



Scottish Adult Adoptee Movement

Developing a Universal Definition of 'Care Experience'

**Response to the Scottish Government's public
consultation**

Final Draft

**submitted
January 31st 2025**



#KeepThePromise



OPEN LETTER TO NATALIE DON, CHILDREN AND FAMILIES MINISTER

Dear Natalie,

We would like to take the opportunity to thank you for your support in allowing our voices to contribute to a clearer understanding of the lived experience of Adoption. From seeing the ongoing issues emanating from Historic Forced Adoptions, through to addressing the present day Promise, we are determined to give space to the complexities of all those on the fringes of the care system.

We are delighted to share with you, and others, our response to the Scottish Government's public consultation on Developing a Universal Definition of Care Experience. As we continue to engage constructively, we desire to work collaboratively to Keep the Promise. From a 'nothing about us without us' standpoint, we appreciate your respect and inclusion.

As Campaigns grow for lifelong rights of all Care Experienced, Adopted and Displaced Peoples, we will continue to highlight the additional and specific needs of, as well as Rights required for, Children, Young People and Adult Adoptees.

We hope we can rely on further engagement on all issues surrounding people who have been through the adoption process.

**We value your ongoing support,
Many thanks,
Scottish Adult Adoptee Movement.**



Introduction

The Scottish Adult Adoptee Movement has been gathering momentum ever since its spark of beginning in our Founder's lived experiencing. As Adoptees and allies have talked with one another, a grassroots campaign for Adoptee Rights has come to be birthed in the belly of Scotland.

We witnessed the exclusion of post adoption abuse within historical Adoption placements in the Scottish child abuse inquiry.

We noted the unheard voices in the Independent Care Review.

We remarked on the failure to address Adoptees in The Apology for Historical Forced Adoptions.

We are observing the sidelining of Adoptees within the Promise Scotland.

But we are saying.... NO MORE!

"Nothing About Us, Without Us"

SAAM has been busy. Our first act has been to create a body of Recommendations which offer a detailed account of the necessary steps required for Adoptees to enjoy a citizenship in which they are treated with due respect. We hope through continued engagement, SAAM can inspire positive change in regard to full honouring of Human and Children's Rights. We are growing to provide education, individual, relationship based independent advocacy, and a range of participation and connection opportunities for Adopted people across Scotland. We also study and take advice for our continued work in regards to the legal adoption process and the lifelong legal constraints and rights for all Adoptees.

Since the Scottish Apology in 2023, SAAM continue to engage with Corporate Parents and various communities to broaden understanding and challenge stigma faced by Care Experienced and Adopted People of all ages. We work with policy makers, leaders, and elected representatives, locally and nationally, to shape legislation, policy and practice. We do this collaboratively to build on the aspirations of The Promise and the UNCRC; to secure transformative change for all.

Summary of Consultation Response

This consultation response provides Scottish Adult Adoptee Movement the opportunity to comment on the Scottish Government's proposals around developing a universal definition of 'care experience'. Our response has been developed by drawing on our diverse lived experience of Care and Adoption, which is comprised of a range of care settings, ages, and backgrounds.

The Scottish Adult Adoptee Movement are calling for:

- *A broad and inclusive universal definition to describe 'Care Experience' to create a sense of belonging among the community and support all Adoptees who want to embrace this as part of their identity, and to acknowledge those that do not.*
- *The definition to encapsulate the lifelong impact that being care experienced can have. It should give all Adoptees, regardless of their age or type of care experience, the option to identify with the term and access supports necessary to bring about equity and rights for all those touched by the care system.*
- *Care Experienced should be understood to be lifelong, as Adoption Orders do not recess "previously looked after" must be included with any future definition.*



Responses

Do you agree or disagree that there is a need for a universal definition to describe 'care experience'?

Strongly Agree



All Adoptee's Must Be Seen As Care Experienced

What are your views on the potential advantages of developing a universal definition of 'care experience'?

By developing a universal definition of "care experience", this could create the scaffolding for a more supportive framework for decision makers to create policy that has the rights and entitlements of all touched by the care system at its heart. It could promote greater social understanding and focalise workforce training and education.

If Adoptees were to be fully included in a universal definition of "care experience", this would create better understanding of Adoptees throughout all services, including Education, Health and Social Care, 3rd Sector Organisations and Local Authorities. Their inclusion could assure policies that safeguard, care and respect the rights and entitlements of Adoptees and their "family like" and legal families. Inclusion in a universal definition can provide Equality for Adult Adoptees to seek natural justice through the ability to seek appeals, as well as decision makers to see the human at the heart of policy and allow families to be legally seen as they are and not distorted and obfuscated by the law. This could go further and legislation could see lifelong support, better medical family information, better care records, storage of care records, as well as Adoptees having the right to be informed of their own legal adoption.

Embedding "cradle to grave" thinking should be applied, so not just the act of Adoption itself is recognised, but so too is the continuing status of Adoptee conferred on children, young people and adults, and the continuing impact such status has intergenerationally.

