

Consultation: Scotland's Adoption Register Regulations 2016



RESPONDENT INFORMATION FORM

Please Note this form **must** be returned with your response to ensure that we handle your response appropriately

1. Name/Organisation

Organisation Name

Centre for Excellence for Looked After Children in Scotland (CELCIS)

Title Mr Ms Mrs Miss Dr X *Please tick as appropriate*

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3. Permissions - I am responding as...

Individual

/ Group/Organisation

Please tick as appropriate

(a) Do you agree to your response being made available to the public (in Scottish Government library and/or on the Scottish Government web site)?

Please tick as appropriate Yes No

(b) Where confidentiality is not requested, we will make your responses available to the public on the following basis

Please tick ONE of the following boxes

Yes, make my response, name and address all available

or

Yes, make my response available, but not my name and address

or

Yes, make my response and name available, but not my address

(c) The name and address of your organisation **will be** made available to the public (in the Scottish Government library and/or on the Scottish Government web site).

Are you content for your **response** to be made available?

Please tick as appropriate X Yes No

(d) We will share your response internally with other Scottish Government policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for Scottish Government to contact you again in relation to this consultation exercise?

Please tick as appropriate

X Yes

 No

CONSULTATION QUESTIONS

Q1. Do you agree that the types of information identified in annex A are suitable for inclusion in the Register?

Yes X No

Comments:

We feel that the types of information identified in Annex A are suitable for inclusion in the register and believe that this will facilitate the timely matching of children and prospective adopters.

We do feel, however, that there is scope to include additional information which may prove useful, such as details of the child's Named Person, Lead Professional and the school(s) attended by the child. In terms of education, we would suggest that the current requirements could be interpreted as meaning just that there should be notification of there being a co-ordinated support plan (CSP) in place. We recommend that a summary of the CSP content, and details of other additional support for learning needs of the child should also be included.

Annex A refers to "Child's health history including, so far as practicable, Child's family health history". We would like to draw attention to the fact that, under *The Adoption (Disclosure of Information and Medical Information about Natural Parents)(Scotland) Regulations 2009*, Article 11) medical practitioners are duty bound to disclose information to an adoption agency about genetically transmissible or other significant disease in the family history. Our expectation is therefore that the Adoption Register includes information on family health history wherever relevant.

We would encourage details of the family history of abuse, neglect or sexual abuse to be included (in so far as is possible in keeping with the Data Protection Act 1998). We also suggest including information on the length of time the child has been away from the family.

We also suggest that it may be helpful to include details about the sexuality of the child.

Q2. Do you think that children's information should only be able to be referred to the Register once the Agency Decision Maker has confirmed that adoption is in their best interests (under Regulation 13(1) of the Adoption Agencies (Scotland) Regulations 2009)?

Yes X No

Comments:

This is appropriate.

Q3. Are there any additional types of information which should be included in the Register?

Yes No

Comments:

As stated above, we feel there is scope to include details of the child's Named Person, Lead Professional, the school(s) attended by the child, further details of the additional support for learning plan, details of the family history of abuse, neglect or sexual abuse (in so far as is possible in keeping with by the Data Protection Act 1998), the length of time the child has been away from the family.

Q4(a). Do you agree that the information in relation to children listed in annex A should be provided by adoption agencies when a child is referred to the Register?

Yes No

Comments:

The information should be as straightforward and as clear as possible in order to match children with suitable adopters as soon as possible.

Q4(b). Is there any further information relating to a child to be placed for adoption which should be provided to the Register?

Yes No

Comments:

Details of any planned contact and whether this is subject to review; details of the Named Person and Lead Professional, issues relating to the sexuality of the child.

Q5(a). Do you agree that the information in relation to a prospective adopter listed in annex A should be provided to the Register?

Yes No

Comments:

Q5(b). Is there any further information relating to a prospective adopter which should be provided to the Register?

Yes X No

Comments:

We suggest that providing details of the prospective adopter's sexuality should be considered.

Q6. Do you agree that the means of submitting information to the Register should be dealt with in the Data Sharing Agreement, rather than the Regulations?

Yes X No

Comments:

Q7. Do you agree that the timeframe for referring information to the Register should be 3 months from the point of the agency decision maker a) deciding adoption is in the best of interests of the child, and b) approving a prospective adopter?

Yes X No

Comments:

Q8. Do you agree that when an adoption agency becomes aware of any changes to the information it has submitted to the Register, it must notify the Register of these as soon as possible?

Yes X No

Comments:

Q9. Do you agree that when an adoption agency has submitted information on a child to the Register, they must notify the Register as soon as possible if the agency decides that adoption is no longer in the child's best interests and the reasons for this?

Yes X No

Comments:

Q10. Do you agree that when an adoption agency has submitted information on a prospective adopter to the Register, they must notify the Register as soon as possible should the prospective adopter no longer be available for matching?

Yes X No

Comments:

Q11. Do you think that personal, identifiable information about a child and a prospective adopter should be archived on the Register for a period of 12 months as is the current practice and following notification by the referring agency that the information is no longer required for the purposes of linking?

Yes No

Comments:

We would like further details on how the timeframe of 12 months was decided upon, and whether it is necessary to keep the information for this long.

Q12. In future we would suggest that non-identifiable information about prospective adopters should continue to be retained as it is currently, but is stored separately from the Register. Do you agree?

Yes No

Comments:

This information could be useful for the purposes of evaluation, identification of trends and analysis.

Q13. Do you agree that the detailed requirements for the way in which the Register keeps information secure, should be outlined in the Data Sharing Agreement?

Yes No

Comments:

This needs to be absolutely transparent.

Q14. Do you agree that the two circumstances identified in paragraphs 34 and 35 of the consultation paper should prevent adoption agencies from disclosing information to the Register?

Yes X No

Comments:

Q15. Do you agree that adoption agencies should be required to refer a child to the Register when the birth parents have not consented to that child's information being shared?

Yes X No

Comments:

If this is in the best interests of the child.

Q16. Do you think there are any other circumstances in which adoption agencies should not disclose information to the Register?

Yes No X

Comments:

Q17. Do you agree that information from the Register should be disclosed to those listed and for the purposes set out under paragraphs 41 and 42 of the consultation paper?

Yes No

Comments:

We would like further details on why it was deemed necessary to 'a social worker or a safeguarder appointed under the Children's Hearings (Scotland) Act 2011' on the list.

Q18. Do you think there are any other circumstances in which it would be appropriate for information from the Register to be disclosed to a specified person/group of people?

Yes No

Comments:

There may be instances where such information should be shared with police during the course of a police inquiry (e.g. in the investigation of a sexual abuse ring).

Q19. Do you agree with the suggestion in principle, that a standard inter-agency fee should be paid by the child's adoption agency to the adopter's adoption agency?

Yes No

Comments:

Q20. Do you think that the Scottish Government should endorse the standard inter-agency fee structure used in England or do you think that a Scottish inter-agency fee structure should be established through research and further consultation?

Yes No

Comments:

This should be established through research and consultation.

Q21. Do you agree that the adoption of a standard inter-agency fee structure in Scotland should be endorsed by Scottish Ministers in guidance?

Yes X No

Comments: