

**#AdopteeRightsUK**



Nothing About Us, WithOut Us.

### Adoptee Rights UK Campaign



Scottish Adult Adoptee Movement



## Summary

Adoption, safeguarding, and the centenary moment

2026 will mark the centenary of the Adoption of Children Act 1926.

That legislation was introduced following public outrage over the deaths of children placed in unregulated care arrangements, including baby-farming and informal placements where abuse and neglect occurred without state oversight. Adoption was presented as a safeguarding response to those failures – a mechanism through which the state would finally accept responsibility for protecting children placed outside their birth families.

One hundred years on, this submission is made because that original safeguarding purpose has been diluted and, in critical respects, lost. Adoption is now routinely treated as a permanent legal solution rather than an ongoing safeguarding context. Legal severance has come to operate as a point at which protection, oversight, advocacy, and accountability fall away, despite the lifelong consequences of state intervention continuing well beyond the making of an Adoption Order.

Those affected by care and adoption have been excluded from major abuse inquiries, including the Independent Inquiry into Child Sexual Abuse in England and Wales and the Scottish Child Abuse Inquiry. This exclusion is not incidental. It reflects a wider legal and policy assumption that adoption resolves safeguarding risk, rather than transforming it. As a result, harm occurring after adoption – including abuse, neglect, exploitation, identity harm, and secondary safeguarding risk – has remained largely unexamined at a systemic level.

This centenary presents a critical moment of reflection. The same system that was created to protect children from lethal neglect now operates in ways that obscure risk, silence those affected, and deny recognition as rights holders once legal orders are made. Adoption law sits outside ordinary child protection frameworks, despite being a state-created family arrangement with foreseeable safeguarding implications across the life course.

This submission is therefore not retrospective or symbolic. It is a forward-looking warning. If adoption law and care experience remain outside the scope of the proposed Child Protection Authority, the Authority risks repeating a century-old pattern: responding to harm only after public outrage, rather than addressing the structural conditions that make that harm predictable.

Safeguarding cannot be limited to permanence.

Protection cannot end at legal severance.

And systems established to prevent abuse must be able to see where abuse is rendered invisible by law.





Dear Mr MacAlister,

We are writing on behalf of Adoptee Rights UK, in collaboration with SAAM (Scottish Adoptee Awareness Movement), to submit the attached policy paper to inform the Department for Education's consultation on the establishment of a Child Protection Authority.

This submission is not concerned with individual cases or service-level failings. It sets out structural safeguarding risks arising from adoption law and care experience that risk being excluded from the Child Protection Authority's scope by design. In particular, the paper addresses how safeguarding protections fall away as a direct consequence of legal permanence, including:

- the separation of adoption law from ordinary child protection law under the Children Act 1989;
- the loss of protection when children move from looked after to previously looked after status;
- the absence of independent advocacy and statutory oversight following Adoption Orders;
- the routine misclassification of present-day harm as "historic" trauma;
- unmanaged safeguarding risks arising from adoption and care record disclosure;
- cross-border safeguarding fragmentation between England, Scotland, and Wales; and
- the critical safeguarding blind spot affecting adopted adults when they later engage with services as parents.
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As the paper sets out, adoption is not equivalent to other child protection contexts. Adoption legislation permanently severs public law duties, removes oversight, and creates lifelong legal and identity consequences without corresponding safeguarding mechanisms. For this reason, we argue that adoption law must be explicitly within the scope of the Child Protection Authority if it is to function effectively.

This submission is framed as legal and policy analysis rather than emotive testimony and is intended to inform the Authority's foundational scope and design. While we recognise that detailed consideration will sit with officials, we believe these issues warrant visibility at ministerial level given their structural nature and long-term implications.

We would be grateful for confirmation that this submission has been received and logged as part of the consultation process.

Yours sincerely,

Adoptee Rights UK

SAAM – Scottish Adoptee Awareness Movement

## **BODY OF SUBMISSION**

### **Introduction**

**This submission addresses structural safeguarding risks arising from state intervention through care and adoption that are not adequately captured within existing child protection frameworks.**

**For those affected by care and adoption, safeguarding does not end with legal permanence. Adoption is a state-created legal condition that produces lifelong consequences for identity, legal status, records, family relationships, and access to protection. However, at the point an Adoption Order is made, public safeguarding duties are withdrawn without any equivalent protective framework replacing them.**

**Unless adoption law is explicitly addressed, the proposed Child Protection Authority (CPA) risks inheriting long-standing structural blind spots that have already resulted in harm without accountability, exclusion from inquiries, and the absence of national learning across generations.**

