

2005 No. 3339

SOCIAL CARE, ENGLAND

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Local Authority Adoption Service (England) (Amendment)
Regulations 2005**

<i>Made</i> - - - -	<i>3rd December 2005</i>
<i>Laid before Parliament</i>	<i>9th December 2005</i>
<i>Coming into force</i> - -	<i>30th December 2005</i>

The Secretary of State for Education and Skills in exercise of powers conferred by sections 9(1)(a) and 140(7) and (8) of the Adoption and Children Act 2002(a), makes the following Regulations:—

Citation, commencement and application

1.—(1) These Regulations may be cited as the Local Authority Adoption Service (England) (Amendment) Regulations 2005 and shall come into force on 30th December 2005.

(2) These Regulations apply to England only.

Amendment of the Local Authority Adoption Service (England) Regulations 2003

2.—(1) The Local Authority Adoption Service (England) Regulations 2003(b) are amended as follows.

(2) In regulation 1(3) (interpretation) after the definition of “adoption service” insert—

““adoption support services” means, in addition to the services set out in section 2(6)(a) of the Adoption and Children Act 2002, the services prescribed for the purposes of section 2(6)(b) of that Act by the Secretary of State(c);”.

(3) In regulation 2(2)(b) (statement of purpose) (d)—

(a) omit “and” at the end of paragraph (iii); and

(a) 2002 c.38. These powers are exercisable by the appropriate Minister who is defined in section 144(1) of the Adoption and Children Act 2002 in relation to England as the Secretary of State.

(b) S.I. 2003/370.

(c) See the services prescribed in regulation 3 of the Adoption Support Services Regulations 2005, S.I. 2005/691, regulations 3(3) and 4 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, S.I. 2005/890 and regulation 3(1) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, S.I. 2005/2720.

(d) References in the Local Authority Adoption Service (England) Regulations 2003, S.I. 2003/370, to the Commission are references to the National Care Standards Commission. The National Care Standards Commission has been abolished and the functions it performed in relation to the adoption service became functions of the Commission for Social Care Inspection with effect from 1st April 2004 (see Part 2 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43)).

- (b) insert after paragraph (iv)—
 - “(v) any person receiving adoption support services from the authority or acting on behalf of a child receiving such services from the authority; and
 - (vi) any person making enquiries about receiving adoption support services from the authority on his own or a child’s behalf”.
- (4) In regulation 3(2) (children’s guide)—
 - (a) omit “and” at the end of sub-paragraph (b) and insert—
 - “(ba) every adult acting on behalf of a child to whom the authority provides adoption support services; and”; and
 - (b) insert at the end of sub-paragraph (c) “or is receiving adoption support services from the authority”.
- (5) In regulation 4 (review of statement of purpose and children’s guide) omit “and” at the end of paragraph (a) and insert at the end of paragraph (b)—
 - “and
 - (c) if the children’s guide is revised, supply a copy to any adult acting on behalf of a child to whom the authority provides adoption support services and (subject to his age and understanding) to each such child”.
- (6) In regulation 7(1) (general requirements)—
 - (a) omit “and” at the end of sub-paragraph (a);
 - (b) insert after “placed for adoption by” in sub-paragraph (b)—
 - “, or receiving adoption support services from,”
 - (c) insert at the end of sub-paragraph (b)—
 - “; and
 - (c) the number and needs of those receiving adoption support services from the authority,”.
- (7) In regulation 9 (arrangements for the protection of children)—
 - (a) after “children” in paragraph (1)(a) insert “receiving adoption support services from, or”; and
 - (b) in paragraph (2)(d) for “and children who have been placed for adoption by the authority,” substitute “, children who have been placed for adoption by the authority and any person to whom the authority provides adoption support services,”.
- (8) Insert after regulation 9—

“Provision of services

9A. The local authority shall ensure that adoption support services provided to any person are appropriate having regard to the needs for such services identified by an assessment carried out by the local authority.

Records with respect to services

9B.—(1) The local authority shall maintain records indicating in respect of each person to whom it provides adoption support services—

- (a) full name;
- (b) date of birth;
- (c) whether he is an adoptive child or an adopted person who has attained the age of 18 or, if not, his relationship to an adoptive child or adopted person;
- (d) description of services requested;

(e) description of needs as assessed by the authority;

(f) description of services provided.

(2) The records specified in paragraph (1) shall be retained for such period as the local authority considers appropriate.

(3) In this regulation “adoptive child” has the same meaning as in the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(a).”.

(9) In regulation 10 (staffing of agency)—

(a) at the end of paragraph (a) omit the word “and”; and

(b) at the end of paragraph (b) insert—

“or who are receiving adoption support services from the authority; and

(c) the number and needs of those receiving adoption support services from the authority.”.

(10) At the end of regulation 11(2) (fitness of workers) insert—

“, or children who may receive or are receiving adoption support services from the authority”.

(11) In regulation 13(1) (staff disciplinary procedure)—

(a) insert after “children” in sub-paragraph (a) “who are receiving adoption support services from the authority or”; and

(b) after “child” in sub-paragraph (b) insert “receiving adoption support services from the authority or”.

(12) In Schedule 1 (information to be included in the statement of purpose) insert after paragraph 7—

“7A. The procedure for assessing needs for adoption support services.”.

(13) In Schedule 2 (information to be included in the children’s guide) insert after paragraph 2—

“2A. A summary of the adoption support services the local authority provides to children.
”

(14) In Schedule 4 (records to be kept in relation to each person working for the purposes of the adoption service) insert after paragraph 5—

“5A. Qualifications relevant to, and experience of, working with adults and children receiving adoption support services.”.

3rd December 2005

Maria Eagle
Parliamentary Under Secretary of State
Department for Education and Skills

(a) S.I. 2005/2720.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Local Authority Adoption Service (England) Regulations 2003 (“the 2003 Regulations”).

The 2003 Regulations make provision in relation to the Adoption Service provided by local authorities. These Regulations amend the 2003 Regulations to make provision about adoption support services provided by local authorities (defined in section 2(6) of the Adoption and Children Act 2002 and regulations made under section 2(6)).

The amendments made by these Regulations impose additional obligations on a local authority in relation to the provision of adoption support services. The regulations require in particular officers appointed to manage the local authority’s Adoption Service to have regard to the number and needs of those receiving adoption support services (regulation 2(6)); require the written policy intended to safeguard children to include children receiving adoption support services from the local authority (regulation 2(7)); require authorities to ensure that adoption support services they provide are appropriate to the needs of those receiving the services (regulation 2(8)) and to have sufficient staff who are suitably qualified and competent to provide such services (regulation 2(9)); require the local authority to keep records in relation to the adoption support services provided to any person (regulation 2(8)) and new requirements are imposed in relation to the provision of copies of the authority’s statement of purpose and children’s guide (regulation 2(3) and (4)).

A regulatory impact assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the regulatory impact assessment can be obtained from the Department for Education and Skills’ website <http://www.dfes.gov.uk/ria/>.

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