
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made partly under the Care Standards Act 2000 (“the 2000 Act”) and partly under the Adoption and Children Act 2002 (“the 2002 Act”). The 2000 Act established a new regulatory system for care services in Wales; section 8(3) of the 2002 Act amends the 2000 Act with the effect that a person cannot carry on or manage an adoption support agency without being registered under Part 2 of the 2000 Act. The 2002 Act provides powers for the National Assembly for Wales, as the registration authority, to regulate adoption support agencies. An agency applying to the registration authority for registration under the 2000 Act will have to demonstrate compliance with these Regulations. The registration authority is the National Assembly for Wales.

Section 2(6) of the 2002 Act provides that counselling, advice and information and any other services prescribed by regulations, in relation to adoption, are adoption support services. Regulation 2 of these Regulations prescribes services which are adoption support services for the purposes of these regulations.

Regulations 3 and 4 make provision for the statement of purpose and children’s guide. Each adoption support agency must have a statement of purpose setting out the aims and objectives of the agency. The statement of purpose must be kept under review and revised when necessary. The agency must be carried on in a manner that is consistent with the statement of purpose. An agency which provides services to children must produce a written guide to the agency which is suitable for children.

Regulations 5 to 9 make provision about the persons carrying on and managing an adoption support agency. Regulation 5 requires an agency to nominate a responsible individual for supervising the management of the agency.

Regulation 6 requires a manager to be appointed for the agency. Provision is made for the fitness of the manager, in particular by the requirement that satisfactory information be obtained in relation to the matters specified in Schedule 2 (regulation 7). Regulation 8 imposes general requirements in relation to the proper conduct of an adoption support agency, and the need for appropriate training. Regulation 9 requires the responsible individual and registered person to notify the registration authority of convictions.

Regulations 10 — 15 deal with applications for adoption support services which assist the adopted person or relative to obtain information or facilitate contact. Regulation 11 does not require the agency to provide such services where it is considered inappropriate and sets out the factors the agency should take into account in making that decision. Regulation 12 requires the agency to obtain the informed consent of the subject of the application before disclosing information about him or her that would identify him or her or enable him or her to be traced by the person making the request. Regulation 13 enables the adopted person or relative to register a veto with the agency. Regulation 14 makes provision for background information to be disclosed where consent is refused. Regulation 15 requires the agency to provide information about counselling and secure counselling services in relation to applications for such adoption support services under regulation 2(e) or (f). Adoption support agencies must themselves provide support and assistance to a person who is the subject of an adopted person or relative’s request for information or contact if the person chooses not to avail themselves of a counselling service.

Regulations 16 to 26 make provision about the conduct of an adoption support agency, in particular as to the protection of children (regulation 16) providing service appropriate to a user’s needs (regulation 17) record keeping in relation to services provided (regulation 18) complaints

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(regulations 19 and 20) staffing (including record keeping in relation to staff) and fitness of staff and premises (regulations 21 to 26).

Regulation 27 provides that the registered provider and registered manager are to give notice of the events described in Schedule 4 to the persons specified in that Schedule. Regulation 28 imposes requirements relating to an adoption support agency's financial position. Regulations 29 to 31 provide for the giving of notices to the registration authority and the appointment of liquidators. Regulation 32 provides for offences in contravention of or failure to comply with provisions in the Regulations.

Regulation 33 provides that where these Regulations place a requirement on more than one person, if one of those who is obliged to meet that requirement does so, the other person is not also obliged to meet that requirement. Regulation 34 amends the Registration of Social Care and Independent Health Care (Wales) Regulations 2002. Regulation 35 provides for the transitional arrangements for registration of adoption support agencies.