

From: [REDACTED]
Strategy, GIRFEC and Promise Division
Children and Families Directorate

23 August 2022

Minister for Children and Young People

Advice on a National Apology for Historical Adoption Practices in Scotland

Purpose

1. To provide advice and seek a decision on the next steps in considering requests for a national apology for historical adoption practices in Scotland.

Timing

2. Routine.

Background

3. In June 2021, the First Minister made a commitment to fully consider the issue of historical adoption practices in Scotland. We know that there were practices in place in Scotland around the time of the 1950s, 1960s and 1970s which resulted in new-born babies being unnecessarily taken away from unmarried mothers and placed for adoption, without any regard to the mothers' and children's own needs or wishes. People who experienced this have reported the long-lasting impacts on their health and wellbeing.

4. The Minister for Children and Young People, Clare Haughey, took the opportunity to meet with some women who were affected by the practices to hear their own personal stories and explain how it has affected their lives. The Minister then decided to open up the conversation wider to hear from more people affected.

5. In January 2022 we invited people to come forward to share their experiences and views on what action they would like the Scottish Government to take through an online questionnaire.

6. On 6 March 2022, a Scottish Government news release announced funding of £145,000 for the introduction of peer-support groups for people affected and research to look at how existing support can be improved.

7. [REDACTED]

Engagement with stakeholders

8. Views on an apology were gathered from face-to-face meetings with woman affected and from our findings from our online questionnaire. They both highlighted the importance of an apology and public acknowledgement of the practices and harms done by organisations across Scotland. There was clear consensus that an apology should be made. We received 125 responses to the questionnaire.

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9. The online questionnaire consultation emphasised the range of personal views on the meaning and purpose of an apology, why or why not one may be wanted and suggestions about how an apology might be delivered and by whom.

10. Key themes included reference to factors that may help make an apology meaningful, how an apology can affirm that the victims were not to blame, and that people affected could help inform this sensitive area.

11. Just over one in ten asked for accountability from the government, whilst a similar proportion asked for acknowledgement of what happened. Some respondents felt that the wider public do not know enough about what happened and that awareness of what happened and the impacts should be raised.

12. Others asked for full transparency about what happened in the past. In particular, several respondents said that the specific roles of the institutions involved should be investigated and highlighted, such as the NHS, the government, social services and the Church. [REDACTED].

13. We have also considered the approach taken in other countries to address historical adoption practices. Details can be found in **ANNEX A** below.

Why consider giving an apology?

14. [REDACTED]

15. We asked people who have been affected by historical adoption practices to share their views on what they would like the Scottish Government to do. Just over a fifth of respondents suggested that the government should issue a formal apology to those affected, including those who did not go through with the adoption but were still pressured. Most said that an apology should be made to all mothers, fathers and children who were separated, as well as other family members affected.

How can an apology be delivered?

16. [REDACTED]

17. [REDACTED]

18. [REDACTED]

SGLD Advice

19. [REDACTED]

Options

20. There are options for the next steps in this area following our engagement approach with people with lived experience. The options are set out in **Annex C** below.

Recommendations

21. [REDACTED]

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22. An apology with input from lived experience was delivered in Australia and received positive feedback about the involvement of people who were affected.

23. [REDACTED]

24. Should you agree with this proposed approach, we will also continue the ongoing work in this area to address the recommendations from campaigners and input from people affected, including-

- **Implementation of Peer-support group for people affected** - we have started the process of establishing specialist support and peer support groups for those affected in partnership with Health in Mind. We have set up a working group, including partners and those with lived experience to scope, shape and support the implementation of peer support groups.
- **Research into support services in Scotland** – we in the process of procuring a researcher to establish what support services are available to people who have experienced trauma as a result of the historical adoption practices. We expect this to go out to tender soon but the research and reporting could take up to 6 months to complete.
- **Review and analysis of the access to adoption records** – we heard about the challenges that people face when trying to access records in Scotland, we are taking steps to address this. We have consulted colleagues at NRS for their insight and views on how we can improve the process for the public.

Conclusions

25. You are invited to:

- Advise whether you are content to proceed with the preferred option(s) set out to make an apology.

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Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Education and Skills					X
Michael Chalmers - Director for Children and Families, Jane Moffat - DD Strategy, GIRFEC and Promise Division, [REDACTED]					

ANNEX A – Approach in other countries

Australia

A number of respondents to the online questionnaire specifically said that the Scottish Government should follow the example of the Australian Government's apology and efforts to address historical adoption.

Following an inquiry launched in 2010, the Australian Senate announced in June 2012, the Australian Government's intention to issue a national apology to those affected by forced adoption practices. A reference group was established by the government in August 2012, which included lived experience, to provide advice on the wording, timing and delivery of the apology.

In March 2013, an apology was made by the then Prime Minister Julia Gillard on behalf of the Australian Government to those affected by forced adoption.

Belgium

The government of Flanders and parliament have issued an official apology to the victims of forced adoptions that took place in the region between the 1950s and 1980s. The apology was supported by the Belgian bishops.

Canada

In July 2018, after hearing testimony from individuals affected by Canada's forced adoption practices, the Senate Committee on Social Affairs released a report. The report recommended that the federal government deliver a formal apology in Parliament. However, no apology has been forthcoming.

