

THE ADOPTION INFORMATION (SCOTLAND) REGULATIONS **Consultation Response**

SCRA welcomes the opportunity to comment on the drafts of The Adoption Information (Scotland) Regulations and The Adoption (Disclosure of Information) (Scotland) Regulations. This response is prepared on behalf of SCRA and the Principal Reporter. Responses are provided only to those questions which are more directly relevant to SCRA and the Principal Reporter.

Q1 – Is the approach in this regulation sufficiently inclusive and comprehensive for the purposes of the collection and creation of a case record.

Yes. We do however consider it important that, with regard to the local authority, it is clear in both sets of regulations that the regulations apply when the local authority is carrying out its functions as an adoption agency only.

Q3 – Is the term ‘adopted child’ confusing? If so, what term should be used?

We have concerns that the term ‘adopted child’ without further definition is too narrow for the purpose of these regulations. If the term is taken to mean a child who has been adopted, then the requirements in the regulations will not apply until the adoption process is complete whereas it appears clear that they should apply as soon as an adoption agency carries out any of its functions in relation to adoption.

THE ADOPTION (DISCLOSURE OF INFORMATION) (SCOTLAND) REGULATIONS

Q7 – Should the disclosure of information be triggered only by a request for counseling or are there other circumstances where this disclosure may be suitable, should the disclosure be automatic on the adopted person reaching the appointed age?

We would suggest that disclosure of information should not be triggered only by a request for counseling. It is suggested that where an adopted person requests information there should be a duty on the adoption agency to offer counseling and to provide it if the

person accepts the offer. We consider that where an adopted person has reached the age of 18 they should have the right to receive information whether or not the counseling is accepted.

Q8 – Is it appropriate for an adopted person who has not attained the age specified to be able to access certain information at the discretion of the adoption agency? Are the caveats concerning the identification of birth parents sufficient, or should there be further caveats to the release of this information?

We agree that it is appropriate that certain information should be available at the discretion of the adoption agency, regardless of the adopted person's age. The caveats concerning the identification of birth parents appear sufficient.

Q10 – Taking regulations 5 and 6 together, should information be disclosed to anyone else, and under what circumstance?

We consider it important, as mentioned in our response to the draft The Adoption Information (Scotland) Regulations, that the duties in both sets of regulations apply to an adoption agency in relation to the carrying out of its functions as an adoption agency only.

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