
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Adoption Agencies Regulations 2005 (“the Principal Regulations”), which make provision about the exercise by adoption agencies (that is, local authorities and registered adoption societies) of their functions in relation to adoption under the Adoption and Children Act 2002. They come into force on 1st September 2012.

The Principal Regulations require that, when an adoption agency is considering adoption for a child, the agency must refer the case to an adoption panel, which must then make a recommendation to the agency as to whether the child should be placed for adoption.

Section 22(1) and (2) of the Adoption and Children Act 2002 provides that, where an adoption agency is a local authority and decides that a child should be placed for adoption, and the criteria set out in either of those provisions are met, the local authority must then apply to the court for a placement order.

These Regulations change the process in cases where the adoption agency is considering whether the child ought to be placed for adoption in circumstances where, if they decide that the child should be so placed, section 22(1) or (2) will apply. In those cases the adoption agency is now prohibited from referring the case to the adoption panel before making its decision.

The Adoption Agencies (Wales) Regulations 2005 make provision in relation to Wales about the exercise of adoption agencies’ functions in relation to adoption. Corresponding amendments will be made to those Regulations with effect from 1st September 2012.

As a result of changes to both the Principal Regulations and the Adoption Agencies (Wales) Regulations 2005, these Regulations also make consequential amendments to the Adoptions with a Foreign Element Regulations 2005, which extend to England and Wales and make provision about adoptions with a foreign element under the Adoption (Intercountry Aspects) Act 1999 and the Adoption and Children Act 2002.

An impact assessment has not been prepared for these Regulations because no impact on the private, voluntary or public sectors is foreseen.