England and Wales

On 23 September 2021, the Joint Committee on Human Rights (JCHR) launched a new inquiry to understand the experiences of unmarried women whose children were adopted between 1949 and 1976 in England and Wales.

A report with findings and recommendations, which was released on 15 July 2022, states that the government bears ultimate responsibility for the pain and suffering caused by public institutions and state employees involved in the process and called for Ministers to officially apologise.

[REDACTED]

Ireland

On 12 January 2021, following a 5 year investigation, the Republic of Ireland Government published a 2,200 page report of The Mother and Baby Homes Commission of Investigation and issued an apology on 13 January. The report has recommended redress to be paid to some women who were in the homes along with the children who spent time there.

Northern Ireland

In 2017, research was commissioned into the operation of Mother and Baby Homes and Magdalene Laundries between 1922 and 1999. This was published in January 2021, and, following its publication, they agreed to establish an independent Truth Recovery Design Panel.

The Panel's report made a number of other recommendations, including formal apologies, compensation payments, and access to rehabilitation services.

ANNEX B – Risks
[REDACTED]

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From: [REDACTED]
Improving Lives of Care Experienced People

26 July 2021

Minister for Children and Young People

Legal Advice on Historic Adoption Practices

Purpose

1. Following our discussion prior to our meeting with campaigners for an Adoption Apology on 19 July, I have provided some preliminary information for your information and consideration before further advice is sought.

Timing

2. Routine.

Background and summary of current work

3. Following the First Minister committing to consider the issue of an Adoption Apology at FMQs on 3 June and the Parliamentary Debate on 16 June, the Minister has started to seek more information and has started a series of engagement meetings. The Minister met with a Scottish representative of the Movement for an Adoption Apology on 24 June and 2 women adopted under these practices on 19 July. The Minister is due to meet with 2 further campaigners next week, one of whom, [REDACTED] has been the most vocal and visible campaigner in Scotland in recent years. [REDACTED] previously met with the then Minister for Children, Fiona McLeod in 2015.

4. Officials have started pulling together evidence and are working on an engagement strategy to capture the voices of more people affected by these practices. Officials have met with [REDACTED], to explore provision of appropriate therapeutic services for those affected by these practices. Officials will be providing information for [REDACTED] to take to a forum comprised of the Heads of Psychology (HoPs) for each Health Board for discussion. [REDACTED]

5. The Minister has written to Ms Vicky Ford MP, The UK Government's Parliamentary Under-Secretary of State for Children and Families, to request a meeting to discuss the UK Government's planned approach to the issue. Ms Ford has been in contact with the Minister's office and a meeting has been arranged on 8 September.

Initial Legal Advice

Legislation and the Role of Central Government

[REDACTED]

Apology

[REDACTED]

Inquiry

[REDACTED]

Conclusion

16. As the Minister continues to meet with those affected by these practices, officials will develop further engagement strategies and liaise with SGLD, Child Abuse Inquiry colleagues and UK Government officials. Officials will also work with the National Psychology Adviser and HoPs to provide the Minister with options on support services.

Recommendations

17. You are invited to:

- Confirm whether you are content with the proposed approach

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Education and Skills			x		

Michael Chalmers Director for Children and Families
 Bill Scott-Watson DD Strategy, GIRFEC and Promise Division
 [REDACTED]

Minister for Children & Young People

Historical Adoption Practices – [REDACTED]

Priority and Purpose

1. **Urgent** – [REDACTED]

Recommendation

2. We recommend that you:
 - [REDACTED]
 - [REDACTED]

Context and Issues

3. [REDACTED]
4. [REDACTED]

Options Considered and Advice

5. [REDACTED]

Bute House Agreement Implications

6. [REDACTED]

Financial and Legal Considerations

7. [REDACTED]

Sensitivities

8. [REDACTED]

Quality Assurance

9. This submission has been approved by [REDACTED], Unit Head, Strategy, GIRFEC and The Promise Division.

Conclusions and Next Steps

10. [REDACTED]

[REDACTED]

Strategy, GIRFEC & Promise Division
Directorate for Children & Families

Cabinet Secretaries and Ministers Copy List	For Action	For Information Portfolio interest	For Information Constituency interest	For Information General awareness
Minister for Children and Young People Cabinet Secretary for Education & Skills First Minister Minister for Parliamentary Business	X	X		X X

Officials Copy List
Permanent Secretary DG Education and Justice Michael Chalmers - Director for Children and Families, Jane Moffat, DD Strategy, GIRFEC and The Promise Division

[REDACTED]

ANNEX A

From: Clare Haughey
Minister for Children and Young People

20 January 2022

First Minister
Cabinet Secretary for Education and Skills

Historical Adoption Practices – Scottish Government Webpage

Purpose

1. To seek your consent to launch a Historical Adoption Webpage to provide an opportunity for people affected by historical adoption practices to share their experience and provide input to help shape how we progress with this matter in Scotland.

