

# Adoption agencies shut under 'equality' laws

Religious adoption agencies are being told:  
change your beliefs or close



# Adoption agencies shut under 'equality' laws

Religious adoption agencies are being told:  
change your beliefs or close



CHRISTIAN INFLUENCE IN A SECULAR WORLD

Copyright © The Christian Institute 2010

First printed in May 2009

Second edition in March 2010

ISBN 978-1-901086-44-7

Published by The Christian Institute  
Wilberforce House, 4 Park Road, Gosforth Business Park,  
Newcastle upon Tyne, NE12 8DG

All rights reserved

No part of this publication may be reproduced, or stored in a retrieval system, or transmitted, in any form or by any means, mechanical, electronic, photocopying, recording or otherwise, without the prior permission of The Christian Institute.

The Christian Institute is a Company Limited by Guarantee, registered in England as a charity.  
Company No. 263 4440, Charity No. 100 4774.  
A charity registered in Scotland. Charity No. SC039220

## Contents

	<b>Summary</b>	<b>5</b>
<hr/>		
Faith-based adoption agencies are among the best there are		7
The Sexual Orientation Regulations		9
What has happened to the faith-based agencies?		15
<hr/>		
	References	19



# Summary

Christians are concerned that the Government's new Equality Bill will lead to more cases where the 'rights' of one group trump the freedoms of another, to the detriment of society as a whole.

This has already been clearly illustrated by the impact the Sexual Orientation Regulations 2007 (SORs)<sup>1</sup> have had on Great Britain's excellent faith-based adoption agencies.

It is an orthodox Christian belief that the only acceptable context for sex is within marriage between one man and one woman, which is the best environment for raising children. Sexual activity outside this context, whether homosexual or heterosexual, is morally wrong and children raised outside marriage are disadvantaged. This belief may not be shared by everyone in society but it is the genuinely held orthodox belief of many who have the best interests of children and adults at heart. In an open society which embraces free speech and religious liberty, groups holding to this view should be free to organise themselves accordingly. This belief is protected under Article 9 of the European Convention on Human Rights.<sup>2</sup>

In 2007, there were eleven Roman Catholic adoption agencies in England and Wales, two in Scotland, and one Evangelical adoption and fostering agency in England. Thanks to the SORs, most of these agencies have been forced either to withdraw from adoption services entirely or abandon their religious ethos in order to continue.

The SORs fail to allow religious adoption agencies the freedom to operate in accordance with their religious beliefs. Furthermore, society has lost an excellent service. Faith-based agencies have outstanding track records in helping to secure homes for some of the most difficult-to-place children. Yet these skills have been sacrificed in order to ensure that same-sex couples can use every single adoption agency in the country. An exemption for faith-based agencies would have retained their crucial expertise while also leaving homosexual couples free to use the vast majority of secular adoption services. The Equality Bill could be used to amend the law and to stop the closure of the religious adoption agencies. Alternatively, if nothing is done, the clear danger will be that the remaining faith-based adoption agencies could be litigated out of existence because they would be ill-equipped to defend themselves against well-funded legal actions.

## Faith-based adoption agencies are among the best there are

Faith-based adoption agencies have played a key role for many years in finding homes for the most vulnerable children. Roman Catholic adoption agencies have accounted for 4 per cent of all adoptions each year,<sup>3</sup> including a third of those carried out by the voluntary adoption sector.<sup>4</sup> Like the rest of the voluntary sector, these agencies have taken a difficult mix of children, often described as ‘hard-to-place’. These have included children with severe medical problems, and over half have been in sibling groups.<sup>5</sup> For example, the Westminster Catholic Children’s Society has supported 3,000 children, young people and their families each year through a network of services.<sup>6</sup> It has also found families for about 15 ‘hard-to-place’ children who are disabled or have emotional or behavioural problems.<sup>7</sup>

The closure of faith-based adoption agencies raises the concern that other adoption agencies will not have the capacity to pick up all the cases that would previously have been dealt with by faith-based services. Scotland had two Roman Catholic adoption agencies. Together they accounted for more than 20 per cent of all adoptions in the country each year.<sup>8</sup> One of the agencies has had to become entirely secular. The St David’s Children Society, which covered the three Welsh dioceses of Cardiff, Menevia and Wrexham, found new

families for about 35 children a year – about 14 per cent of all cases in Wales.<sup>9</sup> Clearly these faith-based agencies have played a crucial role in finding homes for children.

