

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 2 – The Adoption Service

Section 8: Adoption support agencies

42. *Section 8* amends the Care Standards Act 2000 to make new provision for the registration of adoption support agencies by the registration authority (the National Care Standards Commission in England and the National Assembly in Wales) under Part 2 of that Act. The purpose of these new provisions is to allow agencies other than adoption agencies to provide support services in connection with adoption (for example, specialist birth records counselling, and other services to be set out in the new national framework for adoption support services) while ensuring that organisations operating in this sector are properly regulated. An adoption support agency may be voluntary or profit-making, and both organisations and sole practitioners providing adoption support services will be required to apply for registration as an adoption support agency. Registration will ensure that adoption support services are provided to an appropriately high standard by staff with the necessary training and expertise.
43. Registered adoption support agencies will be able to provide birth records counselling under paragraph 2(1)(b) of Schedule 2. This will deliver the White Paper commitment to enable bodies other than approved voluntary adoption agencies to provide birth records counselling. It is also the intention that adoption support agencies will have a role in counselling in respect of the disclosure of information from adoption agency records (see in particular *section 63*) and in respect of adoptions which took place before the Act is implemented a role in facilitating contact between adopted adults and adult birth relatives (see *section 98*). Carrying on or managing an adoption support agency without being registered will be an offence under section 11 of the Care Standards Act 2000.
44. The providers of adoption support services listed in *subsection (2)* are not included in the definition of an adoption support agency. These providers are not to be registered under Part 2 of the Care Standards Act 2000 as they are already regulated through other means. *Subsection (2)(f)* provides a power to make regulations to add to this list.