Timing

2. Routine.

Background and summary of current activity on this issue

Scotland

3. Following the First Minister committing to consider the issue of an Adoption Apology at FMQs on 3 June 2021; and the Parliamentary Debate on 16 June 2021, I met with 6 campaigners along with my officials to listen to what they are seeking. [REDACTED]

4. [REDACTED]

5. The issue has continued to be raised in the media over the last few months, with regular articles in the Sunday Post and media requests from Duncan Kennedy at the BBC. There has also been Ministerial correspondence on the issue from Monica Lennon MSP and Miles Briggs MSP. Ms Lennon recently requested information about any contact we have had with the Australian Government for advice on this matter. We have not contacted the Australian Government to date but we are aware of their approach to an apology and the support services they have in place.

Rest of UK

6. On 17 September 2021, Will Quince was appointed Parliamentary Under-Secretary of State for Children and Families at the Department for Education, following a cabinet reshuffle. [REDACTED]

7. On 23 September 2021 the Joint Committee on Human Rights has launched a new inquiry to understand the experiences of unmarried women whose children were adopted between 1949 and 1976 in England and Wales. The inquiry will not include submissions from women in Scotland, however I have written to Rt Hon Harriet Harman, Chair of the Joint Committee to provide an update on the approach we are taking in Scotland on this matter and my officials have been liaising with the Clerks to the Committee to provide them with the evidence gathered from the women I met..

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8. The inquiry heard oral submissions from witnesses from an academic background on 15 December 2021. They will hear from woman affected in the coming weeks and will then compile a report of findings and recommendations. We understand that the committee received 250 submissions.

Summary of what is being asked for so far by campaigners in Scotland

9. I met with the Scottish representative for the campaign group Movement for an Adoption Apology (MAA) in June 2021. MAA shared proposals, which are more detailed and far reaching than what is being sought by the other campaigners I met with, they include:

- A detailed apology,
- Redress,
- Trauma based therapy or counselling services and
- A National Record of Historic Forced Adoption Experiences

10. The other campaigners who I met with have been more focussed on a trauma informed apology and the provision of therapeutic services. [REDACTED]

Further Engagement

11. In order to ensure that any decisions are based on the widest possible range of experience from people affected by these practices, I think it is important to increase our engagement opportunities. To support our approach to collate the views of the mothers, sons and daughters, and their representatives affected by historical forced adoption practices, we will introduce engagement activities to reach as many people who are able and willing to share their experience.

Engagement Method

12. I propose that the first stage of the engagement process should be the publication of a dedicated Historical Adoption webpage on the Scottish Government website. The page will provide details of why we are asking people to share their experience and will also inform people of what we will do with the information. A copy of the content is set out in **Annex 1**.

13. People will have the opportunity to submit their experiences, views and insight via an online questionnaire, by emailing a central inbox or by writing to us. The questionnaire will be open for 12 weeks after launch. The questionnaire questions can be viewed in **Annex 2**.

Support and Wellbeing

14. I want to understand how/if the offer of support could help those affected overcome the impact that the trauma has had on their lives, using knowledge of the ways in which traumatic experiences and traumatic stress affect people to make sure that the support they receive helps them to recover, instead of doing further harm.

15. My officials met with the Trauma Support and Counselling Manager at Health in Mind to discuss the possibility of introducing a bespoke telephone support service for people who may require some support prior to sharing their experience. Health in Mind have proposed a responsive, high quality, trauma-informed dedicated helpline for people who are considering or actually engaging with us.

16. The helpline will be provided in parallel with the timeframe for the engagement activity and be available for up to 12 weeks. Although this could be reviewed and extended if needed. It may be

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that the helpline should continue to be available for a period beyond the end of the formal engagement timetable.

What will we do with the information we receive

17. Officials will collate the information received from the questionnaires and written submissions to compile a report for me, with a view to continuing our collaborative approach with the people affected.

18. When I have concluded the analysis of the information received, I will establish the next engagement activity to explore the issues in depth. This could involve focus groups where we can work collaboratively, gain insight and seek views of particular interest groups primarily to focus on the generation of ideas around support services going forward.

Communications

19. An action plan has been created outlining the communications for the introduction of the webpage, and also how we intend to keep the campaigners regularly informed of progress.

Conclusions

20. You are invited to:

- Advise whether you are content for me to proceed with the launch of the Historical Adoption webpage.

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Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
First Minister					
Cabinet Secretary for Education and Skills	X				
	X				

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Michael Chalmers - Director for Children and Families, Jane Moffat - DD Strategy, GIRFEC and Promise Division, [REDACTED]					

ANNEX 1 - Historical adoption webpage content

Sadly, we know that there were practices in place in Scotland around the time of the 1950s, 1960s and 1970s which resulted in new-born babies being unnecessarily taken away from unmarried mothers and placed for adoption, without any regard to the mothers and children's own needs or wishes. People who experienced this have reported the long-lasting impacts on their health and wellbeing.

In June 2021, the First Minister made a commitment to fully consider the issue of historical adoption practices in Scotland. The Minister for Children and Young People, Ms Haughey, is grateful to have had the opportunity to hear from women, sons and daughters across the country who have taken the time to share their own personal stories and explain how it has affected their lives. We now want to open this conversation up more widely to hear from more people affected and to ensure they are able to access support.

Historical adoption Questionnaire

An online questionnaire has been created to invite views from anyone who has been affected by historical adoption in Scotland, and who may also wish to take the opportunity to share their story so that we can continue to learn and understand about the support that is needed now and in the future. We have developed a questionnaire to gather people's experiences which will be available from (date TBC)

The Family Care Team in the Scottish Government would like to hear from anyone affected by these outdated adoption processes, their representatives and/or organisations with an interest in historical adoption practices in Scotland.

We want to listen to, acknowledge, and put on record the experiences of people who have been affected. We are offering a private space for people to come forward to share their own experiences, be heard and acknowledged, telling their story in complete confidentiality.

All responses will be anonymised. Where personal data is received by email or letter, only the information required to inform the Minister will be extracted. Personal data which can identify an individual will be deleted immediately as it is not necessary for our purpose.

For information on how the Scottish Government collects and processes your data please see the main [Scottish Government privacy policy](#)

We will collate the information received in the questionnaires, emails or letters to compile a report for the Minister with a view to continuing a collaborative approach with people affected.

You can do this by –

- completing the [Historical Adoption Questionnaire](#)
- emailing us at historicaladoption@gov.scot
- writing to us at –
Family Care Team,
2C South Victoria Quay
Edinburgh
EH6 6QQ

Questionnaires should be sent to the Family Care Team by the (Date TBC – 10-12 weeks from launch)

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Wellbeing

We understand that experiences with historical adoption are sensitive and can be upsetting. For some, who may have experienced trauma, the impacts can be long term.

We have set up a dedicated helpline in collaboration with Health in Mind for people who are considering or actually participating in the engagement activity. It is provided by staff with particular knowledge and understanding about trauma and its impacts, including mental wellbeing.

[Health in Mind](#) – (link to webpage TBC)

Phone and speak to an established member of the Health in Mind Trauma Support team on (telephone number TBC)

Availability -

- Wednesday, Thursday and Friday from 10am – 3pm

In addition, listed below are some national support organisations that can help (although this list is not comprehensive):

[Breathing Space](#) –

Phone and speak to a Breathing Space advisor on 0800 83 85 87.

Breathing Space availability

- 24 hours at weekends (6pm Friday - 6am Monday).
- 6pm to 2am on weekdays (Monday - Thursday).

[NHS Education for Scotland Wellbeing](#)

ANNEX 2 – Online questionnaire

Historical Adoption Practices in Scotland

The Scottish Government have been asked to consider an apology for historical adoption practices in Scotland around the time of the 1950s, 1960s and 1970s.

These questions are for people who have been affected by historical adoption practices and who would like to share their views. The Minister is interested in hearing from people about their experience and welcomes views on the types of actions and supports they feel are important for them at this stage in their lives.

If you need help with completing this questionnaire, or would prefer to send replies by email please contact the Family Care Team at historicaladoption@gov.scot

We understand that experiences with historical adoption are sensitive and can be upsetting. For some, who may have experienced trauma, the impacts can be long term.

We have set up a dedicated helpline for people who are considering or actually participating in the engagement activity. It is provided by staff with particular knowledge and understanding about trauma and its impacts, including mental wellbeing. Please follow the link below for more information -

Health in Mind – (link to webpage)

1. If you have been affected by historical adoption practices, and feel able to share your experience please use the box below to provide details.
2. The Scottish Government has committed to look into historical adoption practices in Scotland. What steps would you like to see the government take on this?
3. What support do you think there should be available for you and others with similar experiences? (e.g. mental health support, wellbeing counselling, peer support)
4. Is there anything else you would like to share with us?

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From: [REDACTED]
Promise Policy Hub

4 March 2021

Minister for Children and Young People

Press Coverage of Historic Adoption Practices

Purpose

1. To provide additional information following press coverage of the historic practice of 'forced adoptions' in light of the recent announcements from the Governments of the Republic of Ireland and Northern Ireland.

Timing

2. Routine.

Background

3. On 1 February 2021, The Sunday Post reported on campaigners calling for an official apology to Scottish mums who feel that they were 'forced' to give up their babies up for adoption. The article focuses on Marion McMillan, who had a baby removed from her for adoption in 1967. Ms McMillan has been at the forefront of the campaign for an adoption apology in Scotland and met to discuss the issue in 2015 with the then Minister for Children and Young People, Fiona McLeod.

4. On 12 January 2021, following a 5 year investigation, the Republic of Ireland Government published a 2,200 page report of The Mother and Baby Homes Commission of Investigation and issued an apology on 13 January. The report has recommended redress to be paid to some women who were in the homes along with the children who spent time there.

5. On 26 January, Arlene Foster, the First Minister for Northern Ireland made a statement to the NI Assembly announcing an independent investigation into Historical Mother and Baby Care Homes, co-designed by victims and survivors, over the next 6 months. [REDCATED].

6. An Interdepartmental Working Group was set up in 2016 to look at this issue along with the abuse of children by clerics in Northern Ireland. This lead to an 18 month research project by Queen's University and Ulster University into 14 Mother and Baby Institutions in Northern Ireland which resulted in the publication of a 500 page report on the day of the statement by Arlene Foster. NI Government officials outlined that work will be undertaken over the next 6 months to map out what the scope of the independent investigation will be [REDACTED].

