
STATUTORY INSTRUMENTS

2003 No. 367

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

PART IV MISCELLANEOUS — AGENCIES

Notifiable events

19.—(1) If, in relation to an agency, any of the events listed in column 1 of the table in Schedule 4 takes place, the registered provider and the manager shall without delay notify the person indicated in respect of the event in column 2 of that table.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing within 14 days.

(3) In the table—

“approved by the agency” means approved by the agency as suitable to be an adoptive parent in accordance with the Adoption Agencies Regulations 1983;

“area authority” means the local authority in whose area the child is placed for adoption;

“placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;

“Primary Care Trust” means the Primary Care Trust in whose area the child is placed for adoption by the agency; and

“Local Health Board” means the Local Health Board in whose area the child is placed for adoption by the agency.

Financial position

20.—(1) The registered provider shall carry on the agency in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered provider shall, if the registration authority so requests, provide the authority with such information and documents as it may require for the purpose of considering the financial viability of the agency, including—

(a) the annual accounts of the agency certified by an accountant; and

(b) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the agency in respect of death, injury, public liability, damage or other loss.

Notice of absence

21.—(1) Where—

- (a) the manager proposes to be absent from the agency; or
- (b) the branch manager proposes to be absent from the branch of the agency,

for a continuous period of 28 days or more, the registered provider and the manager shall give notice in writing to the registration authority of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the registration authority, and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the agency or (as the case may be) branch during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the management of the agency or (as the case may be) branch during the absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the agency or (as the case may be) branch during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered provider and the manager shall give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2)(a) to (e).

(4) Where the manager or branch manager has been absent from the agency or (as the case may be) branch for a continuous period of 28 days or more, and the registration authority has not been given notice of the absence, the registered provider and the manager shall without delay give notice in writing to the authority specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered provider and the manager shall notify the registration authority of the return to duty of the manager or branch manager not later than 7 days after the date of his return.

Notice of changes

22.—(1) The registered provider and the manager shall give notice in writing to the registration authority as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

- (a) a person other than the registered provider carries on the agency;
- (b) a person ceases to manage the agency;
- (c) the name or address of the registered provider is changed;
- (d) there is any change of trustee, or director, manager, secretary, or other similar officer, of the registered provider;
- (e) there is to be any change in the identity of the responsible individual;
- (f) a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (g) the agency intends to cease to act or exist as such.

(2) The registered provider shall notify the registration authority in writing and without delay of the death of the responsible individual, the manager or branch manager (if any).

Appointment of liquidators etc.

23.—(1) Any person to whom paragraph (2) applies shall—

- (a) forthwith notify the registration authority of his appointment indicating the reasons for it;
 - (b) appoint a manager to take full-time day to day control of the agency in any case where there is no manager; and
 - (c) not more than 28 days after his appointment notify the registration authority of his intentions regarding the future operation of the agency.
- (2) This paragraph applies to any person appointed as—
- (a) the receiver or manager of the property of a registered provider;
 - (b) the liquidator or provisional liquidator of a registered provider.

Compliance with regulations

24. Where anything is required under these Regulations to be done by more than one person, it shall, if done by one of those persons, not be required to be done by the other person or, as the case may be, persons.