**All Adoptee's Must Be heard,  
represented and be given justice**



## **Adoptee Rights UK**

### **1. Adoption treated as a safeguarding endpoint rather than a safeguarding context**

**Adoption is routinely framed as a safeguarding solution. In practice, it represents legal severance and a change in risk profile, not the removal of risk.**

**Adoptive placements are state-constructed and state-approved arrangements, frequently involving children with prior trauma, disrupted attachment, cumulative harm arising from separation, and complex emotional and developmental needs.**

**Once an Adoption Order is made:**

- corporate parenting duties permanently cease**
- 
- statutory review mechanisms end**
- 
- independent oversight is withdrawn**
- 
- safeguarding visibility is lost**
- 

**No equivalent statutory safeguarding duty replaces those withdrawn.**

**Harm occurring after Adoption Orders — including physical abuse, sexual abuse, neglect, exploitation, and death — is routinely reframed as a private family matter rather than recognised as a safeguarding failure requiring national learning.**

## **2. Adoption sits outside ordinary child protection law by legal design**

**Core child protection legislation, including the Children Act 1989, is designed to regulate safeguarding while the state retains public law responsibility.**

**Adoption operates under separate legal frameworks – including the Adoption of Children Act 1926 and the Adoption and Children Act 2002 – which:**

- permanently sever legal relationships**
- 
- extinguish public law duties**
- 
- transfer responsibility into private family life**
- 

**As a result, adoption sits outside ordinary child protection architecture once an order is made. Safeguarding mechanisms dependent on monitoring, review, escalation, and independent challenge are structurally unable to operate post-adoption.**

**This legal separation is foundational, not incidental, to the safeguarding gaps identified in this submission.**

**3. Inconsistent recognition of risk in substitute family contexts**  
Safeguarding frameworks explicitly recognise step-parent and substitute parental relationships as higher-risk contexts requiring vigilance.

Adopters, however, are not recognised as a safeguarding risk category once adoption is finalised, despite sharing key risk indicators:

- absence of prior attachment
- 
- power asymmetry
- 
- high emotional expectation
- 
- children with complex trauma histories
- 

This inconsistency is not evidence-based. It suppresses safeguarding learning and obscures harm occurring within adoptive households by legally reclassifying risk as resolved.

#### **4. Withdrawal of protection at the point of legal transition**

The transition from looked after to previously looked after status is treated as an administrative success but represents a sharp withdrawal of protection.

At this point:

statutory reviews cease

independent oversight ends

advocacy is removed

safeguarding responsibility is extinguished

This transition is not treated as a safeguarding risk point, despite evidence that harm may emerge or escalate following adoption.



## **5. Absence of independent advocacy following adoption**

**Following adoption, children lose access to independent advocacy and statutory oversight.**

**There is no equivalent to:**

- **an Independent Reviewing Officer**
- 
- **routine independent contact**
- 
- **or a professional whose sole duty is to represent the child's interests**
- 

**When concerns arise, they are mediated through adoptive parents or reframed therapeutically rather than independently assessed.**

**Safeguarding without independent advocacy is not safeguarding – it is assumption.**

## **6. Post-adoption support does not equate to safeguarding**

**Post-adoption support mechanisms, including therapeutic provision and the Adoption Support Fund, are frequently cited as evidence of ongoing protection.**

**However, these mechanisms:**

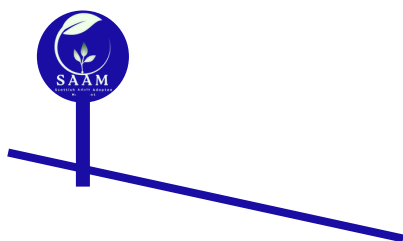
- **are discretionary, time-limited, and non-statutory**
- 
- **are accessed via adoptive parents, not independently by the child**
- 
- **provide support to the family unit, not safeguarding oversight for the child**
- 
- **carry no monitoring, review, escalation, or reporting duties**
- 

**Support provision does not replace safeguarding.**

**It does not create protective oversight, independent challenge, or accountability where harm occurs.**

## history and forgetting

Modern adoption law emerged from public outrage at the deaths and abuse of children placed outside their families in unregulated systems, including baby farming and informal care. The Adoption of Children Act 1926 was introduced as a protective response to demonstrable safeguarding failure. Over time, this purpose was diluted. Adoption became framed as a permanent legal solution rather than an intervention requiring ongoing accountability. As scrutiny reduced, safeguarding concerns linked to adoption were increasingly treated as resolved at the point of legal order, rather than recognised as continuing risks requiring oversight.