What is known about Historical Adoption Practices in Scotland

7. In the 1950s and 1960s the predominant attitude was that of social censure directed towards all unmarried mothers. Such illegitimacy brought forth societal condemnation, prejudice and stigma. Women who conceived children 'out of wedlock' were seen as transgressing societal mores and norms. .

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8. In this period, birth mothers were often treated as children, publicly humiliated by being sent to institutions such as mother and baby homes that were run by restrictive and morally disapproving regimes or 'sent to aunts' miles away from home and family. The reactions and attitudes of the birth mothers' parents often also reflected negative social responses to unmarried mothers

9. The attitudes of many professionals in the health and welfare services also reflected societal attitudes towards unmarried mothers. At the point of birth, women whose babies were to be adopted were often advised not to look at their infant. During this period there were many dedicated personnel involved with birth mothers who believed that what they were doing was for the good of the birth mother. However the majority of accounts of birth mothers' experiences provide evidence of widespread social censure and even bigotry directed towards them.

10. Since the early 1970s a gradual change in adoption policy and practice has occurred in keeping with changing social attitudes to 'out of wedlock' pregnancies. As wider options have been made available to pregnant women e.g. abortion and increased financial and other supports to unmarried parents, social stigma and pressures have lessened. The result of these changes has been fewer babies available for adoption, policy and practice change (perhaps as a result of this) and practices such as more openness in post-adoption contact and greater birth parent choice in identification of prospective adoptive parents have grown. Contributions to the changing status of birth mothers have also included greater knowledge of birth mothers' experiences and views.

11. Overall, for Scotland, to date from 1930 (when official figures began to be kept) there have been just under 100,000 adoptions. Statistically, there were two peaks of adoption. The first after the Second World War in 1946 when 2,292 adoptions took place and the second in 1969 when there were 2,268 adoptions. The most current figure available is for 2019 when there was 472 adoptions.

Current Adoption Practice

12. Major shifts have occurred in adoption policy and practice, the majority of adoptions today involve children over one year old that have spent time in local authority care. Adoption of children from care in the 21st century is less about providing homes for relinquished babies and more concerned with providing secure, permanent relationships for some of society's most vulnerable children.

13. The Promise recommends keeping families together where possible and that families must be given support together to overcome the difficulties which get in the way. If children are removed from the care of their parents, we must not abandon those families. Families must continue to be provided with therapeutic support, advocacy and engagement in line with principles of intensive family support. The need for support for families who have experienced child removal was also clearly set out by The Promise. When children are removed from the care of their parents, more often than not mothers and father are left with a profound sense of loss and grief. For parents, removal of their children is akin to a bereavement. The trauma of that separation can be profound and lifelong.

14. It is worth clarifying though that since the 1980s there has been an increase in contested adoptions which although not absent pre 1980s, were not a common feature of the adoption process. As the welfare of the child is paramount, section 31 of the Adoption and Children (Scotland) Act 2007 allows Scottish Courts to dispense with the consent of birth families.

Support for birth families

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15. When the issue of 'forced' adoptions was raised in 2015, CELCIS conducted a survey on support for birth families and reported:

'There is an overall positive picture of basic coverage of response for birth parents. Three specialist agencies, Birthlink based in Edinburgh, the Scottish Adoption and Advice Service [Barnardos], based in Glasgow, and Scottish Adoption based in Edinburgh, all run extensive and well established information, intermediary and counselling services, with provision available to local authorities. The great majority of local authorities subscribe to or have contracts with at least one and sometimes two of these agencies; thereby an ongoing basic specialist service is provided even if a particular local authority has few requests for a service [particularly about pre 1978 Act adoptions] and consequently no local professionals with immediate in depth knowledge.'

16. In 2018, the Scottish Government funded the Adoption and Fostering Alliance Scotland (AFA) to undertake a mapping of adoption support in Scotland. This provided a picture consistent with CELCIS' findings of support available to birth mothers from 2015. Work is currently underway to specifically map support for birth families and the report is expected in September 2021.

17. The Adoption and Children (Scotland) Act 2007 places a statutory obligation on local authorities to provide those affected by adoption with support. If required, an adoptive family or any other person affected by adoption should approach their local authority who are required to carry out an assessment and provide a support service to address any need identified. The Scottish Government provide funding to Birthlink who provide services to individuals and families separated by adoption which includes maintaining The Adoption Contact Register for Scotland.

Australian Adoption Apology and the Response of Other Countries

18. Prior to the apology by the Republic of Ireland Government, the other notable state apology was from Australia. On 29 February 2012, the Senate Community Affairs References Committee released its report into the "Commonwealth Contribution to Former Forced Adoption Policies and Practices". In June 2012 the Attorney-General announced that the Government would offer a national apology to those affected by forced adoption practices in Australia. A Forced Adoption Apology Reference Group was subsequently established in August 2012 to provide advice on the wording and timing of the apology which was formally conducted on Thursday 21 March 2013. The Australian Government invested \$11.5 million over the next four years to assist those affected by forced adoption practices.

19. The Australian Senate report made it clear that the responsibility for historic practices didn't just sit with the state but across society as a whole. Forced adoptions occurred under a variety of circumstances. They were carried out by doctors, nurses, social workers and religious figures. Family members, primarily the mother's parents, were often complicit in coercing the mother into the adoption. Many parents, for example, refused emotional and financial support to their daughter and grandchild. Forced adoptions took place through hospitals, maternity homes and adoption agencies, both secular and religious, government funded and private. A number of these institutions have since closed or been renamed, making it difficult to find records.

