



Feedback form

Consultation on:

- Access to Information (Pre and Post-Commencement Adoptions)
- The Registrar General's Functions

CONSULTATION RESPONSE FORM

The closing date for this consultation is 31 July 2004

Your comments must reach us by that date

Note when completing electronically: Use: **mouse** to access hyperlink and to access input boxes; **scroll** bar to navigate the form.

The information you send to us may need to be passed to colleagues within the Department for Education and Skills and/or published in a summary of responses received in response to this consultation. We will assume that you are content for us to do this, and that if you are replying by e-mail, your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system, unless you specifically include a request to the contrary in the main text of your submission to us.

The Department may, in accordance with the Code of Practice on Access to Government Information, make available on public request, individual consultation responses. This will extend to your comments unless you inform us that you wish them to remain confidential.

Please insert 'X' if you want us to keep your response confidential

Name _____

Organisation and job title (if applicable) _____

Address _____

Return completed forms to: Looked After Children Division
Department for Education and Skills
Room 121 Wellington House
133-155 Waterloo Road
London
SE1 8UG

Telephone: 020 7972 4880

Fax: 020 7972 4179

email: accesstoinformation.consultation@dfes.gsi.gov.uk

Please insert 'X' in **one** of the following boxes to indicate whether you are responding:

- As an individual On behalf of an organisation

Please insert 'X' in one of the following boxes that best describes you as a respondent.

- | | |
|-------------------------------------------------------|-----------------------------------------------------|
| <input type="checkbox"/> Local Authority | <input type="checkbox"/> Social Worker |
| <input type="checkbox"/> Representative group | <input type="checkbox"/> Carer |
| <input type="checkbox"/> Academic | <input type="checkbox"/> Supports services provider |
| <input type="checkbox"/> Other (please specify) _____ | |

A. ACCESS TO INFORMATION (POST-COMMENCEMENT ADOPTIONS) REGULATIONS

Question 1 – Information to be kept about a person’s adoption (draft regulation 3(3))

(a) Draft regulation 3(3)(a) requires the adoption agency to keep information on the adoption case record that has been supplied by a birth parent or other birth relative. Should specific provision be made for others, such as an adopted child’s former foster carer, to be able to deposit information on the case record?

- Yes No No view

(b) If yes, who else might be covered by this provision?

Comment:

(c) Should the regulations place an adoption agency under a duty to keep any information supplied by a birth relative or other person involved in the adoption?

- Yes No No view

Comment:

Question 2 – Preservation of section 56 information

(a) Draft regulation 5 requires adoption agencies to preserve any section 56 information for at least 75 years. Is this the right length of time?

- Yes No No view

(b) If no, what would be a more appropriate length of time?

Comment:

Question 3 – Transfer of section 56 information

(a) Regulation 6 provides that where a voluntary adoption agency ceases to act or exist, it is required to transfer its section 56 information either by agreement to another adoption agency or to the local authority in whose area the agency's principal office is situated. Should this regulation require that section 56 information only be transferred to a local authority adoption agency, as the body best placed to safeguard this information and to provide an ongoing service to former clients of the defunct VAA?

Yes

No

No view

Comment:

(b) Where a VAA intends to transfer section 56 information to a local authority adoption agency, should the regulations require the relevant local authority to take this information?

Yes

No

No view

Comment:

Question 4 – Impact on adoption agencies

(a) In relation to adoptions made after the relevant sections of the 2002 Act have come into force, adoption agencies are required by the Act to take "all reasonable steps" to obtain the views of any person identified by the disclosure of information. Will this new burden have a significant impact on the work of adoption agencies?

Yes

No

No view

(b) If yes, what will the impact be?

Comment:

Question 5 – Overall Detail

(a) Overall, is the level of detail provided by the regulations and guidance:

Too much About right Too little

(b) What, if any, additional issues need to be covered?

Comment:

Question 6 – Overall view of the guidance

Overall, in assisting you in interpreting the requirements set out in the Act and the draft regulations do you find the guidance:

Very helpful Helpful Not very helpful Not at all helpful

B. ACCESS TO INFORMATION (PRE-COMMENCEMENT ADOPTIONS) REGULATIONS

Question 7 – Consent of subject to disclosure

(a) Draft regulation 5 prohibits a registered Adoption Support Agency (ASA) from disclosing any identifying information about the subject of an application without having first obtained his informed consent. Where consent cannot be obtained because the subject has died or cannot be traced, is this requirement:

- Too restrictive About right No view

(b) What is your view on what may be disclosed by a registered ASA in these circumstances?

Comment:

Question 8 – Fees

(a) Draft regulation 14 provides registered ASAs with the discretion to charge a fee to any person in connection with the provision of counselling services. Where counselling is provided to the subject of an application, who should bear the cost?

