Adoption and Children Act 2002

2002 CHAPTER 38

PART 1

ADOPTION

CHAPTER 2

THE ADOPTION SERVICE

The Adoption Service

4 Assessments etc. for adoption support services

(1) A local authority must at the request of—

(a) any of the persons mentioned in paragraphs (a) to (c) of section 3(1), or

(b) any other person who falls within a description prescribed by regulations (subject to subsection (7)(a)),

carry out an assessment of that person's needs for adoption support services.

(2) A local authority may, at the request of any person, carry out an assessment of that person's needs for adoption support services.

(3) A local authority may request the help of the persons mentioned in paragraph (a) or (b) of section 3(4) in carrying out an assessment.

(4) Where, as a result of an assessment, a local authority decide that a person has needs for adoption support services, they must then decide whether to provide any such services to that person.

(5) If—

(a) a local authority decide to provide any adoption support services to a person, and

(b) the circumstances fall within a description prescribed by regulations,

Status: *Point in time view as at 10/03/2003. This version of this provision has been superseded.*
Changes to legislation: *Adoption and Children Act 2002, Section 4 is up to date with all changes known to be in force on or before 01 July 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

the local authority must prepare a plan in accordance with which adoption support services are to be provided to the person and keep the plan under review.

(6) Regulations may make provision about assessments, preparing and reviewing plans, the provision of adoption support services in accordance with plans and reviewing the provision of adoption support services.

(7) The regulations may in particular make provision—

(a) as to the circumstances in which a person mentioned in paragraph (b) of subsection (1) is to have a right to request an assessment of his needs in accordance with that subsection,

(b) about the type of assessment which, or the way in which an assessment, is to be carried out,

(c) about the way in which a plan is to be prepared,

(d) about the way in which, and time at which, a plan or the provision of adoption support services is to be reviewed,

(e) about the considerations to which a local authority are to have regard in carrying out an assessment or review or preparing a plan,

(f) as to the circumstances in which a local authority may provide adoption support services subject to conditions,

(g) as to the consequences of conditions imposed by virtue of paragraph (f) not being met (including the recovery of any financial support provided by a local authority),

(h) as to the circumstances in which this section may apply to a local authority in respect of persons who are outside that local authority's area,

(i) as to the circumstances in which a local authority may recover from another local authority the expenses of providing adoption support services to any person.

(8) A local authority may carry out an assessment of the needs of any person under this section at the same time as an assessment of his needs is made under any other enactment.

(9) If at any time during the assessment of the needs of any person under this section, it appears to a local authority that—

(a) there may be a need for the provision of services to that person by a Primary Care Trust (in Wales, a Health Authority or Local Health Board), or

(b) there may be a need for the provision to him of any services which fall within the functions of a local education authority (within the meaning of the Education Act 1996 (c. 56)),

the local authority must notify that Primary Care Trust, Health Authority, Local Health Board or local education authority.

(10) Where it appears to a local authority that another local authority could, by taking any specified action, help in the exercise of any of their functions under this section, they may request the help of that other local authority, specifying the action in question.

(11) A local authority whose help is so requested must comply with the request if it is consistent with the exercise of their functions.

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Commencement Information

I1 S. 4(6)(7)(b)-(i) in force at 10.3.2003 for specified purposes for E. by S.I. 2003/366, **art. 2(2)(b)**

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