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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1514**

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

**PART 4**

**CONDUCT OF AGENCIES**

**Arrangements for the protection of children**

**16.**—(1) The registered person in relation to an agency providing adoption support services must prepare and implement a written policy which —

- (a) is intended to safeguard from abuse or neglect children receiving adoption support services from the agency; and
  - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The procedure under paragraph (1)(b) must provide in particular for —
- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in respect of the child;
  - (b) written records to be kept of any allegation of abuse or neglect and the action taken in response; and
  - (c) arrangements to be made for persons working for the purposes of the agency and adults and children to whom the agency has provided adoption support services to have access to information that would enable them to contact —
    - (i) the local authority in whose area the agency is situated and any other local authority on behalf of whom the agency is providing adoption support services to a child, and
    - (ii) the registration authority,regarding any concern about child welfare or safety.

(3) In this regulation “child protection enquiries” means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the Children Act 1989(1) relating to the protection of children.

**Provision of services**

**17.** The registered person must ensure that adoption support services provided to any person as part of a local authority assessment are appropriate to the needs for such services as identified by that assessment carried out by a local authority.

**Records with respect to services**

**18.**—(1) The registered person must maintain and keep up to date the following records indicating in respect of each person to whom the agency provides adoption support services —

- (a) full name;
  - (b) date of birth;
  - (c) whether the persons are:
    - (i) children who may be adopted, their parents and guardians;
    - (ii) persons wishing to adopt a child;
    - (iii) adopted persons, their parents, natural parents, former guardians and related persons;
  - (d) description of services requested;
  - (e) description of needs as assessed by a local authority;
  - (f) description of services provided;
  - (g) whether the services are provided on behalf of a local authority under regulations made under section 3(4)(b) of the 2002 Act.
- (2) The records specified in paragraph (1) shall be retained for at least seventy five years from the date of the last entry.

### **Complaints**

**19.**—(1) The registered person must establish a written procedure for considering complaints (referred to in these Regulations as “the complaints procedure”) made by or on behalf of any person who has requested, or to whom the agency has provided, adoption support services.

- (2) The complaints procedure must, in particular, provide —
- (a) an opportunity for informal resolution of a complaint at an early stage;
  - (b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only;
  - (c) for dealing with complaints about the registered person; and
  - (d) in the case of an agency providing adoption support services to children, for complaints to be made by a person acting on behalf of a child.

(3) The registered person must provide a copy of the complaints procedure to every person working for the purposes of the agency and must provide, upon request, a copy of the procedure to any person mentioned in paragraph (1) or any person acting on behalf of a child.

- (4) The copy of the complaints procedure supplied under paragraph (3) must include —
- (a) the name, address and telephone number of the registration authority; and
  - (b) details of the procedure (if any) which has been notified to the registered person by the registration authority for the making of complaints to the registration authority that relate to the agency.

### **Complaints — further requirements**

**20.**—(1) The registered person must ensure that any complaint made under the complaints procedure is fully investigated.

(2) The registered person must, so far as is reasonably practicable, within a period of 20 working days beginning on the date on which the complaint is received by the agency, inform the complainant of the action (if any) that is to be taken in response to the complaint.

(3) The registered person must ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence.

- (4) The registered person must take all reasonable steps to ensure that —

- (a) children are enabled to make a complaint; and
- (b) no person is subject to any reprisal by the agency for making a complaint.

(5) The registered person must supply to the registration authority, at its request a statement containing a summary of any complaints made during the preceding 12 months and the action that was taken in response.

### **Staffing of agency**

**21.—**(1) The registered person must ensure that there is, having regard to —

- (a) the size of the agency and its statement of purpose, and
- (b) the need to safeguard and promote the health and welfare of children to whom the agency provides adoption support services,

provide a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the agency.

### **Fitness of workers**

**22.—**(1) The registered person must not —

- (a) employ a person to work for the purposes of the agency unless that person is fit to work for the purposes of the agency; or
- (b) allow a person who is employed by a person other than the registered provider to work for the purposes of the agency unless that person is fit to work for the purposes of the agency.

(2) For the purposes of paragraph (1) a person is not fit to work for the purposes of an agency unless —

- (a) he or she is of suitable integrity and good character;
- (b) he or she has the qualifications, skills, competence and experience necessary for the work he or she is to perform;
- (c) he or she is physically and mentally fit for the work he or she is to perform; and
- (d) full and satisfactory information is available in relation to him or her in respect of each of the matters specified in Schedule 2.

### **Employment of staff**

**23.—**(1) The registered person must —

- (a) ensure that all permanent appointments of staff employed for the purposes of the agency are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees with a job description outlining their responsibilities.

(2) The registered person must ensure that all persons employed by the agency —

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to gain further qualifications appropriate to the work they perform.

### **Staff disciplinary procedure**

**24.—**(1) The registered person must operate a disciplinary procedure which, in particular —

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of persons to whom the agency provides adoption support services;

- (b) provides that the failure on the part of an employee to report, to an appropriate person, an incident of abuse, or suspected abuse, of a child is a ground on which disciplinary proceedings may be instituted.
- (2) For the purposes of paragraph (1)(b), an appropriate person is —
  - (a) the registered person;
  - (b) an officer of the registration authority;
  - (c) a police officer;
  - (d) an officer of the National Society for the Prevention of Cruelty to Children; and
  - (e) an officer of a local authority in whose area the agency is situated.

### **Records in respect of staff**

**25.**—(1) The registered person must maintain and keep up to date the records specified in Schedule 3.

(2) The records referred to in paragraph (1) must be retained for at least 15 years from the date of the last entry.

### **Fitness of premises**

**26.**—(1) The registered person must not use the premises for the purposes of the agency unless the premises are suitable for the purpose of achieving the aims and objectives set out in its statement of purpose.

- (2) The registered person must ensure —
  - (a) that there are adequate security arrangements at the premises, in particular that there are secure facilities for the storage of records; and
  - (b) that any records which are, for any reason, not on the premises are nevertheless kept in conditions of appropriate security.