- The subject The applicant Cost shared between subject and applicant
 No view

(b) Please explain your reasons.

Comment:

Question 9 – No wish for contact or an approach from a registered Adoption Support Agency

The 2002 Act recognises that not everybody involved in an adoption wishes to be traced or reunited with a birth relative. Some people will have no wish even to be approached by an Adoption Support Agency. Therefore, section 80 of the Act extends the Adoption Contact Register so that a person can formally register their wish for no contact with a specified person. It is also proposed in the guidance that where an adopted person (or their adoptive parents) knows the adoption agency that was involved in the adoption, they will be able to register their wish not to be approached by an ASA or the adoption agency.

Where the notification or entry is from the adopted person, should the guidance say that on obtaining this information from the adoption agency or from the Registrar General (the entry on the Contact Register) the ASA should:

- Inform the applicant of this and stop all further work on the application; or
- Inform the applicant and carefully consider the case before deciding whether or not to proceed with the application; or
- Take other steps in such cases. If so, please suggest what these might be.

Where the notification with the adoption agency is from the adoptive parents, should the guidance say:

- Inform the applicant and carefully consider the merits of the case before deciding whether or not to proceed further with the application; or
- Take other steps in such cases. If so, please suggest what these might be.

Comment:

Question 10 – Phased implementation of the provisions in the Access to Information (Pre-Commencement Adoptions) Regulations

(a) to help registered ASAs, adoption agencies and the Registrar General to manage the new demand for services under section 98 of the 2002 Act, it is proposed to implement the scheme in two phases. The first phase would apply to all adoptions made prior to 12 November 1975, and the second phase to all adoptions made between 13 November 1975 and full commencement of the 2002 Act. When should the second phase be introduced?

- After one year After eighteen months After two years
 Depends on the initial demand for services No view

Comment:

Question 11 – Overall Detail

(a) Overall, is the level of detail provided by the regulations and guidance:

- Too much About right Too little

(b) What, if any, additional issues need to be covered?

Comment:

C. THE ADOPTED CHILDREN AND ADOPTION CONTACT REGISTERS REGULATIONS 2004

Question 12 – Manner of application for a registrable foreign adoption to be registered in the Adopted Children Register (Regulation 7)

Is the Registrar General asking for appropriate particulars from the applicant as to what should make up the application?

- Yes No No view

Comment:

Question 13 – Applications for certificates from the Adopted Children Register (Regulation 11)

Has the Registrar General done enough in the regulations to restrict applications for certificates where the adopted person is under the age of 18?

- Yes No No view

Comment:

Question 14 – Notification of fact of death on the Adoption Contact Register

(a) Is the Registrar General right to offer fact of death of the adopted person to a birth relative of that person when he cannot offer the same service to adopted persons themselves regarding the possible death of a relative?

- Yes No No view

(b) Would the Registrar General be wiser not to offer the service at all?

- Yes No No view

(c) Please state your reasons:

Comment:

Question 15 – Future of the Adoption Contact Register

Given that the scheme set out in the Access to Information (Pre-Commencement Adoptions) Regulations duplicates much of the service previously provided solely by the Adoption Contact Register, is the Register still viable in the longer term?

Yes

No

No view

Comment:

Question 16 – Overall Detail

(a) Overall, is the level of detail provided by the regulations and guidance:

Too much

About right

Too little

(b) What, if any, additional issues need to be covered?

Comment:

D. PARTIAL REGULATORY IMPACT ASSESSMENT (RIA)

Question 17 – Impact of the Regulations

Do you agree with the assessment made on the likely impact of the draft regulations?

- Yes No, assessment too high
 No view No, assessment too low

Comment:

Question 18 – Benefits

Is the assessment of the benefits of the Regulations:

- Too positive About right Too negative

Comment:

Question 19 – General Comments

Please use this space for any general comments that you may have, comments on the layout of this consultation would also be welcome.

Comment:

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

Please acknowledge this reply

Here at the Department for Education and Skills we carry out research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

Yes

No

Code of Practice on written consultation

All UK national public consultations are required to conform to the following standards:

1. Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
2. Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
3. Ensure that your consultation is clear, concise and widely accessible.
4. Give feedback regarding the responses received and how the consultation influenced the policy.
5. Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
6. Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

Thank you for taking the time to respond to this consultation.

Completed questionnaires and other responses, should be sent to the address shown below by **31 July 2004**.

Send by post to: Looked After Children Division, Department for Education and Skills, Room 121, Wellington House, 133-155 Waterloo Road, London SE1 8UG.

Send by e-mail: Once you have completed the questionnaire, save it on your hard drive and then open an e-mail to: accesstoinformation.consultation@dfes.gsi.gov.uk, attach the completed questionnaire file and send the e-mail.

