

# Adoption today: A consideration of adoption within the Scottish care and permanence system, and the challenges faced by children and families.

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## **Abstract**

Adoption is the process where parental responsibilities and rights of a child are permanently transferred to another parent or parents. Legally introduced in Scotland in 1930, the process and legal context has changed and evolved over time, along with the nature and needs of children and families involved. This article establishes the unique position of adoption today with the Scottish care system, identifying the various needs that children and families can present with, and some of the challenges that they face in accessing support services. Taking into consideration Scottish adoption statistics and research relating to outcomes and needs of families and adopted children, it aims to raise awareness and understanding of adoption today in Scotland.

## **Keywords**

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## **Adoption and its position in the care system**

The Scottish care and permanence system was designed to meet the needs of the children and families it was created to support, from those children requiring extra care within their family home to those no longer able to remain with their birth family. The care system, and care placements, can refer to a variety of settings from residential accommodation, foster or kinship care, to a family home under a supervision order. Children can leave the care system in one of three ways: reaching adulthood and no longer considered to require corporate parenting or involvement; returning to their birth family with no further need for supervisory support; or permanent separation from their birth family by means of an adoption order that transfers all parental responsibilities and rights to adoptive parents.

In Scotland in 2017/18 there were 14,738 children deemed to be 'looked after children', with 90% of these being cared for in the community. Of this number, 34% of the children were in foster care with a further 28% in kinship care. In comparison, only 1% were with prospective adopters, waiting for their adoption order.

Perhaps because of the low numbers within collected statistics, adoption can often be omitted from conversations around the care system. Adopted children cease to be 'looked after' upon the granting of an adoption order, but this does not erase the fact that they once were. Adoption is unique in its permanent and irreversible nature and holds an important place in the permanence map for those children assessed to be appropriately suited for the process. Evidence has shown that family environments tend to provide children with opportunities to meet their best outcomes (Lloyd and Barth, 2011). Adoption offers a sense of permanence for children that other options do not – fostering, unless permanent, can lead to many moves and placement changes, and kinship placements are only permanently secured by adoption orders. Adoption tends to offer more stability for children (Triseliotis, 2002). In Scotland in 2017/18 there were 328 adoptions across all local authorities. While this number is a small percentage of the children who make up our varied care population, these

adoptive families join many more in Scotland that represent a growing number of families living with similar, yet unique, needs.

## **Current framework of legislation and national policy**

Since the introduction of the adoption process there has been a growing change in need and execution of it, driven by societal and demographic changes. The adoption landscape in Scotland looks very different in 2019 from its original state. Many years ago, it often involved very young infants and unmarried mothers, or orphaned children from children's care homes.

Adoption was legally introduced in Scotland in 1930, following the Adoption of Children (Scotland) Act 1930, shifting the process from the private sector to one managed by local authorities and charitable organisations. Around this time, it was common practice for young or unmarried mothers to 'relinquish', or give up, their babies at birth, from hospital. It was not unknown for these infants to be removed from their mothers very soon after birth, after a short period of caregiving. The Adoption Task Force, facilitated by the Centre of Excellence for Looked after Children in Scotland (CELCIS) has been involved with a variety of projects gathering information about adoption in Scotland. Their consideration of historical adoption and work with birth parents led to a paper that described the reasons leading to adoptions pre 1980. The majority were categorized as either 'coerced, pressured, consented in the context of time, consented but probably a difficult decision to make'.<sup>1</sup> This gives us an insight into the distress that the adoption process would have caused the mothers. Previously, there was no acknowledgement that there would be an impact on the infants who went on to be adopted, and many adoptions were hidden from the children involved. We now know that separation from birth mothers can cause lifelong trauma for children. This understanding leads to a better knowledge of the support needed to help both children and birth parents with this situation (Verrier, 1993).

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<sup>1</sup>[https://www.celcis.org/files/6714/8551/3387/10\\_CELCIS\\_Continuum\\_of\\_possible\\_circumstances\\_of\\_birth\\_parents.pdf](https://www.celcis.org/files/6714/8551/3387/10_CELCIS_Continuum_of_possible_circumstances_of_birth_parents.pdf)

The National Records of Scotland show us the pattern of the numbers of adoptions that have taken place in Scotland since tracking began in 1930. In that first year, only three adoptions were recorded. The number of adoptions grew year by year, peaking between 1966 and 1970 with 2,129 adoptions taking place. Since 1980 onwards the numbers have steadily dropped, with a yearly average of 488 adoptions recorded between 2011 -2015 – although these recorded adoptions include those securing parental rights for step-parents, rather than the process being a means of a child leaving the care system, of which this number is lower.

