

# ADOPTION AND CHILDREN ACT 2002

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Adoption**

#### *Chapter 2 – The Adoption Service*

#### *Section 5: Local authority plans for adoption services*

38. *Section 5* imposes a duty upon local authorities to prepare and publish a plan for the provision of adoption services in their area. Under *subsection (2)* the plan must contain information of a description prescribed in regulations. *Subsection (5)* enables the appropriate Minister to direct the form and manner in which, and the time at which, the plan is to be published by a local authority. The appropriate Minister may also direct who the local authority is to consult in drawing up the plan. A direction may be given by the appropriate Minister under *subsection (4)(a)* that the plan be included in a document specified in the direction, for example a more general plan for the provision of services relating to children within the local authority's area. The intention is as far as possible to incorporate the adoption plan within existing planning mechanisms for children's services, but the provisions provide flexibility to allow for the preparation of separate plans should they be required. There is a power to make regulations relating to the review, modification and substitution of plans (*subsection (3)*).
39. A direction given by the appropriate Minister may modify the requirements in the regulations concerning the information to be included in the plan (*subsection (4)(b)*). Such directions may be given to a particular local authority or to a class of local authorities. It is envisaged that these powers might, for example, be used to facilitate the production of a tailored plan where authorities are working in consortia arrangements. Directions other than those given under *subsection (4)(b)* may be given to a particular local authority, a class of local authorities or to local authorities generally.