Children who are in care and waiting to be adopted have in many cases already experienced disruption in their family life and suffered difficult circumstances. For this reason it is crucially important that once they are adopted they feel that they are in a safe and reliable environment. To experience another family breakdown after being adopted would inevitably cause great trauma to a child. In this respect faith-based adoption agencies cannot be beaten. Roman Catholic adoption agencies have had breakdown rates among the lowest of any agencies in the country, with an average of 3.6 per cent.<sup>10</sup>

Speaking about Cornerstone (North East) Adoption and Fostering Service, an Evangelical agency in the North East of England, Sharon Hodgson MP said in March 2009:

Cornerstone is an independent fostering and post-adoption support agency based in the north-east of England. It seeks to place children with Christian families and hopes to provide permanent homes for as many children as possible. That stability is important for many children, and the charity has helped many families in the north-east.<sup>11</sup>

# The Sexual Orientation Regulations

In 2007 the Government introduced the Sexual Orientation Regulations (SORs) under the Equality Act 2006. These regulations outlaw discrimination on the grounds of sexual orientation in the provision of goods, facilities and services. The SORs are consolidated in the current Equality Bill.

## **A flawed approach**

The primary beneficiary of adoption services should be the child, but under the SORs the process has been turned on its head. Many will no doubt argue that adoption agencies are within the scope of the SORs because of the assessment services they provide to potential adopters. But effectively the ‘supply’ of children has become the service, creating a virtual right to adopt and turning children into commodities. The focus of genuinely child-centred adoption services should always be children. Instead, the rights of children have been trumped by the rights of homosexual adults. Any agency which refuses to do homosexual adoptions becomes a target for closure.

## **The fight for freedom of conscience**

The Government included an exception in the SORs for religious organisations. However, this exception does not apply to organisations

acting under contract with a public authority. This raised immediate concerns for faith-based adoption agencies because they receive public funding. Serious implications were foreseen for those agencies whose religious ethos includes the belief that homosexual behaviour is morally wrong. Such agencies cannot in good conscience provide adoption services to homosexual couples because they believe that placing a child with them would be contrary to that child's best interests.

Attempts were made by churches, other religious organisations and some politicians to have an exemption for faith-based adoption agencies inserted into the SORs. Cardinal Cormac Murphy-O'Connor, Roman Catholic Archbishop of Westminster, told BBC News 24:

"I don't see any reason why there cannot be an exception... It would seem to me it is not impossible to have these regulations but with a clause that allows a particular religious community to act according to its principles".<sup>12</sup>

A survey of more than half of the 40 Roman Catholic politicians in the Government showed that the majority supported an opt-out to allow Roman Catholic adoption agencies to operate according to the teaching they were founded on.<sup>13</sup> Tony Blair originally seemed to favour an exception for faith-based adoption agencies.<sup>14</sup> But many spoke out claiming that no exemptions should be included. Lord Falconer told the BBC:

"We have committed ourselves to anti-discrimination law – on the grounds of sexual orientation – and it is extremely difficult to see how you can be excused from anti-discrimination law on the grounds of religion."<sup>15</sup>

Tony Blair eventually bowed to pressure from the gay rights lobbyists. He said:

"There is no place in our society for discrimination. That's why I support the right of gay couples to apply to adopt like any other couple. And that way there can be no exemptions for faith-based adoption agencies offering public-funded services from regulations that prevent discrimination."<sup>16</sup>

## A stay of execution

In January 2007 the Government announced that there would be no exemptions in the SORs for faith-based adoption agencies.<sup>17</sup> Instead the Government said they would have until the end of 2008 to comply with the SORs. Speaking for the Government, Ruth Kelly said:

“Our approach will ensure that nobody will be required to act in a way that contravenes their core religious beliefs, but where religious organisations enter into an agreement to provide services to the wider community, on behalf of and under contract to a public authority, the rights of lesbian, gay and bisexual people to have equal access to those services comes to the fore.”<sup>18</sup>

If faith-based adoption agencies wanted to continue operating in the same way, they could only do so by acting in contravention of the core religious beliefs underpinning their work. The SORs left the 13 Roman Catholic adoption agencies and one Evangelical adoption and fostering service with a stark choice to make by the end of 2008: change your beliefs, or close.

