

Developing a Universal Definition of 'Care Experience'

Response to the Scottish Government's public consultation

Scottish Adult Adoptee Movement (SAAM). Submitted 31 January 2025.

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 the lifelong rights of all care-experienced, adopted and displaced people, we will continue to highlight the additional and specific needs of, as well as the 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.

With 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 experience. 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's first act was to create a body of Recommendations offering a detailed account of the necessary steps required for adoptees to enjoy a citizenship in which they are treated with due respect. We are growing to provide education, individual and relationship-based independent advocacy, and a range of participation and connection opportunities for adopted people across Scotland.

Since the Scottish Apology in 2023, SAAM has continued to engage with corporate parents and various communities to broaden understanding and challenge stigma faced by care-experienced and adopted people of all ages, working with policy makers, leaders, and elected representatives to shape legislation, policy and practice, building on the aspirations of The Promise and the UNCRC.

This consultation response draws on our diverse lived experience of care and adoption, comprising a range of care settings, ages, and backgrounds. The Scottish Adult Adoptee Movement is calling for: a broad and inclusive universal definition of "care experience" that creates a sense of belonging among the community and supports all adoptees who want to embrace this as part of their identity; a definition that encapsulates the lifelong impact that being care-experienced can have; and recognition that care experience should be understood to be lifelong, as adoption orders do not "recess" previously looked after status, which must be included within any future definition.

Summary of Consultation Responses

Q1. Do you agree or disagree that there is a need for a universal definition to describe 'care experience'? Strongly agree.

Q2. What are your views on the potential advantages of developing a universal definition of 'care experience'? A universal definition could create the scaffolding for a more supportive policy framework, promote greater social understanding, and focus workforce training and education. If adoptees were fully included, this would create better understanding of adoptees throughout Education, Health and Social Care, third sector organisations and local authorities, and could assure policies that safeguard, care for and respect the rights of adoptees and their families. Inclusion could also provide equality for adult adoptees to seek natural justice through appeals, and support "cradle to grave" thinking that recognises the continuing status of adoptee conferred on children, young people and adults, and its intergenerational impact.

Q3. 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 on the edges of the system, and could overlook the unique challenges of different groups, including those in foster care, children's homes, kinship care, donor-conception, surrogacy, IVF, unaccompanied care, and adoption. A universal definition must be flexible enough to encompass these varied experiences. For many adopted individuals, being care-experienced is tied to identity, but the term can carry stigma — the language used must be sensitive, non-stigmatising, and empower adopted adults to reclaim and own their experiences.

Q4. Do you have any views on the definition 'Care Leaver' as set out in the consultation paper? The definition of "Care Leaver" is closely tied to the term "looked after", both of which exclude adoptees unless their experiences before or after adoption qualify them as such. This exclusion contributes to current restrictions on adoptees in Scotland, who cannot request their own adoption records or know their natural parent's identity until age 16 — which can be seen as a violation of children's rights under the UNCRC. "Previously looked after" individuals are not recognised as care leavers, limiting their access to essential services for education and support.

Q5. Do you have any views on the statutory definition of 'Looked After' as set out in the consultation paper? The consultation paper's own language illustrates a

doublethink adoptees are often subjected to: acknowledging that adopted children may have been in care while treating adoptees as no longer "looked after" unless their circumstances before or after adoption qualify them as such. This leaves adoptees in permanent placements without the statutory status of care leavers, looked after at home, or other looked after settings. Extending "looked after" status to include adoptees would provide a more inclusive framework recognising their unique experiences and needs.

Q6. Do you have any other comments about a proposed universal definition of 'care experience'? The consultation's supporting documents did not sufficiently elaborate on the complexity and transparency required in relation to the adoption process, Scotland's complex law of permanence and adoption, and its lifelong legal ramifications. We strongly recommend the Scottish Government consider a broad and wide definition of care experience — referring to anyone who is currently in care or has been touched by the care system, regardless of age, across settings including adoption, kinship care, looked after at home, residential care, foster care, and secure care. It is essential that any universal definition explicitly includes all those adopted, regardless of whether or not they have spent time in another care setting, and reflects the lifelong perspective of adoption as an adversity in and of itself, with severance and displacement from natural family carrying lifelong and intergenerational impact.

Q7. Do you have any comments on the existing language of care? A change in terminology is crucial. The current language used in adoption is misleading, and its insistence on considering adoptees only ever as children inevitably infantilises adult adoptees. Terms such as "Adopted as a Child and Young Person" imply that adoption ends or that adoption orders recess, which is not the case. Official bodies and the media routinely misuse the term "Original Birth Certificate": in the UK, unlike the USA or Australia, there is only one birth certificate, amended on re-registration of the adoptee, with an entry added to the confidential Adopted Children Register. The Apology for Historic Forced Adoptions used wording that legally and effectively excluded the adopted people at its centre, focusing instead on birth mothers and their immediate families.

Q8. Do you have any suggestions on potential ways to change and improve the language of care? Reframing language around the care system is vital, and must be person-led and person-centred, recognising each age and stage of development. It is essential that government is led by the voices of lived experience and works to remove the stigma faced by those touched by the care system, moving away from a "Happy Ever After" concept of adoption toward realistic, transformative change. Embedding person-centred, age- and stage-specific terms into workforce practice, particularly among those dealing with adoptees directly, will allow services to respond more flexibly and give younger adoptees the vocabulary to understand and explain their experience.

Are you aware of good practice to change and improve the language of care? Who Cares? Scotland are cited as a beacon of good practice. Ultimately, any language which respects, champions and balances people's rights and entitlements is

acceptable; language used to obscure, deny or constrain human rights, including the rights of the child, is not.

Appendix

References cited in this response include the Scottish Child Abuse Inquiry's Terms of Reference; the Adoption and Children (Scotland) Act 2007; Scottish Government guidance on Looked After Children (Scotland) Regulations 2009; the UNCRC; CELCIS's work on throughcare and aftercare; Citizens Advice guidance on indirect discrimination; Who Cares? Scotland's 2018 paper on Protected Characteristics and Care Experience; the Adoption UK Barometer (2024); PAC-UK's Big Consult findings (2023); SAAM's own Recommendations and Core Circumstances paper (2023); Scottish Government's "Keeping Brothers and Sisters Together" (2021); the Joint Committee on Human Rights' report, The Violation of Family Life: Adoption of Children of Unmarried Women 1949–1976 (2022–23); and published legal commentary on the revocation of adoption orders.