**“Adoption was created to protect children from harm. A century later, harm linked to adoption is no longer recognised as a safeguarding issue.”**

## living effects and rights

For those affected by care and adoption, adoption is not a historical event. It is a continuing state-constructed condition that reshapes identity, legal status, records, family relationships, and access to protection across the life course. Despite this, recognition as rights holders frequently ends at the point of legal severance. Oversight, remedy, and safeguarding duties fall away, even as the consequences persist. This disconnection between lifelong impact and withdrawn responsibility lies at the centre of the safeguarding failures addressed in this submission.



## **7. Therapeutic reframing of present-day harm**

**Post-adoption distress is routinely attributed to pre-adoption trauma rather than assessed as a current safeguarding or unmet-need issue.**

**Children's anger, withdrawal, or dysregulation are frequently met with attachment-based narratives, symbolic therapies, or parenting interventions, without reassessing whether the current placement environment is meeting the child's needs.**

**When trauma is consistently located in the past, present-day harm becomes invisible.**

## **8. Absence of the child's legal voice in adoption outcomes**

**Children are not parties to Adoption Orders and have no independent legal voice once adopted.**

**Unlike other child protection contexts, adoption removes:**

- routine review**
- 
- independent representation**
- 
- mechanisms for reassessment when circumstances change**
- 

**Where permanence is prioritised over child-centred reassessment, safeguarding risks may be minimised to preserve legal finality.**

## **9. Cumulative harm erased by legal transitions**

**Children may experience a sequence of state-managed transitions in which:**

- removal occurs due to parental vulnerability**
- 
- harm is experienced in care**
- 
- adoption proceeds without unresolved trauma addressed**
- 
- post-adoption checks do not exist**
- 
- breakdown or re-institutionalisation later occurs**
- 

**At each legal transition, harm is carried forward while responsibility is reset.**

**This fragmentation prevents cumulative safeguarding assessment and learning.**

## **10. Historic abuse misclassified as non-current risk**

**Across care, adoption, and family court decision-making, historic abuse is often acknowledged and then neutralised through language such as “historic” or “no current concerns”.**

**Risk does not disappear with time.**

**Responsibility does.**

## **11. Adopted adults, records, and unmanaged safeguarding risk**

**When adopted adults access adoption and care records, disclosure is treated as an administrative process rather than a safeguarding intervention.**

**There is:**

- **no routine safeguarding assessment**
- 
- **no consideration of dependent children**
- 
- **no duty of care attached to disclosure**
- 

**Despite records frequently containing information relating to abuse, violence, or convicted offenders.**

## **12. Adopted adults as parents: an intergenerational safeguarding blind spot**

**When adopted adults later engage with services as parents, safeguarding frameworks lack a coherent mechanism to recognise vulnerability arising from early separation and cumulative trauma. Distress is frequently interpreted as parental risk rather than unmet need. Many avoid seeking help due to fear of surveillance or child removal.**

**This creates predictable safeguarding risk through avoidance, not protection.**

### **13. Inquiry exclusion and structural invisibility**

**Those affected by adoption were explicitly excluded from the scope of both the Independent Inquiry into Child Sexual Abuse and the Scottish Child Abuse Inquiry.**

**This exclusion reflects the legal framing of adoption as private family life rather than a child protection context and has removed routes to accountability, learning, and remedy.**

### **14. Equality and unequal protection**

**Those affected by care and adoption experience demonstrable disadvantage across health, justice, and social outcomes, yet care experience and adoption status are not recognised within equality frameworks.**

**This results in indirect discrimination and unequal safeguarding protection, contrary to the Public Sector Equality Duty.**



#### **14A. Protection from exploitation following adoption (historic and contemporary)**

Children removed by the state have historically been exposed to exploitation by religious, institutional, and state actors, often justified through narratives of rescue, morality, or care. Adoption played a central role in this history by permanently severing legal ties to birth families while transferring children into arrangements that operated with limited oversight and minimal accountability.

These historic patterns are well established, yet adoption was explicitly excluded from major abuse inquiries, including the Independent Inquiry into Child Sexual Abuse and the Scottish Child Abuse Inquiry. As a result, exploitation occurring within adoption contexts has not been examined at a systemic level, reinforcing the legal fiction that adoption resolves safeguarding risk rather than transforming it

**Adoptee Rights - CPA Safeguardi...**

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In contemporary contexts, this structural vulnerability has not disappeared. It has evolved.