In January 2007 Cornerstone (North East) Adoption and Fostering Service wrote to the Prime Minister calling for protection from the SORs. According to its trust deed Cornerstone provides “a high quality adoption and fostering child care service according to Christian principles”.<sup>19</sup> This object is met by Cornerstone having a requirement, contained within their charitable instrument, that they restrict placing children through the charity to practising Evangelical Christians.

Following a meeting of carers, Trustees and staff, The Chairman of Trustees, Robin Singleton, said in February 2007:

“Cornerstone was founded as an agency for Bible believing Christians who want to provide a ‘forever family’ to some of the most vulnerable children in our society. By any measure Cornerstone is a very successful agency with outstanding outcomes for children. In our 7-year history more than half of the children have been adopted by their foster carers and our breakdown rate is exceptionally low.

## **Adoption agencies shut under 'equality' laws**

“We are deeply concerned that our freedom to provide this service within a faith-based organisation is being denied. Cornerstone provides a unique service in the North East where the faith of its foster and adoptive carers is understood, supported and valued. Carers come to us in preference to other agencies for this reason. Other carers in society can readily have their needs met by an abundance of other providers. This lack of tolerance of Christians expressing their faith through service provision is of real concern and an outrageous infringement of our freedom.”<sup>20</sup>

## **Impact of the SORs**

The 14 faith-based adoption agencies made a crucial contribution to adoption services in Great Britain, and it is not as though their existence would prevent homosexual couples adopting children. A homosexual couple wishing to adopt would have the choice of numerous other agencies, even if faith-based groups were given the freedom to restrict their services according to the teachings of their religion. Instead, faith-based adoption agencies have been told to either comply with gay rights or withdraw their services, which is really no choice at all.

Former Prime Minister Tony Blair, said in February 2007:

“For very obvious reasons I happen to believe that faith is a good not a bad thing, so I think in the end we never want to reach a situation where people who do have a religious faith feel in any sense that they are being shut out of either the political system or being able to provide a great service to people in a faith-based way”.<sup>21</sup>

But this is precisely what has happened. Offering adoption services to homosexual couples is not compatible with orthodox religious beliefs. With no exemption for religious adoption agencies, how can these groups offer their services ‘in a faith-based way’? The SORs have driven some agencies to forfeit their links with the denomination which set them up, while others are still battling for the liberty to maintain their ethos as they provide their exceptional services to vulnerable and needy children.

## **Where are the atheist adoption agencies?**

It is relevant in this context to point out that there are no adoption agencies with an explicitly atheist ethos. Atheism does not seem to prompt the establishing of public-spirited organisations such as adoption agencies. Faith, on the other hand, clearly underpins some of the most successful agencies in the country. Yet these agencies are being forced to abandon the very ethos that led to their creation. Although faith has contributed so much to society in this sphere, it is being forced out in favour of what amounts in practice to atheism. Faith-based adoption agencies are being coerced into jettisoning their faith.



# What has happened to the faith-based agencies?

## **SECULARISED:**

- 1.** The diocese of Nottingham has cut ties with the Catholic Children's Society (Nottingham), which will now offer its services to homosexuals.<sup>22</sup> It has changed its name to 'Faith in Families'.<sup>23</sup>
- 2.** St Francis Children's Society has severed ties with the diocese of Northampton. It is now a secular institution with a 'broad-based' Christian character.<sup>24</sup>
- 3.** The Catholic Children's Society which works in the three dioceses of Arundel and Brighton, Southwark and Portsmouth has split from the Roman Catholic Church and three Roman Catholic Bishops on the board of trustees have resigned. It is now called the Cabrini Children's Society.<sup>25</sup>
- 4.** The Clifton diocese (Bristol) has split from the Catholic Children's Society, which is now called the Clifton Children's Society.<sup>26</sup>
- 5.** St David's Children Society in Wales (and Herefordshire) has cut links with the three dioceses in Wales so as to comply with the SORs.<sup>27</sup>