What are your views on the potential disadvantages of developing a universal definition of ‘care experience’?

A one-size-fits-all approach may not sufficiently recognise the varied experiences of care, including those who may be on the edges of care eg. those involved with social work for a short period while living with parents, and/or children who came to Adoption without the having of an entry number to the care system. Thus many for whom the term “care experienced” could apply, may still fall through the gaps. There is a potential for the recognition of the unique challenges and needs of different groups, including those in foster care, children's homes, kinship care, donor-conceived, surrogacy, IVF, unaccompanied care, and Adoption to be overlooked.

Adoption is just one outcome of the care system, and Adoptees have unique care trajectories different from those in foster care or residential care. A universal definition must be flexible enough to encompass these varied experiences while providing appropriate recognition and support to Adopted Adults.

For many Adopted individuals, being care experienced is tied to their identity. However, the term can carry stigma. It is crucial that the language used in the universal definition is sensitive and non-stigmatizing. The definition should empower Adopted Adults to reclaim and own their experiences in a way that supports positive self-identification and reduces potential societal and services prejudice.



Do you have any views on the definition 'Care Leaver' as set out in the consultation paper?

The definition of "Care Leaver" in the consultation paper is closely tied to the term "looked after," both of which terms exclude Adoptees (unless their experiences before or after their Adoption qualify them as such). This exclusion leads to several issues that include: the current restrictions on Adoptees in Scotland, who cannot request their own Adoption records or know their Natural Parent's identity until age 16. This can be seen as a violation of children's rights under the UNCRC. At 16, Adoptees should have the legal right to be informed of their Adoption and receive appropriate support.

Additionally, "Previously looked after" individuals (Adoptees) are not being recognized as care leavers, and this limits their access to essential services for education and support,. For example, inconsistency in how Education sees Adoptees as Care Leavers highlights the need for more uniform support systems. Addressing these issues is crucial to ensuring that Adoptees' rights and needs are adequately met, providing them with the necessary support and opportunities to thrive.

Do you have any views on the statutory definition of 'Looked After' as set out in the consultation paper?

The Consultation Paper, in pages relevant to Question 5, states “In relation to adoption, this is a legal process offering permanence to children who may have been in care. Once a child is adopted, they are no longer considered to be in care, or ‘looked after’. Therefore, while Adopted children and young people and Adult Adoptees are no longer in care, they will have experience of one or more of the above listed care settings and therefore be ‘care experienced’.”

The above short paragraph highlights the doublethink which Adoptees are often subjected to. The first sentence recognises that children who are Adopted may have been in care, yet the third sentence states that Adoptees will have experience of a listed care setting. There are many examples of lives which result in Adoptees not having the experience of a listed care setting eg. step Adoptions, intercountry Adoptions and historical Adoptions. Adoptees are not currently considered to be “looked after” unless their experiences before or after their adoption qualify them as such. When a child becomes looked after at home, their parents or primary carer(s) must work with the relevant local authority as a 'corporate parent'. However, this definition leaves out adoptees in permanent placements under the status of being previously looked after, as they do not fall under the categories of care leavers, looked after at home, or other looked after settings.

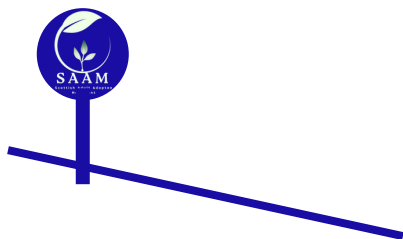
It is crucial to address this gap in the statutory definition. Extending the 'looked after' status to include adoptees would provide a more inclusive framework that recognizes their unique experiences and needs. This consideration should be reflected in the ongoing consultation on Adoption and related care settings.

Our concerns over the review

The consultation supporting documents of this review did not elaborate on the complexity involved and transparency required, in relation to the “adoption process”.

Scotland’s complex Act of Permanence and Adoption as well as the lifelong legal ramifications should have been better addressed. We hope the government and the Promise strive to work on making Adoption clear to understand for all.

Lack of transparency question 6 breakdown of adoption, adults specifically must be included the promise was not made for adults touched by the care system however these adults need our support, for many the system and legal process may have been a result for many it may not be step parent abuse, I territory, lack of safeguards post adoption.



“Nobody came and told me anything, I found out, I’m an Adult and still don’t have a choice over my adoption”

Following on from question 6, we would strongly recommend the Scottish Government to consider a broad and wide definition of care experience. The term ‘Care Experienced’ should refer to anyone who is currently in care or has been touched by the care system, regardless of their age. This care may have been provided in many different settings, and legal roots such as:

- Adoption – All who have gone through the legal Adoption Process.
- Kinship Care – Living with a relative who is not your mum or dad, Including both formal (Adoption Permanence) and informal.
 - Looked After at Home – With the help of social work.
 - Residential Care – Living in a residential home or school.
- Foster Care – Living with foster carers.
- Secure Care – Living in a secure accommodation.



Do you have any other comments about a proposed universal definition of ‘care experience’?

