

Children in Scotland

11 December 2008

Scottish Government
Adoption Support Regulations Consultation
2-A(N)
Victoria Quay
Edinburgh
EH6 6QQ

Dear Sir or Madam,

Adoption (Disclosure of Medical Information about Natural Parents) (Scotland) Regulations 2009

Thank you for the opportunity to comment on these draft regulations. There are of course very few situations where it will be necessary to enforce them. They may, however, be of critical importance in these situations. We have chosen to make general comment rather than respond to the question schedule. We feel that agencies with specific experience and expertise in this field would give more informed comment, particularly in relation to questions 1 and 3.

It is important that actual experiences inform the judgment of Ministers in determining the extent of information to be disclosed. It would, for example, be inadvisable for this to go beyond the extent of what adoption agencies, adopted children and adoptive parents would see as helpful. Our view is that patient confidentiality must be subordinate to the best interests and rights of the child, but that this should extend only to information which may impact significantly on the child's or adoptive parents' care and lifestyle choices. In other words, the emphasis should be on the 'need to know'.

I hope this is helpful. Please contact me if you have any questions.

Yours sincerely,

MARION MACLEOD
Senior Policy and Parliamentary Officer

Children in Scotland is Scotland's national agency for organisations and professionals working with and for children, young people and their families. It exists to identify and promote the interests of children and their families and to ensure that policies and services and other provisions are of the highest possible quality and are able to meet the needs of a diverse society. Children in Scotland represents over 470 members, including 90% of Scottish Local Authorities, all major voluntary, statutory and private children's agencies, professional organisations, as well as many other smaller community groups and children's services. It is linked with similar agencies in other parts of the UK and the European Union.

The work of Children in Scotland encompasses extensive information, policy, research and practice development programmes. The agency works closely with MSPs, the Scottish Government, local authorities and practitioners. It services a number of groups such as: the Cross Party Parliamentary Group on Children and Young People (with YouthLink Scotland) and the National Voluntary Children's Forum. Children in Scotland also hosts Enquire - the national advice service for additional support for learning, and Resolve:ASL, Scotland's largest independent education mediation service.