20. In July 2018, Canada's Standing Senate Committee released a report on Forced Adoptions in Canada, the report recommended a state apology. The Canadian Government have not issued an apology.

21. [REDACTED].

Scottish Government Position

22. [REDACTED]

23. They have also expressed determination to make the Scottish care system the best that it can be and have committed to implementing the findings of the Promise to ensure that all looked after children can grow up safe, happy and loved.

24. Adoption was not included in the remit of the Independent Scottish Child Abuse Inquiry. The Inquiry’s remit was set in 2015 following an extensive public consultation and engagement with survivors of in care child abuse and other interested parties. In a statement to the Scottish Parliament on 17 November 2016, the Deputy First Minister set out his reasoning that a wider remit to include abuse in other settings would take many more years to conclude.

Conclusion

25. [REDACTED]

Recommendations

26. You are invited to:

[REDACTED]

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Education and Skills			x		

Michael Chalmers Director for Children and Families
 Bill Scott-Watson DD Strategy, GIRFEC and Promise Division
 [REDACTED]

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From: [REDACTED]
Improving Lives of Care Experienced People
08 October 2021

Unit

Minister for Children and Young People

Historical Adoption Practices – Further Engagement Options

Purpose

1. To seek your views on how we engage further with mothers, fathers, sons and daughters, and any other interested parties who have been affected by historical adoption practices.

Timing

2. Routine.

Background

3. The Minister and officials have met with 6 campaigners to listen to what they are seeking and have also met with Vicky Ford, her UK Government counterpart on 7 September 2021.

4. On 17 September 2021, Will Quince was appointed Parliamentary Under-Secretary of State for Children and Families at the Department for Education, following a cabinet reshuffle. [REDACTED]

5. On 23 September 2021 the Joint Committee on Human Rights has launched a new inquiry to understand the experiences of unmarried women whose children were adopted between 1949 and 1976 in England and Wales, at present the inquiry does not include children adopted in Scotland. The inquiry will consider whether adoption processes respected the human rights, as we understand them now, of the mothers and children who experienced them, as well as the lasting consequences on their lives.

6. Further engagement opportunities aim to support our approach to collate the views of the people involved, representatives and organisations of historical forced adoption practices. In order to progress work in this area and to consider support services to people who have suffered trauma, we should be informed by insight, asking for opinions on the kind of support that would benefit the people affected.

7. In broad terms we want to:

- Understand the impacts of the historical adoption practices, particularly listening to lived experience of people impacted, with a sensitive, solution focused approach to avoid re-traumatising where possible.
- Understand how/if the offer of support could help those affected overcome the impact that the trauma has had on their lives and understand what that support could need to include

Options

8. There are a range of options to effectively engage with the right people, including building on existing approaches and making best use of work which has already taken place. The options are set out in **Annex 1** below.

Recommendations

[REDACTED]

Conclusions

11. You are invited to:

- Advise whether you are content to proceed with the preferred option(s) set out to continue our engagement approach.

[REDACTED]

**Family Care Team,
Improving Lives for People with Care Experience Unit**

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Education and Skills					X
Michael Chalmers - Director for Children and Families, Jane Moffat - DD Strategy, GIRFEC and Promise Division, [REDACTED]					

ANNEX 1

[REDACTED]

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From: [REDACTED]
Improving Lives of Care Experienced People

27 August 2021

Minister for Children and Young People

Update on Historical Adoption Practices

Purpose

1. To provide a summary of the current position in relation to historical adoption practices, to set out possible options for taking work forward and invite you to indicate your preferred option moving forward.

Timing

2. Routine.

Background and summary of current activity on the issue

3. The Minister and officials have met with 6 campaigners to listen to what they are seeking and is due to meet with Vicky Ford, her UK Government counterpart on 7 September. [REDACTED]

4. Officials have met with SGLD for initial discussions on the legal implications of an apology and with [REDACTED], to discuss provision of relevant support services in Scotland. The issue has continued to be raised in the media over recess, with the Sunday Post featuring a front page story at the end of July. There has also been Ministerial correspondence on the issue including a letter from Katy Clark a Labour MSP which included a detailed proposal paper from the Movement for an Adoption Apology (MAA).

5. [REDACTED]

Recap of what is being asked so far by campaigners

6. The proposals from MAA, which were also provided [REDACTED], at her meeting with the Minister, are more detailed and far reaching than what is being sought by other campaigners the Minister has met. MAA are seeking an apology with:

- Acknowledgement of the wrong done or naming the offence
- Accepting responsibility for the wrong that was done
- The expression of sincere regret and profound remorse
- The assurance that the wrong done will not recur
- Reparation through concrete measures

7. MAA are also looking for redress:

“We recommend that institutions, agencies and government bodies, that had responsibility for adoption activities in the period from the 1950s to the 1980s establish grievance mechanisms that

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will allow the hearing of complaints and, where evidence is established of wrongdoing, ensure that redress is available. Accessing grievance mechanisms should not be conditional on waiving any right to legal action.”

