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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1313**

**The Adoption Agencies (Wales) Regulations 2005**

**PART 5**

**DUTIES OF ADOPTION AGENCY IN RESPECT OF PROPOSED  
PLACEMENT OF CHILD WITH PROSPECTIVE ADOPTER**

**Proposed placement**

**32.**—(1) Where the adoption agency is considering placing a child for adoption with a particular prospective adopter (in this regulation referred to as “the proposed placement”) the agency must —

- (a) provide the prospective adopter with a report about the child which must include the information set out in Schedule 5 and any other information which the agency considers relevant;
- (b) meet with the prospective adopter to discuss the proposed placement;
- (c) ascertain the views of the prospective adopter about —
  - (i) the proposed placement;
  - (ii) the child’s assessed needs for adoption support services and the adoption support plan;
  - (iii) the arrangements the agency proposes to make for allowing any person contact with the child; andwhere applicable, any restriction in the exercise of their parental responsibility.
- (d) provide a counselling service for, and any further information to, the prospective adopter as may be required.

(2) Where the procedures set out in paragraph (1) have been followed and the prospective adopter has confirmed to the agency in writing their agreement to the proposed placement, the agency must, in such cases as it considers appropriate and so far as is reasonably practicable in the light of the child’s age and understanding, counsel the child and tell the child about the prospective adopters, their family circumstances and home environment and ascertain the child’s views about the proposed placement, contact arrangements and any restriction of the prospective adopter’s parental responsibility.

(3) Where the adoption agency considers that the proposed placement should proceed the agency must —

- (a) where the agency is a local authority, carry out an assessment of the needs of the child and the prospective adoptive family for adoption support services in accordance with regulations made under section 4(6) of the Act;
- (b) consider the arrangements for allowing any person contact with the child;
- (c) consider whether the parental responsibility of any parent or guardian, or of prospective adopters, is to be restricted to any extent;
- (d) prepare a written report which must include —

- (i) the agency's reasons for proposing the placement;
- (ii) the information obtained by virtue of paragraphs (1) and (2);
- (iii) where the agency is a local authority, its proposals for the provision of adoption support services, if any, in accordance with regulations made under section 4(6) of the Act;
- (iv) the arrangements the agency propose to make for allowing any person contact with the child;
- (v) the agency's proposals for restricting the parental responsibility of any parent or guardian, or prospective adopter; and
- (vi) any other information relevant to the proposed placement.

(4) The adoption agency must notify the prospective adopter that the proposed placement is to be referred to the adoption panel and send the prospective adopter a copy of the agency's report referred to in paragraph (3) and invite any observations on the report to be sent in writing to the agency within 10 working days, beginning with the date on which the notification was sent.

(5) At the end of the period of 10 working days referred to in paragraph (4) (or earlier if observations are received before the 10 working days have expired) the adoption agency must send —

- (a) the report referred to in paragraph (3);
- (b) the report referred to in regulation 17;
- (c) the report referred to in regulation 26 and any observations made by the prospective adopter on that report;
- (d) any other relevant information obtained by the agency under this regulation

to the adoption panel.

(6) The adoption agency may only refer to the adoption panel its proposal to place a child for adoption with a particular prospective adopter if any other adoption agency which has made a decision in accordance with these Regulations that the child should be placed for adoption, or that the prospective adopter is suitable to adopt a child, has been consulted about the proposed placement.

(7) Where the adoption agency proposes to place a child for adoption with a particular prospective adopter the agency must set up case records in any case where it has not already set up such records and place on the appropriate record any information, report, recommendation or decision referred to it by another adoption agency together with any other information to be sent to the adoption panel by virtue of this regulation in respect of them.

(8) The adoption agency must obtain so far as is reasonably practicable any other relevant information which may be requested by the adoption panel in connection with the proposed placement and send that information to the panel.

### **Function of the adoption panel in relation to the proposed placement**

**33.—**(1) The adoption panel must consider the proposed placement referred to it by the adoption agency and make a recommendation to the agency as to whether the child should be placed for adoption with that particular prospective adopter.

(2) In considering what recommendation to make the adoption panel must have regard to the duties imposed on the adoption agency under section 1(2), (4) and (5) of the Act (considerations applying to the exercise of powers in relation to the adoption of a child) and —

- (a) must consider and take into account all information and the reports passed to it in accordance with regulation 32;

(b) may request the adoption agency to obtain any other relevant information which the panel considers necessary; and

(c) must obtain legal advice as it considers necessary in relation to the case.

(3) The adoption panel must also consider and, where the panel makes a recommendation to the agency that the child should be placed for adoption with that particular prospective adopter, the panel may consider and at the same time give advice to the adoption agency about —

(i) where the adoption agency is a local authority, the authority's proposals for the provision of adoption support services;

(ii) the arrangements the adoption agency proposes to make for allowing any person contact with the child;

(iii) whether an application should be made for a placement order; and

(iv) where the agency is authorised to place the child for adoption whether it considers any person's parental responsibility should be restricted and, if so, the extent of any such restriction.

(4) The adoption panel may only make the recommendation in paragraph (1) if —

(a) that recommendation is to be made at the same meeting of the adoption panel at which a recommendation has been made that the child should be placed for adoption; or

(b) the adoption agency or another adoption agency has made a decision in accordance with regulation 19 that the child should be placed for adoption;

and in either case that recommendation is to be made at the same meeting of the panel at which a recommendation has been made that the prospective adopter is suitable to adopt a child or the adoption agency, or another adoption agency, has made a decision in accordance with regulation 28 that the prospective adopter is suitable to adopt a child.

### **Adoption agency's decision in relation to the proposed placement**

**34.—**(1) The adoption agency must —

(a) take into account the recommendation of the adoption panel;

(b) take into account any advice given by the adoption panel in accordance with regulation 33(3); and

(c) have regard to the consideration set out in section 1(2) of the Act,

in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter.

(2) No member of the adoption panel is to take part in any decision made by the adoption agency under paragraph (1).

(3) As soon as possible after making its decision the adoption agency must notify the prospective adopter in writing of its decision about the proposed placement, contact arrangements and the restriction of any person's parental responsibility.

(4) As soon as possible after making its decision, the agency must notify in writing —

(a) the parent or guardian, if their whereabouts are known to the agency; and

(b) where regulation 14(2) applies, the father of the child,

of its decision.

(5) Where the adoption agency decides the proposed placement should proceed the agency must, in an appropriate manner and in the light of the child's age and understanding, explain its decision to the child.

**Function of the adoption agency in a section 83 case**

**35.**—(1) This paragraph applies where in a section 83 case the adoption agency receives from the relevant foreign authority information about a child to be adopted by a prospective adopter whom the agency has approved as suitable to adopt a child.

(2) Where paragraph (1) applies, the adoption agency must —

- (a) send a copy of the information referred to in paragraph (1) to the prospective adopter unless it is aware that the prospective adopter has received a copy;
- (b) consider that information;
- (c) meet with the prospective adopter to discuss the information; and
- (d) if appropriate, provide a counselling service for, and any further information to, the prospective adopter as may be required.