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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1514**

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

**PART 3**

**APPLICATIONS FOR ADOPTION SUPPORT SERVICES**

**Applicability of provisions**

**10.** The following provisions contained in this Part are only applicable to agencies which provide adoption support services under regulations 2(2)(e) or (f).

**No obligation to proceed if not appropriate**

**11.**—(1) An agency that provides adoption support services under regulations 2(2)(e) or (f) is not required to commence with provision of such services, or having begun to provide those services, is not required to continue if the agency considers it would not be appropriate to do so.

(2) In deciding whether it is appropriate to provide those services (or commence provision of such services) the agency must have regard to:

- (a) the welfare of the adopted person requesting the service;
- (b) the welfare of the relative requesting the service;
- (c) any veto recorded under regulation 13;
- (d) any information held by the Registrar General on the Adoption Contact Register;

and all the other circumstances of the case.

(3) An agency must not commence or continue with provision of services to an adopted person or relative, for assistance in contacting a person who is below the age of 18 unless—

- (a) there are exceptional circumstances and,
- (b) the provisions of paragraph (4) are complied with.

(4) An agency must not proceed with the provision of services of the sort referred to in sub paragraph (3) unless—

- (a) a person with parental responsibility for the child has given his or her consent and
- (b) either
  - (i) the child being competent, has consented, or
  - (ii) any wishes or feelings of a child who is not competent have been taken into account.

**Consent of subject to disclosure etc**

**12.**—(1) An agency must not disclose any identifying information about the subject to the person requesting that information without first obtaining the consent of the subject.

(2) The agency must take all reasonable steps to ensure that the subject has enough information to enable him or her to make an informed decision as to whether to give his or her consent to any such disclosure.

(3) If the subject has died or the agency determines that he or she is incapable of giving consent the agency may disclose such identifying information about the subject as is appropriate taking into consideration the welfare of those who may be affected by the disclosure and this process may include eliciting views of those persons.

(4) In this regulation and in regulation 14, “identifying information” means information which whether taken on its own or together with other information possessed by the person requesting it, enables the subject to be identified and traced.

### **Veto by an adopted person or relative**

**13.**—(1) A veto applies in relation to the provision of adoption support services under regulations 2(2) (e) or (f) where—

- (a) the subject is the adopted person; or
- (b) the subject is a relative of the adopted person; and
- (c) that person has notified the agency in writing that —
  - (i) he or she does not wish to be contacted by the agency; or
  - (ii) he or she only wishes to be contacted under specified circumstances or by specified persons.

(2) Where the agency is notified of a veto under paragraph (1) it must keep a record of it.

(3) Where an agency is aware that a veto applies, it must not proceed with the application.

### **Provision of background information where consent refused etc**

**14.** In a case where the consent of the subject is refused or cannot be obtained under regulation 12 or a veto applies under regulation 13, nothing in those regulations prevents the agency from disclosing any information about the subject that is not identifying information and that the agency considers it appropriate to disclose to the adopted person or relative making the request.

### **Counselling**

**15.**—(1) An agency must provide written information about the availability of counselling to any person who—

- (a) makes a request for adoption support services under Regulations 2(2)(e) or (f); or
- (b) is the subject of such an application and is considering whether to consent to disclosure of information about him or her to the person requesting it.

(2) The information provided under paragraph (1) must include—

- (a) descriptions of persons offering counselling; and
- (b) fees that may be charged by such persons.

(3) If a person mentioned in paragraph (1) requests that counselling be provided for him or her, the adoption support agency must secure the provision of counselling services for that person.

(4) The agency may provide such counselling services itself or make arrangements either with —

- (a) another registered provider of adoption support services, or
- (b) a person who provides such services under contract to a registered provider.

(5) where the subject of an application chooses not to avail himself or herself of a counselling service for which a fee is payable, the adoption support agency must nevertheless provide support and assistance to the subject in making a decision.