8. In addition to an apology and redress, MAA are also seeking:

- A National framework to enable every council to provide standardised, appropriate, trauma based therapy or counselling services
- A National strategy for the harmonisation of all birth record access and reunion services across all local authorities
- A National Record of Historic Forced Adoption Experiences

9. [REDACTED]

10. [REDACTED]

11. [REDACTED]

12. Other campaigners that the Minister have met have been more focussed on a trauma informed apology and the provision of therapeutic services. [REDACTED]

1. [REDACTED]

2. [REDACTED]

3. [REDACTED]

13. [REDACTED]

14. [REDACTED]

Next Steps

15. [REDACTED]

Possible Options

13. As referred to earlier in this submission, officials have undertaken an initial options analysis of the risks and benefits to three potential routes in particular. These options will all require further detailed exploration and are set out at the Annex. Officials would be happy to discuss further should the Minister wish to do so

Recommendations

14. You are invited to:

- **Advise which of the proposed options set out at the Annex feels like your preferred approach at this stage to focus on in more detail moving forward.**

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Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Education and Skills			x		

[REDACTED]
Michael Chalmers Director for Children and Families
Bill Scott-Watson DD Strategy, GIRFEC and Promise Division
[REDACTED]

Annex A

[REDACTED]

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First Minister

HISTORICAL ADOPTION PRACTICES – NATIONAL APOLOGY

Purpose

1. I am writing to provide an update with regard to the next steps to deliver a national apology on behalf of the Scottish Government to those affected by historical adoption practices in Scotland. [REDACTED]

Background

2. [REDACTED]
3. Officials from the UK Government have advised that their response to the UK Parliament's Joint Committee for Human Rights (JCHR) inquiry report, which contained recommendations including an apology for historical adoption practices, was sent to the Committee on 21 February. [REDACTED].
4. In addition, Tuesday 21 March 2023 marks the 10th anniversary of the Australian Government's National Apology for Forced Adoptions. [REDACTED]

Recommended approach

5. One of the key considerations in terms of delivery of an apology is to ensure that we prevent further harm or re-traumatisation for those who have experienced psychological trauma or adversity as a result of historical adoption practices.
6. [REDACTED]
7. [REDACTED]. Background on the approach to three other apologies, and the Miners' strike pardon, made by the Scottish Government can be found in **Annex A**. [REDACTED]
8. [REDACTED]
9. [REDACTED]
10. I also propose that people affected by the practices are invited to hear the statement in person, followed by a post-statement gathering in Parliament to meet and reflect on the apology with the Minister for Children and Young People.

Next steps and timing

11. If you are in agreement with my proposed approach, I suggest a delivery date during the week commencing **20 March 2023** for the formal apology in Parliament. This will provide the necessary time for preparation of the statement and engagement with those with lived experience. My officials are engaging with the office of the Minister for Parliamentary who are providing guidance on the process to secure a date in the Parliamentary schedule.

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12. I anticipate significant media interest following the announcement and a communications plan is being developed, with input from Special Advisers. This will include a news release and a social media post to be issued on the day of the announcement and a briefing will be prepared in anticipation of media bids.

13. I am happy to discuss or provide any further details.

SHIRLEY- ANNE SOMERVILLE
Cabinet Secretary for Education and Skills

1 March 2023

Approach to other policy areas

Apology for discrimination under homophobic laws

1. In November 2017 you delivered an apology to gay men convicted of sexual offences that are no longer illegal. The apology coincided with new legislation that automatically pardoned gay and bisexual men convicted under historical laws.
2. [REDACTED]

Apologies to victims of historical child abuse in care

3. Lord McConnell, then First Minister, made an apology in the Scottish Parliament for past institutional child abuse in December 2004. However, Lady Smith, chair of the Scottish Child Abuse Inquiry, said, its wording was “*extremely cautious, drafted in a hurry*”, and “*was not an apology on behalf of the state*”.
4. In September 2018 within a statement announcing the creation of a redress scheme, the Deputy First Minister, John Swinney MSP offered an “*unreserved and heartfelt apology to everyone who suffered abuse in care in Scotland*”. He reiterated the apology in December 2021 during an announcement about Scotland’s Redress Scheme. Mr Swinney provided further acknowledgement of the courage and determination of survivors.
5. [REDACTED]

Posthumous apology to those accused of witchcraft

6. In January 2022, you indicated that you wished to make an apology on behalf of the people of Scotland to those accused of witchcraft under the Witchcraft Act 1563 as part of a Statement to Parliament on International Women’s Day.
7. [REDACTED]

Miners' strike pardon

8. In July 2022 Scotland became the first of the home nations **to pardon former miners** convicted of certain offences related to strike action in the 1980s. The Miners’ Strike (Pardons) Scotland Act 2022 provides a collective and automatic pardon for miners and members of their household convicted in Scotland during the 1984/85 strike of certain offences. The pardon was a recommendation by an independent review, led by John Scott QC, into the impact of policing on Scottish communities during the industrial dispute.
9. [REDACTED]

From: REDACTED
Justice Directorate: Criminal Justice
Division
11 August 2017

Cabinet Secretary for Justice

SEXUAL OFFENCES (PARDONS AND DISREGARDS) (SCOTLAND) BILL

Purpose

1. REDACTED
 - REDACTED and
 - seek the Cabinet Secretary's view on how an apology could be offered to those convicted of offences relating to same-sex sexual activity that is now legal.
2. REDACTED – OUTSIDE SCOPE OF REQUEST

Apology

29. During the exchanges in Parliament last year in response to the topical PQ, Patrick Harvie MSP asked a question, noting that many of those who were convicted of these offences may consider that a 'pardon' carries with it an implication that they are being forgiven for something that they have done wrong, and highlighted the importance of an apology being made alongside the pardon, to ensure that the pardon is not misinterpreted in this way.