All adoptive parents in Scotland are subject to assessment within the legislative framework of the Adoption and Children (Scotland) Act 2007. The assessment process is deliberately designed to be comprehensive and stringent, to ensure that adequate safeguarding procedures are in place for the children waiting to be adopted from the care system. These children have often experienced abuse or neglect within their birth family environment. Thus a child who has been removed from their first family has already experienced significant emotional harm. The adoption assessment and matching process is designed to minimize the risk of further emotional harm which would result from the break down (disruption) of an adoptive family. Therefore extra care and preparation is required to ensure matches have the best chance of success.

There is a growing understanding of the importance of the system as a whole, from the initial assessment of the child and drafting their permanence plan, to the family finding and matching process, in the success of an adoptive placement. The Scottish Government established Scotland's Adoption Register in 2011, and it gained a statutory footing as part of the Children and Young People (Scotland) Act 2014 which requires all adoption agencies in Scotland to use it to register both children and adopters within three months of adoption order being issued, or approval to become adopters is obtained. Its existence is designed to both simplify and widen the process and opportunities for family finding in Scotland: it is a central register that can offer children and prospective parents the chance to find matches out with the boundary of their immediate area. There is some evidence that the family finding activities of the Register are

succeeding in the placement of children typically deemed 'harder to place' such as older children and sibling groups. One of the methods used involves the opportunity for children to attend the Register's activity days in order to meet prospective adoptive parents. Since the establishment of the Adoption Register it has been responsible for 559 matches that have led to adoption orders.

The Adoption Support and Services Regulations (2009) states that every adoptive family living in Scotland is entitled to an assessment of support needs, and any adoption support plan or adoption allowance requirements that they have from this point are the responsibility of their placing agency for the first three years of their adoptive placement, and thereafter the local authority for the location where they live. This acknowledgement, in statute, of the need of families for support is fundamental in enabling them to access the help they may need to ensure the success of the placements - but in practice the appropriate service delivery is often extremely variable. Different local authorities offer different levels of post adoption support, and there is currently very little in the way of specialist adoption services available in Scotland to support families. There can often be a battle for agencies to acknowledge the needs of children and families prior to support being put into place, despite these being varied, and in some cases, significant.

### **Needs of adopted children and adoptive families**

There is a growing awareness that every adopted child or young person has experienced care, if they have been adopted from the care system. The term 'care experienced' is replacing 'looked after' in our terminology when referring to the group of young people who have been involved with the care system, and so this term applies to every child adopted from care in Scotland. This is significant, as it is one way in which adopted children can be identified as recipients of associated support requirements.

The changing landscape of adoption has led to a change in understanding of the needs of those within it. What we know today about the unique and permanent nature of adoption, and the varying background experiences and needs of

adopted children, can help us to understand the very specific needs of adoptive families in Scotland.

### **Loss of first family**

Children who can no longer live with their birth parents experience significant loss, no matter what their earliest experiences may have been. Those who go on to experience multiple moves or caregivers can be re-traumatised by further losses and separations with each move (Fahlberg, 1993). Understanding that this loss is experienced by all adopted children who are no longer living with their first family, can help us to better support these children and their families as they build strong attachment relationships with their adoptive parents.

### **Impact of in utero experiences**

Our knowledge has also increased around the impact of *in utero* experiences that can have a long term effect on development. We understand more about the significant harm that illegal drugs and alcohol can have on infant brain development, leaving infants suffering from painful withdrawal symptoms as a result of drug use, Neonatal Abstinence Syndrome (NAS) (Hepburn, 1993) or individuals living with lifelong brain damage and learning disabilities caused by the umbrella term of Fetal Alcohol Spectrum Disorder (FASD)<sup>2</sup>. Studies in relation to FASD show that prevention is vital, but early diagnosis can minimise the likelihood of secondary disabilities, or mental health issues, when met with specialist diagnosis and support services (Mukherjee, Wray, Curfs and Hollins, 2015). Healthcare Improvement Scotland SIGN (Scottish Intercollegiate Guideline Network) guidelines now state that FASD is likely to be three to four times more prevalent than Autism Spectrum Disorders, and identifies it as being a significant public health concern<sup>3</sup>. We know that for care experienced children, incidences of FASD are higher than in other populations; one 2015 UK based

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<sup>2</sup> <https://www.gov.scot/publications/fetal-alcohol-spectrum-disorder-awareness-toolkit/>

<sup>3</sup> <https://www.sign.ac.uk/sign-156-children-and-young-people-exposed-prenatally-to-alcohol.htm>

study showed nearly 75% of children waiting to be adopted had been exposed to alcohol during pregnancy. However, achieving a diagnosis can be challenging due to the lack of available information. (Gregory, Reddy and Young, 2015).