## **Adoption agencies shut under 'equality' laws**

- 6.** Catholic Caring Services in Lancaster has decided to break with the diocese in order to comply with the SORs despite the Bishop of Lancaster, Patrick O'Donoghue, protesting strongly against this.<sup>28</sup> Bishop O'Donoghue had urged the agency to take a stand. He has since resigned as a trustee and the agency is now known as Caritas Care.<sup>29</sup>
- 7.** St Andrew's Children's Society in Scotland was already independent of the Roman Catholic Church and will accept homosexuals. As a consequence, Cardinal O'Brien resigned from his position as President of the society.<sup>30</sup>
- 8.** Nugent Care in Liverpool has established a policy on assessing adopters which appears to accept homosexuals. The criterion specified with regard to joint adoption is simply that the couple are in a "stable relationship".<sup>31</sup>
- 9.** The Father Hudson's Society in Birmingham tried to change its charitable objectives but was turned down by the Charity Commission.<sup>32</sup> It joined with Catholic Care (Diocese of Leeds) in appealing the decision, but withdrew its appeal in April 2009.<sup>33</sup> The Society has since handed its adoption recruitment and assessment work over to a new separate charity which accepts homosexual couples as joint adopters.<sup>34</sup>

### **CLOSED:**

- 10.** The Catholic Children's Rescue Society of Salford has pulled out of adoption services altogether.<sup>35</sup> It still provides a fostering service.<sup>36</sup>
- 11.** Westminster Catholic Children's Society tried to amend its constitution but was turned down by the Charity Commission.<sup>37</sup> After the Charity Tribunal decision in Catholic Care's case (see page 17), the Society announced its withdrawal from assessing potential adopters in June 2009.<sup>38</sup>

## **FIGHTING:**

*Fighting for a way to remain Roman Catholic without falling foul of the law:*

- 12.** Catholic Care, in the diocese of Leeds, attempted to change its charitable objects in order to continue carrying out its full range of services in accordance with its Roman Catholic ethos. The Charity Commission refused to allow the change and Catholic Care appealed to the Charity Tribunal. In June 2009 the Tribunal ruled that the agency must consider gay couples as potential adopters.<sup>39</sup> Catholic Care's appeal against this decision was heard in the High Court in early March 2010.<sup>40</sup>

## **BUSINESS AS USUAL:**

- 13.** St Margaret's Adoption and Child Care Society in Scotland has successfully changed its charitable objects to allow it to continue to operate as an adoption agency in full accordance with its Roman Catholic ethos.<sup>41</sup>
- 14.** According to its charitable instrument Cornerstone (North East) Adoption and Fostering Service can only place children with Evangelical Christians. Cornerstone continues to require prospective adopters to adhere to the Evangelical Christian faith.



