
STATUTORY RULES OF NORTHERN IRELAND

2010 No. 289

The Voluntary Adoption Agencies
Regulations (Northern Ireland) 2010

PART IV

MISCELLANEOUS

Notifiable events

20.—(1) If, in relation to an agency, any of the events listed in column 1 of the table in Schedule 4 takes place, the registered provider and the manager shall without delay notify the person indicated in that table.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing within 14 days.

(3) In the table in Schedule 4 —

“approved by the agency” means approved by the agency as suitable to be an adoptive parent in accordance with the Adoption Agencies Regulations (Northern Ireland) 1989;

“placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;

Commencement Information

II [Reg. 20](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

Financial position

21.—(1) The registered provider shall carry on the agency in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered provider shall, if the RQIA so requests, provide the RQIA with such information and documents as it may require for the purpose of considering the financial viability of the agency, including—

(a) the annual accounts of the agency certified by an accountant; and

(b) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the agency in respect of death, injury, public liability, damage or other loss.

Commencement Information

II [Reg. 21](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

Notice of absence

22.—(1) Where the manager proposes to be absent from the agency for a continuous period of 28 days or more, the registered provider and the manager shall give notice in writing to the RQIA of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than 28 days before the proposed absence is to start, or within such shorter period as may be agreed with the RQIA, and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the agency;
- (d) the name, address and qualification of that person who will be responsible for the management of the agency during that absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the agency during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered provider and the manager shall give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2) (a) to (e).

(4) Where the manager has been absent from the agency for a continuous period of 28 days or more, and the RQIA has not been given notice of the absence, the registered provider and the manager shall without delay give notice in writing to the authority specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered provider and the manager shall notify the RQIA of the return to duty of the manager not later than 7 days after the date of his return.

Commencement Information

I3 [Reg. 22](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

Notice of changes

23.—(1) The registered provider and the manager shall give notice in writing to the RQIA as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

- (a) a person other than the registered provider carries on the agency;
- (b) a person ceases to manage the agency;
- (c) the name or address of the registered provider is changed;
- (d) there is any change of trustee, or director, manager, secretary, or other similar officer, of the registered provider;
- (e) there is to be any change in the identity of the responsible individual;
- (f) a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (g) the agency intends to cease to act or exist as such.

(2) The registered provider shall notify the RQIA in writing and without delay of the death of the responsible individual or the manager.

Commencement Information

I4 [Reg. 23](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

Appointment of liquidators etc.

- 24.**—(1) Any person to whom paragraph (2) applies shall —
- (a) forthwith notify the RQIA of his appointment indicating the reason for it;
 - (b) appoint a manager to take full-time day to day control of the agency in any case where there is no manager; and
 - (c) not more than 28 days after his appointment notify the RQIA of his intentions regarding the future operation of the agency.
- (2) This paragraph applies to any person appointed as —
- (a) the receiver or manager of the property of a registered provider;
 - (b) the liquidator or provisional liquidator of a registered provider.

Commencement Information

I5 [Reg. 24](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

Transfer of case records.

- 25.**—(1) Where an agency intends to cease to act or exist as such it shall transfer its case records having first obtained the RQIA's approval for such transfer to either —
- (a) another agency;
 - (b) the HSC Trust in whose area the agency's principal office is situated; or
 - (c) in the case of an agency that amalgamates with another to form a new voluntary adoption agency, to the new agency.

Commencement Information

I6 [Reg. 25](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

Compliance with regulations

26. Where anything is required under these Regulations to be done by more than one person, it shall, if done by one of those persons, not be required to be done by the other person or, as the case may be, persons.

Commencement Information

I7 [Reg. 26](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

Amendment of the Adoption Agencies Regulations (Northern Ireland) 1989

27.—(1) The Adoption Agencies Regulations (Northern Ireland) 1989⁽¹⁾ are amended in accordance with the following paragraphs.

(2) In regulation 1(2), after the definition of “prospective adopter” insert:

“RQIA” means the Health and Social Care Regulation and Quality Improvement Authority;”
(2)

(3) In regulation 15 (Access to case records and disclosure of information) after paragraph (1) (b) insert the following sub-paragraph:

“(bb) to the RQIA, where the adoption agency is an appropriate voluntary organisation
(3);”

(4) For Regulation 16 (Transfer of case records) substitute the following —

“16.—(1) Subject to paragraph (2), an adoption agency may transfer a copy of a case record (or part thereof) to another adoption agency when it considers this to be in the interests of a child or prospective adopter to whom the record relates, and a written record shall be kept of any such transfer.

(2) An adoption agency to which case records are transferred from an appropriate voluntary organisation, shall notify the RQIA in writing of such transfer”.

Commencement Information

18 Reg. 27 in operation at 29.10.2010, see reg. 1(1)

Revocation

28. Regulations 2 and 3 of the Adoption Agencies Regulations (Northern Ireland) 1989 are revoked.

Commencement Information

19 Reg. 28 in operation at 29.10.2010, see reg. 1(1)

(1) S.R 1989 No.253

(2) Renamed under Health and Social Care Reform Act (Northern Ireland) 2009 (c.1 (N.I))

(3) Definition inserted by Schedule 4 of S.I. 2003/431 (N.I.9)

Changes to legislation:

There are currently no known outstanding effects for the The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010, PART IV.