

2018 No. 152

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Adoption and Care Planning (Miscellaneous Amendments)
Regulations 2018**

| | |
|-------------------------------|--------------------------|
| <i>Made</i> - - - - | <i>5th February 2018</i> |
| <i>Laid before Parliament</i> | <i>8th February 2018</i> |
| <i>Coming into force</i> - - | <i>5th March 2018</i> |

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 22C(11) and 104(4) of and paragraphs 12A, 12B and 12E of Schedule 2 to the Children Act 1989(a) and sections 56(3), 57(6), 58(2) and 140(7) and (8) of the Adoption and Children Act 2002(b).

Citation and commencement

1. These Regulations may be cited as the Adoption and Care Planning (Miscellaneous Amendments) Regulations 2018 and come into force on 5th March 2018.

Amendment of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

2. In regulation 8(2) of the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005(c) (disclosure for purposes of agency's functions or for research)—

- (a) in regulation 2(a), at the end omit "or"; and
- (b) at the end insert—
 - “; or
 - (c) another adoption agency as it thinks fit for purposes related to its functions or the receiving agency's functions as an adoption agency”.

Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010

3. The Care Planning, Placement and Case Review (England) Regulations 2005(d) are amended as follows.

-
- (a) 1989 c.41. Section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c.23) (“the 2008 Act”) and amended by regulations 4(b) and (f) and 6(b) of S.I. 2014/889 and regulations 2(1), 55 and 70(c) of S.I. 2016/413. Paragraphs 12A, 12B and 12E of Schedule 2 were inserted by paragraph 4 of Schedule 1 to the 2008 Act and paragraph 12F was amended by regulations 2(1), 55 and 113(d) of S.I. 2016/413. For the definition of “prescribed” see section 105(1) of the Children Act 1989.
 - (b) 2002 c.38. Section 140(7) was amended by section 7(1) and (6) of the Children and Families Act 2014 (c.6). See section 144(1) for the definition of “regulations” and section 131(1)(b) for the definition of “prescribed”.
 - (c) S.I. 2005/888 to which there are amendments not relevant to these Regulations.
 - (d) S.I. 2010/959 to which there are amendments not relevant to these Regulations.

4. After regulation 49 (establishment of records) insert—

“Transfer of case records

49A. The responsible authority may transfer a copy of C’s case record (or part of that record) to an adoption agency when it considers this to be in the interests of C, and a written record shall be kept of any such transfer.”.

5. In regulation 50(2) (retention and confidentiality of records) before sub-paragraph (a) insert—

“(aa) regulation 49A,”.

5th February 2018

Nadhim Zahawi
Parliamentary Under Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the disclosure of certain information by an adoption agency to another adoption agency.

Regulation 2 amends the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005 to enable an adoption agency to share any information kept about a person’s adoption in accordance with section 56(1)(a) of the Adoption and Children Act 2002 with another adoption agency as it thinks fit for purposes related to its functions or the receiving agency’s functions as an adoption agency.

Regulation 3 amends the Care Planning, Placement and Case Review (England) Regulations 2010 to enable the local authority looking after a child to disclose that child’s case record to an adoption agency when it considers such a disclosure to be in the interests of the child.

A full impact assessment has not been produced for this instrument as it has a minimal impact on businesses and civil society organisations. The instrument has a minimal impact on the public sector.

© Crown copyright 2018

Printed and published in the UK by The Stationery Office Limited under the authority and superintendence of Jeff James, Controller of Her Majesty’s Stationery Office and Queen’s Printer of Acts of Parliament.

£4.25

UK201802071001 02/2018 19585

<http://www.legislation.gov.uk/id/uksi/2018/152>

ISBN 978-0-11-116539-3



9 780111 165393