30. The Cabinet Secretary acknowledged Mr Harvie's point and said that the Scottish Government would consider making an apology alongside the legislation which will give effect to the pardon.

31. We have been considering what approach may be appropriate.

32. One option would be for the Cabinet Secretary in taking the Bill through Parliament to make some form of public apology during Parliamentary scrutiny (e.g. during the Stage 1 debate) to the men whose lives were affected by discriminatory laws and police and prosecution practices. However, given Parliament would be voting at Stage 1 not on the Cabinet Secretary's apology/statement, but on whether to accept the general principles of the Bill, there would be no formal means by which the apology would be, of itself, endorsed by Parliament.

33. Alternatively, the Cabinet Secretary could lodge a motion for debate in Parliament apologising on behalf of the Scottish Government and/or Parliament to the people convicted in these circumstances. However, as the Bill will also be debated in Parliament, and any such apology would have to be debated separately (by convention, Ministers cannot lodge subject motions in Parliament unless they are to be debated), the connection between the apology and the Bill would not be direct, and it would mean a separate debate on the same general topic, in addition to the Stage 1 and Stage 3 debates on the Bill itself.

REDACTED

REDACTED

Justice Directorate: Criminal Justice Division

11 August 2017

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
First Minister					X
Lord Advocate			X		
Solicitor General			X		
Minister for Community Safety and Legal Affairs			X		
Minister for Parliamentary Business			X		

DG Education, Communities and Justice
FM policy team
REDACTED

From: REDACTED

Justice Directorate: Criminal Justice
Division
25 February 2022

PS/First Minister

POSTHUMOUS APOLOGY TO THOSE ACCUSED OF WITCHCRAFT – INTERNATIONAL WOMEN’S DAY 2022

Purpose

1. To give an update on preparations being made for an apology to be offered to those accused of witchcraft in Scotland on 8 March 2022 (International Women’s Day).

Priority

2. Routine.

Background

3. In response to a submission of 18 January 2022, the First Minister indicated that she wished to make an apology on behalf of the people of Scotland to those accused of witchcraft under the Witchcraft Act 1563 as part of a Statement to Parliament on International Women’s Day.

4. As noted in that previous submission, records indicate that the great majority of those accused of witchcraft in Scotland between 1563 and the repeal of the Witchcraft Act in 1735 were women. Under that Act, both ‘witchcraft’ and ‘consulting with witches’ were capital offences. It is not known how many people were executed following conviction for witchcraft, but academics estimate the number could be greater than 2,500.

5. As indicated, it is proposed that the apology be framed by reference to the publication of Baroness Kennedy’s Report on Misogyny and the Criminal Law. The persecution of women accused of being witches can be seen as an especially egregious example of misogyny within the criminal justice system. It is striking that a number of those accused were women who assisted others in childbirth. For example, the charges against Euphame MacCalzean, of Edinburgh, who was burnt alive in 1591, included “using her skills to relieve the God-ordained pain of women giving birth” and Margaret Bane of Aberdeen, who was executed in 1597 was accused of having “killed her former spouse by transferring the labour pains from a woman to him.”

6. As noted in my earlier submission, there are some countries around the world, particularly in Africa, where women and children are still accused of practising witchcraft and face being persecuted and even killed in organised ‘witch hunts’. Historian Wolfgang Behringer, who specialises in the early modern age at Saarland University, says that more people accused of witchcraft were murdered in the 20th century than during the 3 centuries when ‘witch hunts’ were practised across Europe and between 1960 and 2000, around 40,000 people alleged to practise witchcraft were murdered in Tanzania alone.

7. Equally, the use of language referencing witchcraft remains a common way in which misogyny can sadly permeate modern discussion and debate. The term ‘witch’ is ingrained with misogyny and often used to belittle or attack, in particular, women in positions of power or authority.

8. Both these elements are proposed to be referenced in the apology to highlight the contemporary relevance of an apology

9. REDACTED

10. REDACTED

11. We are liaising with colleagues in the Equality Unit and with the First Minister’s speechwriter to ensure that these matters are covered in an appropriate manner in any Statement to Parliament made on International Women’s Day.

Conclusion

12. We invite the First Minister to note how preparations are being developed for the offering of an apology.

REDACTED

Justice Directorate: Criminal Justice Division

REDACTED

25 February 2022

Copy List:	For Action	For Comments	For Information		
			Portfolio Interest	Constit Interest	General Awareness
Cabinet Secretary for Justice			X		
Minister for Community Safety			X		
Lord Advocate			X		
Solicitor General			X		
Cabinet Secretary for Social Justice, Housing and Local Government			X		

DG Education and Justice Director of Justice REDACTED
