

Draft Regulations laid before Parliament under section 140(3)(b) of the Adoption and Children Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2018 No.

**CHILDREN AND YOUNG
PERSONS, ENGLAND AND WALES**

**The Restriction on the Preparation of Adoption
Reports (Amendment) Regulations 2018**

*Made - - - - - ***
Coming into force on the day after the day on which it
is made*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by section 94(1) of the Adoption and Children Act 2002(1) (“the Act”), and after consultation with the Welsh Ministers(2).

In accordance with section 140(3) of the Act(3), a draft of this instrument was laid before Parliament and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Restriction on the Preparation of Adoption Reports (Amendment) Regulations 2018 and come into force on the day after the day on which they are made.

Amendment of the Restriction on the Preparation of Adoption Reports Regulations 2005

2.—(1) The Restriction on the Preparation of Adoption Reports Regulations 2005(4) are amended as follows—

- (2) In regulation 2 (interpretation)—
- (a) omit the definition of “Council”; and
 - (b) in the definition of “social worker”—

(1) [2002 c.38](#). See section 144(1) for the definition of “regulations” and section 94(1) for the definition of “prescribed”.
(2) Section 94(1) provides that the regulations are to be made by the Secretary of State after consultation with the National Assembly for Wales. Paragraph 30 of Schedule 11 to the Government of Wales Act 2006 transferred this function to the Welsh Ministers.
(3) Section 140(3) was amended by section 4(2) of the Children and Families Act [2014 \(c.6\)](#).
(4) [S.I. 2005/1711](#).

(i) for paragraph (a) substitute—

“(a) Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001⁽⁵⁾;

(aa) the social worker part of the register maintained by Social Care Wales under section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016⁽⁶⁾.”.

(3) For regulation 3(1)(b)(i) (a person within a prescribed description) substitute—

“(i) is participating in a course for persons wishing to become social workers which is approved—

(aa) under article 15 of the Health and Social Work Professions Order 2001, or

(bb) by Social Care Wales under section 114 of the Regulation and Inspection of Social Care (Wales) Act 2016.”.

Date

Name
Parliamentary Under Secretary of State
Department for Education

⁽⁵⁾ S.I. 2002/254. The title was substituted by section 213(6) of the Health and Social Care Act 2012 (c.7).

⁽⁶⁾ 2016 anaw 2.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Restriction on the Preparation of Adoption Reports Regulations 2005. They amend the description of persons prescribed for the purposes of section 94(1) of the Adoption and Children Act 2002 by amending the definition of “social worker” and the description of persons prescribed by virtue of participating in specified courses. The Regulations update the references to the English and Welsh social work regulators to the Health and Care Professions Council (HCPC) and Social Care Wales, respectively.

An impact assessment has not been produced for this instrument as it has a minimal impact on businesses and civil society organisations. The instrument has a minimal impact on the public sector.