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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1313**

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

**PART 6**

**PLACEMENTS AND REVIEWS**

**Requirements imposed on the adoption agency before the child is placed for adoption with prospective adopter**

**36.**—(1) This paragraph applies where the adoption agency —

- (a) has decided in accordance with regulation 34 to place a child for adoption with a particular prospective adopter; and
- (b) has met with the prospective adopter to consider the arrangements it proposes to make for placing the child with him.

(2) Where paragraph (1) applies, the adoption agency must, at least 7 days before the child is placed with the prospective adopter, provide the prospective adopter with a placement plan in respect of the child which covers the matters specified in Schedule 6 (“the placement plan”).

(3) Where paragraph (1) applies and the child already lives with the prospective adopter, the adoption agency must provide the prospective adopter with the placement plan in respect of the child within 7 days of its decision to place the child for adoption with the prospective adopter.

(4) Where paragraph (1) applies, the adoption agency must, before the child is placed for adoption with the prospective adopter—

- (a) notify the prospective adopter’s general practitioner in writing of the proposed placement and send with that notification a written report of the child’s health history and current state of health;
- (b) notify the local authority (if that authority is not the adoption agency) and Local Health Board or Primary Care Trust (England) in whose area the prospective adopter resides in writing of the proposed placement;
- (c) notify the local education authority in whose area the prospective adopter resides in writing of the proposed placement and information about the child’s educational history and whether the child has been or is likely to be assessed for special educational needs under the Education Act 1996.

(5) The adoption agency must notify the prospective adopter in writing of any change to the placement plan.

(6) Where paragraph (1) applies the adoption agency must, before the child is placed for adoption with the prospective adopter, arrange for the prospective adopter to meet the child and following that meeting counsel the prospective adopter and, so far as is reasonably practicable in the light of the child’s age and understanding, the child about the prospective placement.

(7) Where, following the procedures referred to in paragraph (6) the prospective adopter confirms in writing their wish to proceed with the placement and the agency is authorised to place the child for

adoption or the child is less than 6 weeks old, the adoption agency may place the child for adoption with the prospective adopter.

(8) Where the child already lives with the prospective adopter, the adoption agency must notify the prospective adopter in writing of the date on which the child is placed there for adoption by the agency.

## **Reviews**

**37.**—(1) This paragraph applies where the adoption agency is authorised to place a child for adoption but the child has not been placed for adoption.

(2) This paragraph applies where a child is placed for adoption.

(3) Where paragraph (1) applies, the adoption agency must carry out a review of the child's case —

- (a) not more than three months after the date on which the agency first has authority to place; and
- (b) thereafter not more than six months after the date of the previous review (“six months review”),

until the child is placed for adoption.

(4) Where paragraph (2) applies, the adoption agency must carry out a review of the child's case —

- (a) not more than four weeks after the date on which the child is placed for adoption (“the first review”);
- (b) no more than three months after the first review; and
- (c) thereafter not more than six months after the date of the previous review,

unless the child is returned to the agency by the prospective adopter or an adoption order is made.

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

- (a) ensure the child and the prospective adopter are visited within one week of the placement and thereafter at least once a week until the first review and thereafter at such frequency as the agency decide at each review;
- (b) ensure that written reports are made of such visits; and
- (c) provide such advice and assistance to the prospective adopter as the agency considers necessary.

(6) When carrying out a review the adoption agency must visit the child and so far as reasonably practicable ascertain the views of —

- (a) the child in the light of the child's age and understanding;
- (b) if the child is placed for adoption, the prospective adopter; and
- (c) any other person the agency considers relevant,

in relation to each of the matters set out in paragraph (7)(a) to (f).

(7) As part of each review the adoption agency must consider—

- (a) whether placed or not, whether the adoption agency remain satisfied that the child should still be placed for adoption;
- (b) the child's needs, welfare, progress and development, and whether any changes need to be made to meet the child's needs or assist the child's development;
- (c) the existing arrangements for contact, and whether they should continue or be modified;