It is essential that any universal definition of care experience explicitly includes all those Adopted regardless of whether or not they have spent time in a care setting, this is necessary to respect the rights and entitlements of all Adoptees.

Whilst the Consultation recognises that adopted children, young people and Adult Adoptees, “may” have a prior experience of care, as long as Adoption itself is not recognised as a care setting, many Adoptees “may” fail to be included in a universal definition of care experience.

The legal adoption process (regardless of a care setting) comes with life altering legal changes, as well as lifelong legal constraints, affecting all adoptees. The Consultation neither acknowledges nor details the level of legal severance and lifelong displacement of Adoption orders, which are the most severe and draconian court orders (unlike the less draconian legal act of a Permanence order).

Adoption is an adversity in and of itself; severance and displacement from natural family has a lifelong and intergenerational impact, regardless of whether a child has, or has not, had experiences in what is currently considered to be a care setting. Adults who were adopted often continue to navigate the emotional and psychological impact of their early childhood adversity throughout their lives. It is important that any definition of care experience reflects a lifelong perspective, acknowledging that the need for support does not end with the permanent placement, and may persist well into adulthood.



Do you have any comments on the existing language of care?

A change in terminology is crucial to provide a more accurate and respectful representation of care-experienced individuals' identities and needs.

The current language used in Adoption is misleading, and its insistence on only considering Adoptees to be (and to remain forever) children, inevitably infantilizes Adult Adoptees. A term like Care Experienced can be misleading in its simplicity, and may not reflect the complexities of many, including adopted individuals,' identities. An Adoptees complex identity needs room for multiple past and present experiences and connections: natural families and adopted families including sibling and sibling-like relationships and extended family relationships. Adoption language also fails to protect against potential biological incestuous relationships hidden by adoption, and confusingly does not mitigate marriage between adopted siblings.

Professionals use terms like “Adopted as a Child and Young Person” this implies Adoption ends or that Adoption Orders Reversal however this simply is not the case. National Records of Scotland and the General Register Office as well as other official bodies, and the media all mistakenly use the term “Original Birth Certificate”. In the UK (unlike the USA or Australia) Birth Indexes and Certificates are not amended through the adoption or registration process. There is not an original plus a subsequent birth certificate, there is only one birth certificate. Scotland, like the UK's system: has birth Index and certificates being Annotated on the re-registration of the Adoptee, and an entry is then added to the confidential Adopted “Children” Register (though again adults are indexed). There is also a problem with the National Records of Scotland producing Abbreviated Birth Certificates, rather than abbreviated Adoption Certificates, because the misconceptions that arise from that misnomer are fraught with complicity to obscure the truth and impede natural justice.

The terminology around the Apology for Historic Forced Adoptions managed to exclude the innocent newborns and children at the beating heart of this scandal. Obviously adults now, these Adult Adoptees at the centre of the Historical Forced Adoptions continue to be traumatised by the Scottish and UK Government's failure to witness their lived experience. The Scottish Apology's slippery wording ensured that the Adoptees recognition within the Apology was legally loose. Only the unmarried birth mothers of the Government's set time period and their families (of which Adoption had severed their children from) had really been included.



Do you have any suggestions on potential ways to change and improve the language of care?

Reframing of language around the Care System is vital, representation that fits all can be complex. The concept of person led and person centered is imperative, allowing Services to identify each age and stage level of development. As well as noting the progression of a child, young person and Adults journey through the Care System and beyond. Where one person may want to carry specific terms including their care experienced journey, another may not. It is essential that Governments are led by the voices of lived experience. Government must lead the way in removing the stigma of those touched by the care system. Society will follow and so it is important to get it right in order to avoid societal exclusion and isolation for the Care Experienced. Government must strive to deconstruct the current “Happy Ever After” concept of Adoption, and with such action become realistic, and not shy away from the real transformative change needed. When we only peer through the lens of “Positive Adoption” we cannot see that the political and legislative language used is deeply impactful to Adoptees in their day to day life, as well as over a lifetime.

Embedding person centered and person led terms into the workforce’s existing language, specifically amongst those dealing with Adoptees directly, will allow services to be more flexible with services users. Redefining terminology to be more age and stage-specific can provide clearer understanding, also for younger adoptees to be informed and supported with a toolbox of words to explain the complexities that comes with Adoption and/or being Care Experience.

Perhaps an umbrella definition that emphasises the relationship between the person who is being cared for and the individuals and Services who have Parenting Responsibility would be an improvement. The myriad ways in which a child’s need for care over and above one’s natural parents manifests, is not reducible to one or two words. We are Scottish, we are not scared by complexity.



Are you aware of good practice to change and improve the language of care?

Who Cares? Scotland are a beacon of good practice

Ultimately, if all human beings are having their rights and entitlements respected, championed and respectfully balanced, any words which serve such aims are acceptable. The same words when used to obscure, deny and constrain Human Rights, including the Rights of a Child, are what is unacceptable.



Working To Keep



The Promise



Appendix

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Revocation of Adoption Orders. Available at:
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