Adopted children remain uniquely exposed to exploitation following Adoption Orders because adoption combines maximum legal severance with minimum ongoing scrutiny. Once public law duties are extinguished, there is no statutory body responsible for monitoring post-adoption harm or exploitation, even where the risk arises directly from the child's legal status as adopted.

This includes, but is not limited to:

unregulated exposure of adopted children's identities, images, histories, and trauma narratives on social media and digital platforms;

public storytelling, advocacy, fundraising, or "awareness" activity conducted by adoptive parents, agencies, charities, or professionals without the child's informed consent;

creation of permanent digital records that follow the child into adulthood with no clear mechanism for challenge, removal, or remedy.

Unlike other safeguarding contexts, there is no coherent regulatory framework governing how adopted children are represented publicly, who controls their narrative, or how harm arising from such exposure is addressed. The state, having created the legal conditions of adoption, exercises little to no oversight over exploitation carried out by private actors once adoption is finalised.

This represents a structural safeguarding failure, not a matter of individual behaviour. Adoption law removes children from ordinary child protection systems while simultaneously exposing them to forms of exploitation that rely on privacy, family autonomy, and the absence of scrutiny.

A Child Protection Authority that excludes adoption law and post-adoption safeguarding will therefore be structurally unable to identify, prevent, or learn from exploitation occurring after Adoption Orders are made. This reproduces the same conditions that enabled historic church and state abuse – with harm rendered invisible by legal design rather than lack of evidence.

Protection from exploitation must extend beyond legal permanence if safeguarding is to be meaningful.

## **15. The Promise, UNCRC incorporation, and the unresolved safeguarding gap in adoption**

**Scotland's reform agenda, including The Promise and the incorporation of the UN Convention on the Rights of the Child (UNCRC), reflects a clear commitment to rights-based approaches within care systems.**

**However, neither framework has meaningfully addressed adoption law or post-adoption safeguarding.**

**The Promise is primarily concerned with improving experiences while children remain within state care or under corporate parenting responsibility. Adoption is treated as an endpoint at which state responsibility concludes. Once an Adoption Order is made, children fall outside the operational scope of Promise-related accountability, oversight, advocacy, and safeguarding mechanisms.**

**Similarly, while UNCRC incorporation strengthens duties on public authorities when exercising their functions, adoption law permanently severs those public law functions at the point of legal order. As a result, core UNCRC rights – including the right to identity (Article 8), to be heard (Article 12), and to protection from harm (Article 19) – are not actively safeguarded or reviewed following adoption.**

**This gap has been further shaped by acknowledged constitutional and legal constraints following the Supreme Court judgment on the UNCRC (Incorporation) (Scotland) Bill, which limit the extent to which UNCRC rights can be operationalised where legislation withdraws public responsibility. Adoption law exemplifies this limitation: where public duties are extinguished, rights incorporation cannot follow the child in practice.**

**Without explicit legal mechanisms to maintain safeguarding continuity through adoption, the aspirations of The Promise cannot be fully realised for adopted people, despite clear policy intent.**



## **Conclusion: adoption law must be within CPA scope**

**The risks outlined in this submission arise from legal and structural design, not isolated failures.**

**Because adoption law sits outside ordinary child protection law, safeguarding mechanisms fall away at the point legal orders are made without replacement.**

**If adoption legislation is not explicitly brought within the scope of the Child Protection Authority, the Authority will be structurally unable to prevent, identify, or learn from harm linked to adoption.**

**Safeguarding requires continuity of risk recognition.**

**Adoption law disrupts that continuity.**

## APPENDIX

### Legal, Policy, Inquiry, and Evidence Base

#### A. Key UK Legislation

##### Adoption of Children Act 1926

(Introduced adoption in England & Wales following public concern over child deaths in informal care and baby-farming)

##### Adoption and Children Act 2002

(Current primary adoption legislation; establishes legal severance and the “as if born to” principle)

##### Children Act 1989

(Core public law child protection framework; safeguarding duties largely cease post-Adoption Order)

##### Children and Young Persons (Scotland) Act 2014

(Scottish wellbeing and safeguarding framework)

##### Equality Act 2010

(Care experience and adoption status not recognised protected characteristics)

##### Births and Deaths Registration Act 1953

(Includes provisions affecting adopted persons’ birth registration and identity records)