## **Early experiences**

Today, we must also take into account the fact that children being placed for adoption are older, many with experience of adversity – neglect, trauma or abuse. In 2014 a study by the Department of Education found that over 70% of children who went on to be adopted in England and Wales had suffered trauma, abuse, and/or neglect. While similar studies have not been carried out in Scotland, it is not unreasonable to presume that children in Scotland who are adopted from the care system have experienced similar adverse childhood experiences, given the similarities between social demography and the reasons for entering care.

## **Impact of Adverse Childhood Experiences**

We have an increased awareness of the impact of Adverse Childhood Experiences, and in particular can understand that physical, emotional, sexual abuse and neglect are evidenced to have robust association with specific childhood behavioural/conduct disorders and mental health difficulties including anxiety, depression and self harming behaviours (Couper and Mackie, 2016). Given the experience of many adopted children in their early childhoods, we can predict that some will go on to experience difficulties associated with these.

## **Implications for attachment relationships**

The concept of primary attachment relationships explains how children make sense of their world – before language, communication is formed through response to pre verbal communication, and these responses from others contribute to the inner working model of the child. They allow constructions of the child's self and relationships, to be formed. Relationship patterns formed in infancy impact on the child's response to adults and caregivers later in life –

which can mean that adopted children with multiple early caregivers (birth parents, foster carers, adoptive parents) can struggle with secure attachment, even if these changes happened in the early stages of infancy (Howe, 2005).

For adopted children, they may have learnt that connection is not permanent and therefore attachment seeking behaviour can be more pronounced, including separation anxiety and fear of abandonment, or indiscriminate affection which can require heightened safeguarding.

### **Education challenges**

It is not uncommon to hear of difficulties with education, especially in the school environment, as for children who have experienced trauma, or loss, or with an insecure attachment base, school can be challenging. Small changes that occur daily in a classroom can cause anxiety – and this can result in either internalised anxiety or ‘acting out’ (Bombér, 2013, p.113). If attachment is insecure, or experiences *in utero*, or as an infant have impacted brain development, there is likely to be a negative impact on a child’s ability to settle, and thus to learn.

The needs of adopted children are part of the complexities facing adoptive families that can lead to support requirements. This is not to say that all children who are adopted will have significant support needs, but it does identify them as being a potentially vulnerable group. In addition, adoptive families must be aware of the wider context of needs that adoption brings; identity issues, life story telling, birth family contact and family tracing. These are issues that are specific to adoption, and the majority of adopted individuals will require help with them (Triseliotis, Feast and Kyle, 2005).

### **Current context, and barriers to support**

A recent mapping survey of support services for adoption in Scotland, carried out by Adoption and Fostering Alliance (AFA) Scotland and Adoption UK Scotland described one of the barriers to support for families as being the sheer scope and variety of need that families have (Grant and Critchley, 2019). The study concluded that over 50% of respondents indicated that support would have been



helpful, but was unavailable in areas such as behaviour management, support with education needs and improving family life.

According to statistics compiled by the Care Inspectorate, in 2017, 328 children were legally adopted across 27 local authority services. In the same year, 16 adoptions broke down (disrupted) across 10 local authority services before the adoption order was granted. Four adoptions were disrupted in local authority adoptive households after the adoption order was granted. This shows us that a relatively small number of adoptions disrupt in comparison to matches made – however, as previously discussed, any placement disruption is hugely damaging to those involved, and in particular when the move was designed to be a final and permanent one.

It is possible for some people to lose sight of the impact of early life experiences, and the trauma of separation from first families, when adoption offers children stable and loving environments. In adoption circles the concept that ‘love is not enough’ is often stated to make clear that loving your children does not replace the need to understand and support their needs. However, for children, the loving family environment that adoption can provide makes it one of the most positive outcomes for a child leaving the care system. In order to ensure this remains the case, adoptive families require understanding, and support, fit to meet their children’s needs.

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### **About the author**

Fiona Aitken is the Director of Adoption UK Scotland, a voluntary support service that offers information, advice and support to adoptive families, and those considering adoption. Fiona has spent her career working with children and families within the third sector, and has a degree in sociology as well as being qualified as a Speech and Language Therapist. She has completed post graduate certificates in autism and child welfare and protection.

## **Adoption UK Scotland: Who are we?**

We are a voluntary and membership organisation that offers information, advice and support. We work with adoptive families from across Scotland. The advice and information that we give to families regarding their rights encourage knowledge of local council or agency policy guidelines, but sits within the Adoption Support Services and Allowances (Scotland) Regulations 2009, the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007.

The services that we offer include a frontline helpline service that parents can use to seek support for their adopted children, emotional support for parents, peer groups run by experienced adoptive parent volunteers, and training workshops and resources.