# References

- <sup>1</sup> Equality Act (Sexual Orientation) Regulations 2007
- <sup>2</sup> *The Christian Institute & Ors, Re Application for Judicial Review* [2007] NIQB 66, para. 50
- <sup>3</sup> *BBC News*, 25 January 2007, see [http://news.bbc.co.uk/1/hi/uk\\_politics/6297107.stm](http://news.bbc.co.uk/1/hi/uk_politics/6297107.stm) as at 2 April 2009
- <sup>4</sup> House of Commons, Hansard, 21 February 2007, col. 110WH
- <sup>5</sup> House of Commons, Hansard, 21 February 2007, col. 108WH
- <sup>6</sup> Catholic Children's Society (Westminster), *About Us*, see <http://www.cathchild.org.uk/about/index.php> as at 3 April 2009
- <sup>7</sup> *The Catholic Herald*, 18 July 2008
- <sup>8</sup> *The Catholic Herald*, 28 November 2008
- <sup>9</sup> *The Catholic Herald*, 19 September 2008
- <sup>10</sup> House of Commons, Hansard, 21 February 2007, col. 110WH
- <sup>11</sup> House of Commons, Hansard, 11 March 2009, col. 111WH
- <sup>12</sup> *Press Association National Newswire*, 24 January 2007
- <sup>13</sup> *The Daily Telegraph*, 27 January 2007
- <sup>14</sup> *Press Association National Newswire*, 23 January 2007
- <sup>15</sup> *The Guardian*, 23 January 2007
- <sup>16</sup> *The Times*, 30 January 2007
- <sup>17</sup> *The Daily Telegraph*, 25 January 2007
- <sup>18</sup> *Press Association National Newswire*, 7 March 2007
- <sup>19</sup> Cornerstone (North East) Adoption and Fostering Service, *Charitable Objects*, see <http://www.charity-commission.gov.uk/ShowCharity/RegisterOfCharities/CharityFramework.aspx?RegisteredCharityNumber=1114213&SubsidiaryNumber=0> as at 16 April 2009
- <sup>20</sup> The Christian Institute, Press Release, *Christian fostering agency faces closure under Sexual Orientation Regulations*, 5 February 2007
- <sup>21</sup> House of Commons, Select Committee on Liaison, Minutes of Evidence, 6 February 2007, Q56
- <sup>22</sup> *The Catholic Herald*, 25 April 2008
- <sup>23</sup> Families are Best, *Launch of Faith in Families*, see <http://www.ccsnotts.co.uk/pdf/launch.pdf> as at 16 April 2009
- <sup>24</sup> *The Catholic Herald*, 25 April 2008
- <sup>25</sup> *The Universe*, 10 August 2008
- <sup>26</sup> *The Catholic Herald*, 12 December 2008
- <sup>27</sup> *The Catholic Herald*, 10 October 2008
- <sup>28</sup> *The Observer*, 21 December 2008
- <sup>29</sup> *Third Sector Online*, 11 March 2009
- <sup>30</sup> *Scottish Catholic Observer*, 21 November 2008; *Scottish Catholic Observer*, 28 November 2008
- <sup>31</sup> Nugent Care, *Do I Have to be Married or in a Relationship?*, see [http://www.nugentcare.org/index.php/domestic\\_adoption/frequently\\_asked\\_questions/](http://www.nugentcare.org/index.php/domestic_adoption/frequently_asked_questions/) as at 5 March 2010

## Adoption agencies shut under 'equality' laws

<sup>32</sup> *The Catholic Herald*, 10 October 2008; *The Catholic Herald*, 21 November 2008

<sup>33</sup> Charity Tribunal Current Cases, see <http://www.charity.tribunals.gov.uk/currentcases.htm> as at 23 April 2009

<sup>34</sup> Father Hudson's Society, *Adoption Support*, see [http://www.fatherhudsons.org.uk/index.php/site/familyplacementsadoption/adoption\\_homepage/](http://www.fatherhudsons.org.uk/index.php/site/familyplacementsadoption/adoption_homepage/) as at 5 March 2010; Adoption Focus, *Criteria for Prospective Adopters*, see [http://www.adoption-focus.org.uk/how\\_to\\_adopt/criteria.htm](http://www.adoption-focus.org.uk/how_to_adopt/criteria.htm) as at 5 March 2010

<sup>35</sup> *The Catholic Herald*, 18 July 2008; Catholic Children's Rescue Society, *What We Do: What is Adoption*, see <http://www.ccrsorg.co.uk/what-we-do/adoption.php> as at 2 April 2009

<sup>36</sup> Catholic Children's Rescue Society, *What We Do: Fostering Service*, see <http://www.ccrsorg.co.uk/what-we-do/fostering.php> as at 8 March 2010

<sup>37</sup> *The Catholic Herald*, 21 November 2008

<sup>38</sup> *Daily Mail*, 20 June 2009

<sup>39</sup> *Daily Mail*, 3 June 2009

<sup>40</sup> *The Daily Telegraph*, 1 March 2010; *The Times*, 4 March 2010

<sup>41</sup> *The Catholic Herald*, 21 November 2008

# Adoption agencies shut under 'equality' laws

Religious adoption agencies are being told: change your beliefs or close



A selection of newspaper cuttings from the national and religious press between 23 January 2007 and 21 December 2008.

ISBN 978-190108644-7



9 781901 086447



CHRISTIAN INFLUENCE IN A SECULAR WORLD