- (d) where the child is placed for adoption the arrangements in relation to the exercise of parental responsibility for the child, and whether they should continue or be modified;
  - (e) the existing arrangements for the provision of adoption support services and whether there should be any re-assessment of the need for those services;
  - (f) in consultation with the appropriate agencies, the arrangements for assessing and meeting the child's health care needs and educational needs;
  - (g) subject to paragraphs (3) and (4) the frequency of the reviews.
- (8) Where the child is subject to a placement order and has not been placed for adoption at the time of the first six months review, the local authority must at that review —
- (a) establish why the child has not been placed for adoption and consider what further steps the authority should take in relation to the placement of the child for adoption; and
  - (b) in light of that, consider whether it remains satisfied that the child should be placed for adoption.
- (9) The adoption agency must —
- (a) set out in writing the arrangements governing the manner in which the case of each child is to be reviewed and must draw the written arrangements to the attention of —
    - (i) the child where reasonably practicable in the light of the child's age and understanding;
    - (ii) the prospective adopter; and
    - (iii) any other person the agency considers relevant.
  - (b) ensure that —
    - (i) the information obtained in respect of a child's case including the ascertainable wishes and feelings of the child;
    - (ii) details of the proceedings at any meeting arranged by the agency to consider any aspect of the review of the case; and
    - (iii) details of any decision made in the course of or as a result of the review (including as to frequency of visits),are recorded in writing and placed on the child's case record.
- (10) The adoption agency must, so far as is reasonably practicable, notify —
- (a) the child where it considers the child is of sufficient age and understanding;
  - (b) the prospective adopter; and
  - (c) any other person whom it considers ought to be notified
- of the outcome of the review and of any decision taken by it in consequence of the review.
- (11) Where the child is returned to the adoption agency in accordance with section 35(1) or (2) of the Act, the agency must conduct a review of the child's case as soon as reasonably practicable and in any event no later than 28 days after the date on which the child is returned to the agency.

### **Independent reviewing officers**

**38.—**(1) An adoption agency which is a local authority or a registered adoption society which is a voluntary organisation which provides accommodation for a child, must appoint a person ("the independent reviewing officer") in respect of the case of each child authorised to be placed for adoption by the agency to carry out the functions mentioned in section 26(2A) of the 1989 Act.

(2) The independent reviewing officer must have significant experience in social work and hold a Diploma in Social Work or a Social Work Degree or an equivalent qualification recognised by the Care Council for Wales.

(3) Where the independent reviewing officer is an employee of the adoption agency the independent reviewing officer's post within that agency must not be under the direct management of —

- (a) a person involved in the management of the case;
- (b) a person with management responsibilities in relation to a person mentioned in subparagraph (a); or
- (c) a person with control over the resources allocated to the case.

(4) The independent reviewing officer must, as far as reasonably practicable chair any meeting held in connection with the review of the child's case.

(5) The independent reviewing officer must, as far as is reasonably practicable, take steps to ensure that the review is conducted in accordance with regulation 37 and in particular to ensure —

- (a) that the child's views are understood and taken into account;
- (b) that the persons responsible for implementing any decision taken in consequence of the review are identified; and
- (c) that any failure to review the case in accordance with regulation 37 or to take proper steps to make or carry out arrangements agreed at the review is brought to the attention of persons at an appropriate level of seniority within the agency.

(6) If the child whose case is reviewed wishes to take proceedings under the Act on his own account, for example, to apply to the court for revocation of a placement order, it is the function of the independent reviewing officer—

- (a) to assist the child to obtain legal advice; or
- (b) to establish whether an appropriate adult is able and willing to provide such assistance or bring the proceedings on the child's behalf.

(7) The adoption agency must inform the independent reviewing officer of—

- (a) any significant failure to make or to carry out arrangements in accordance with a review;
- (b) any significant change of circumstances occurring after the review that affects those arrangements.

### **Withdrawal of consent**

**39.**—(1) This paragraph applies where consent under section 19, or section 19 and 20, of the Act in respect of a child is withdrawn in accordance with section 52(8) of the Act.

(2) Where paragraph (1) applies and the adoption agency is a local authority, on receipt of the form or notice given in accordance with section 52(8) of the Act, the authority must immediately review its decision to place the child for adoption and where, in accordance with section 22(1) or (2) of the Act, the authority decides to apply for a placement order in respect of the child, it must immediately notify —

- (a) the parent or guardian;
- (b) if regulation 14(2) applies, the child's father; and
- (c) if the child is placed for adoption, the prospective adopter with whom the child is placed.

(3) Where paragraph (1) applies and the adoption agency is a registered adoption society, the agency must immediately consider whether it is appropriate to inform the local authority in whose area the child is living.