
STATUTORY INSTRUMENTS

2003 No. 367

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

PART II

REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS

Fitness of registered provider

- 5.—(1) An organisation shall not carry on an agency unless it is fit to do so.
- (2) An organisation is not fit to carry on an agency unless—
- (a) it has given notice to the registration authority of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the agency; and
 - (b) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
 - (b) he is physically and mentally fit to carry on the agency; and
 - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

Appointment of manager and branch manager

- 6.—(1) The registered provider shall appoint—
- (a) an individual to manage the agency (in these Regulations referred to as “the manager”); and
 - (b) where the agency has a branch, an individual to manage that branch (in these Regulations referred to as “the branch manager”).
- (2) The registered provider shall forthwith notify the registration authority of—
- (a) the name of any person appointed in accordance with this regulation; and
 - (b) the date on which the appointment is to take effect.

Fitness of manager and branch manager

- 7.—(1) The registered provider shall not allow a person to manage the agency or any branch of the agency unless he is fit to do so.
- (2) A person is not fit to manage an agency or (as the case may be) branch unless—
- (a) he is of integrity and good character;

- (b) having regard to the size of the agency or branch and the agency's statement of purpose—
 - (i) he has the qualifications, skills and experience necessary for managing the agency or branch; and
 - (ii) he is physically and mentally fit to manage the agency or branch; and
- (c) full and satisfactory information is available in relation to him in respect of each of the matters listed in Schedule 2.

Registered provider, manager and branch manager — general requirements

8.—(1) The registered provider, the manager, and the branch manager (if any) shall, having regard to—

- (a) the size of the agency or (as the case may be) branch and the agency's statement of purpose; and
- (b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the agency,

carry on or manage the agency or (as the case may be) branch, with sufficient care, competence and skill.

(2) The registered provider shall ensure that the responsible individual undertakes from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the agency.

(3) The registered provider shall ensure that the manager and branch manager (if any), undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the agency or (as the case may be) branch.

Notification of offences

9. Where the registered provider, responsible individual, manager or branch manager (if any) is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith give notice in writing to the registration authority of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.