



over a hundred years of connecting people

F.A.O Ms Natalie Don MSP

The Scottish Parliament
Edinburgh
EH99 1SP

18/07/24

Dear Ms Don

Thank you for the work you and your team are doing for post-adoption services.

I write to you today with the hope that we can discuss barriers that continue to arise for birth mothers, birth fathers and birth families who are seeking to find their children who were adopted in the 1930s – 1980s. I refer to the group covered by the term “historic forced adoption” where more than 60,000 women in Scotland had babies removed from their care and adopted as they were deemed unfit because they were living in poverty or unmarried.

We at Birthlink, wholeheartedly agree with Nicola Sturgeon in her apology on 22 March 2023, that “what happened to these women is almost impossible to comprehend”. These are the people we provide services to every day, along with adopted people and other adults affected by adoption within a Scottish context.

Birthlink own and manage the Adoption Contact Register for Scotland and we are proud to celebrate its 40th year in 2024. People place their details on the Adoption Contact Register with the hopes that there will be a match with their family member who is also looking to make contact. We have a team of specifically trained social workers who undertake mediation and reunification work after a match is made. If no match is made there are options for people to ask our team of genealogists to search on public record to find their relatives.

However, if a birth mother, father or relative is looking for their child, they need details of the adoption and last known address before tracing is possible. It is acknowledged that under whichever legislation of Scotland to date, the birth parent or relative has no unconditional right to identifying information from the Local Authority, agency or any other source which may enable them to locate the child who was placed for adoption.

Nonetheless, Local Authorities or agencies can enter into a tripartite “non-disclosure agreement” with Birthlink and the birth mother or relative, whereby they release the identifying information to Birthlink who can attempt to trace the adopted person. Established, sensitive protocol is then used to approach the adopted person to seek

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their agreement to some form of contact (direct or indirect) with the birth parent/relative. The information is not shared with the birth parent/relative unless the adopted person has been located, contacted, and has given their agreement to the disclosure. No guarantees are given that tracing will be possible, nor that agreement for contact will be obtained. Professional support is given to individuals in all cases.

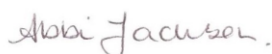
Birthlink entered into 17 non-disclosure agreements in 2023 and the respective mediation was undertaken. We are deeply concerned that, despite Nicola Sturgeon's apology, which we believe was heartfelt and genuine, some Local Authorities are still blocking birth mothers' access to information that may lead them to reconnect with their children. Fundamentally their right to a family life is being denied (Article 8, Human Rights Act 1998). In 2023 alone, we have supported 20 additional birth mothers who may now be in contact with their children if the Local Authorities had agreed to a non-disclosure agreement.

Furthermore, our experienced staff have frequent harrowing conversations giving emotional support to sons and daughters of birth mothers who have died without being able to trace their adopted children. This social injustice for birth mothers and the ripples through the generations of their family cannot be underestimated.

The birth mothers and birth relatives we work with, need it to be understood by the gatekeepers of the data, that the reasons why their babies were adopted were vastly different to the welfare reasons that children are adopted today. The denial of data sharing citing GDPR does not align with the apology. Birth mothers in particular are in a worse position than they were a year ago, where despite the national recognition of their situation, there is a "postcode lottery" of which Local Authorities will share information.

I would welcome urgent discussion with yourself, COSLA and SOLACE around the varied rationale where some Local Authorities continue to place a "blanket ban" on the release of information for protected non-disclosure agreements. We understand that access to information should be conditional and welcome the development of new legislation that provides for the needs of those affected by historic forced adoption.

Yours sincerely



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