide together what kind of support might be of use in any given situation. Sometimes advice, guidance and support may be needed, and other times more therapeutic counselling might be more appropriate. We recommend that agencies highlight the different options available to service users, in discussion and in writing.

vi. Timescales:

Applications for access to records should be supported and dealt with in consistent, appropriate and realistic timescales

Courts: There should be a national protocol providing a standard procedure for applications for disclosure of court documents, with prescribed timescales and a template application form. A proposed draft is included with this report (Appendix C). We suggest the following standardised timescales: an acknowledgement within 14 days, 28 days to locate the file and a full response within 4 months from the date of the application. Where the file has not been located within 28 days, the applicant should be notified and provided with a date when the court will provide a further update. Good communication is key: applicants should receive appropriate updates on the progress of the application where there are delays.

Adoption Agencies: We also recommend as good practice that adoption agencies also adhere to timescales to improve the service received by service users. We recognize that consideration needs to be given to resource 70 implications, but it is important for all agencies to work out how to meet reasonable timescales. We recommend timescales consistent with the proposed court process: a response within one calendar month, following identification verification (which is consistent with the statutory requirement for Subject Access Requests for care records); and responses to complex requests within four months.

Pre-1976 adoptions: We also strongly recommend that priority be given by all agencies to applications concerning pre-1976 adoptions.

vii. Exercise of discretion:

There should be further guidance (from or approved by the President of the Family Division) about the court's approach to the exercise of discretion on an application for disclosure (including cases where relevant individuals are, or may be, still alive and where information is often lacking about the context for the application). To provide consistency for service users, this guidance should take account of adoption agency information sharing practice as well as the primary legislation and adoption agency regulations for both pre and post-commencement adoptions.

viii. Government review of provision for post-commencement adoptions: We also recommend that the English and Welsh governments carry out a review as to the provision of information for post-commencement adoptions to ensure that any anomalies or inconsistencies in the process are identified and addressed. This group has identified a number as set out in the body of this report, particularly in relation to much needed intermediary services.

ix. Intermediary services:



Pre-commencement adoptions: Whilst we are very mindful of the cost implications and of the pressure on resources, we strongly recommend that intermediary services be accessible to all adopted adults and their relatives, providing for pre-1976 adoptions as a priority.

Post-commencement adoptions: It will be important to consider the much-needed role of intermediary agencies in the future, including the provision of such services for post-commencement adoptions. We recommend that S98 of the 2002 Adoption and Children Act be amended to include post commencement adoptions as there is currently no such provision and there is a need for it evidenced by applications for such a service.

Register of vetoes: We recommend that there is a register of vetoes held by the GRO, so that intermediary agency enquiries to the GRO for required information can include a request for veto information at the same time. This would be a hugely time-saving exercise for birth relative applications which can currently be held up for many months, waiting for an adoption agency to be found and then waiting for a response.

x. Service user views

As part of the National Adoption Strategy, the government should specifically seek out and address the experiences of adopted adults who request access to their adoption records.

xi. GRO Improvements are also needed to the processes within the GRO which are beyond the scope of this report. **xii.** Practice guidance and statutory guidance It has been noted that new practice guidance for both pre and post commencement adoptions has been produced by Improving Adoption Services for Adults (IASA). There have been several calls for also updating the Statutory Guidance (DFE stat guidance template (publishing.service.gov.uk) which was written 11 years ago and we would recommend that this takes place.

RAAs and LAs: We recommend the statutory guidance includes information on how adoption information should be shared between LAs and RAAs as the latter have come into being since the last statutory guidance was written.

Section 62 applications: We also recommend updated statutory guidance to include information on how adopters access information for adopted children (under 18) and how under 18-year-olds access it when it would benefit them therapeutically.

xiii. Wales

It is noted that Wales does not have statutory guidance on Access to Information or Intermediary Services but has a limited reference in Codes of Practice. We recommend that these be updated accordingly, and more detailed guidance developed.

xiv. Clear Record Keeping

We recommend that adoption records are in plain English with appropriate language, from their creation onwards. There needs to be clarity regarding who they are written for. For example, the CPR is written for the court, the adopters, and the adopted person. It provides evidence for the court as well as a family history and the reason for adoption for the adopters and the adopted adult. The authors of the CPR need to be aware of all of these requirements from the outset.

Further information: [Public Law Working Group](#)