#### B. Public Inquiries and Exclusions

##### Independent Inquiry into Child Sexual Abuse (IICSA) – England & Wales

Adoption explicitly excluded from scope

##### Scottish Child Abuse Inquiry (SCAI)

Adoption explicitly excluded from scope

#### C. International Human Rights Frameworks

##### UN Convention on the Rights of the Child (UNCRC)

Article 3 – Best interests of the child

Article 8 – Right to identity

Article 12 – Right to be heard

Article 19 – Protection from abuse and neglect

##### European Convention on Human Rights (ECHR)

Article 3 – Freedom from inhuman or degrading treatment

Article 8 – Right to private and family life

Article 14 – Prohibition of discrimination

#### D. Research, Surveys, and Evidence (Lived-Experience Based)

##### UK Adoptee Late Discovery Survey (Tovey, 2021)

UK-wide survey of adopted adults identifying impacts of identity disruption, secrecy, record access, and lifelong harm

##### Global Adoptee Late Discovery Survey (2023)

International survey evidencing consistent cross-jurisdictional harms linked to adoption practices

##### Adoption UK Barometer

Annual survey documenting challenges within adoptive households, placement instability, unmet needs, and system strain

##### PAC-UK Large-Scale Consultation and Service Evidence

UK-wide evidence base drawn from adopted adults, adoptive families, and those affected by care and adoption seeking post-adoption support

#### E. Scottish Policy and Reform Context

##### The Promise (Scotland)

National commitment to redesign care systems around relationships, rights, and lifelong support

##### SAAM Universal Care Definition

Adoptee-led framework recognising care and adoption as lifelong conditions requiring ongoing safeguarding and rights recognition

##### Children and Young People (Scotland) legislative reform work

Including planning, wellbeing, and rights-based approaches affecting care-experienced groups

##### Sibling Justice and Permanence Reform Work

Policy and advocacy addressing separation, identity loss, and long-term harm arising from care and adoption decisions

## **Adoptee-Led Policy Work and Recommendations (SAAM / Adoptee Rights UK)**

This submission sits within a broader body of adoptee-led research, policy analysis, and rights-based advocacy developed by the Scottish Adult Adoptee Movement (SAAM) and Adoptee Rights UK. SAAM is an adoptee-led organisation representing adults affected by adoption and care, with a focus on safeguarding continuity, legal accountability, and lifelong rights recognition. Its work is grounded in lived experience, statutory analysis, and engagement with domestic and international human rights frameworks.

Key areas of published work and recommendations include:

### **1. SAAM Universal Care Definition**

An adoptee-led framework recognising adoption and care as lifelong, state-constructed conditions requiring:

continuity of safeguarding,  
rights recognition across the life course,  
and protection beyond legal permanence.

### **2. Adoptee Rights Framework**

A rights-based model centred on:

the Right to Know (unrestricted access to personal records and identity),  
the Right to Be Known (recognition of adoptee status and protection from discrimination),  
the Right to Autonomy (legal mechanisms to challenge, vary, or revoke adoption status in adulthood).

### **3. Legal and Policy Analysis of Adoption Law**

Including published analysis on:

the permanence and irreversibility of Adoption Orders,  
the legal fiction of “as if born to” and its safeguarding implications,  
the withdrawal of public law duties following adoption,  
and the absence of post-adoption oversight or advocacy.

### **4. Safeguarding and Record-Keeping Risks**

Documented concerns relating to:

adoption and care record disclosure as a safeguarding intervention,  
data protection failures and identity risk,  
lack of duty of care during disclosure,  
and intergenerational safeguarding impacts.

### **5. Inquiry Exclusion and Accountability Gaps**

Analysis of the exclusion of adopted people from:

the Independent Inquiry into Child Sexual Abuse (England & Wales),  
the Scottish Child Abuse Inquiry,

and the structural consequences of framing adoption as private family life rather than a child protection context.

### **6. Public Submissions, Consultations, and Evidence Packs**

Including responses to:

national and devolved consultations on care, adoption, and safeguarding,  
parliamentary and ministerial correspondence,  
public-facing policy briefings and evidence summaries.

This work is publicly available and continuously updated at:

[www.adopteerightsuk.co.uk](http://www.adopteerightsuk.co.uk)

The recommendations and analysis developed by SAAM directly inform this submission and demonstrate that the safeguarding risks identified are systemic, evidence-based, and long-standing, rather than isolated or retrospective concerns.

Optional final sentence (if you want it sharper)

You could add this as a closing line to the Appendix section:

The Child Protection Authority represents a critical opportunity to address safeguarding risks that have been repeatedly identified by adoptee-led organisations but remain structurally unresolved.



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