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WELSH STATUTORY INSTRUMENTS

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**2007 No. 1357**

**The Local Authority Adoption  
Service (Wales) Regulations 2007**

**PART 3**

**CONDUCT OF LOCAL AUTHORITY ADOPTION SERVICE**

**Arrangements for the protection of children**

- 14.** Each local authority must prepare and implement a written policy which—
- (a) is intended to safeguard from abuse or neglect every child placed for adoption by the authority or who may receive or is receiving adoption support services from the authority;
  - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect;
  - (c) ensures that the procedure in (b) is consistent with the Local Safeguarding Children Board procedures;
  - (d) ensures that all allegations and incidents of abuse in relation to the agency's staff or volunteers are investigated promptly and details of the investigation and action taken are recorded on a file set up and kept specially for that purpose, and that details are also placed on the service user's record;
  - (e) ensures that separate records are kept in respect of:
    - (i) all staff, and any other persons employed or who are contracted for services,
    - (ii) complaints,
    - (iii) any allegations made against any person.

**Staffing**

- 15.** Each local authority must ensure that, having regard to—
- (a) the size of the authority and its statement of purpose; and
  - (b) the need to safeguard and promote the health and welfare of children who may be, or have been, placed for adoption by or who may receive or are receiving adoption support services from the authority,

there is a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the adoption service, and that the local authority has a clear written recruitment policy for recruiting its staff.

**Fitness of workers**

- 16.—(1)** A local authority must not—
- (a) employ a person to work for the purposes of their adoption service unless that person is fit to work for the purposes of an adoption service; or

- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service.

(2) This paragraph applies to any person employed, other than by the authority in a position in which that person may in the course of that person's duties have regular contact with children who may be, or have been placed for adoption by the authority or who may receive or are receiving adoption support services from the authority.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an authority's adoption service unless that person—

- (a) is of integrity and good character;
- (b) has the qualifications, skills and experience necessary for the work which that person is to perform;
- (c) is physically and mentally fit for the work which that person is to perform; and unless
- (d) full and satisfactory information is available in relation to that person in respect of each of the matters specified in Schedule 3.
- (e) has an up to date CRB certificate of the appropriate level, such CRB certificate to be renewed every 3 years.

(4) The authority must take reasonable steps to ensure that any persons working for the purposes of the adoption service who are not employed by the authority and to whom paragraph (2) does not apply are appropriately supervised while carrying out their duties.

### **Employment of staff**

17.—(1) Each local authority must—

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

(2) The authority must ensure that all persons employed by the authority for the purposes of the adoption service—

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

### **Staff disciplinary procedure**

18.—(1) Each local authority 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 children who may be or have been placed for adoption by the authority or who may receive or are receiving adoption support services from the authority;
- (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 who has been or may be placed for adoption by the authority or who may receive or is receiving adoption support services from the authority is a ground on which disciplinary proceedings may be instituted.

(2) For the purposes of paragraph (1)(b), an appropriate person is—

- (a) the manager of the adoption service;
- (b) an officer of the National Assembly;
- (c) a police officer;

- (d) an officer of the National Society for the Prevention of Cruelty to Children;
- (e) an officer of the local authority in whose area the child is placed for adoption where this is a different authority.

### **Arrangements for the absence of manager**

**19.** Each local authority must establish a system to ensure that where the manager proposes to be or is absent from the local authority for a continuous period of 20 working days or more an identified person is responsible for the management of the adoption service until such time as the manager returns to the adoption service or (as the case may be) a new manager is appointed by the authority.

### **Records with respect to staff**

**20.—(1)** Each local authority must maintain and keep up to date the records specified in Schedule 4.

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

### **Fitness of premises**

**21.—(1)** The local authority must use premises for the purposes of their adoption service which are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The authority must ensure—

- (a) that there are adequate security arrangements at the premises, and 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 authority's premises are kept in conditions of appropriate security; and
- (c) case records set up under regulations 12 and 22 of the Adoption Agencies Wales Regulations 2005(1) are kept for at least 100 years.

### **Review of Quality of Service**

**22.—(1)** The local authority must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of adoption services provided by the local authority.

(2) The system established under paragraph (1) must make provision by the local authority for —

- (a) the quality of service to be reviewed at least annually; and
- (b) the local authority to obtain the views of—
  - (i) adoptive and natural parents and children being adopted;
  - (ii) any person receiving services from the local authority or their representatives in relation to adoption ;
  - (iii) staff employed by the local authority; and
  - (iv) any local authority,on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the local authority must within 28 working days prepare a report of that review and make a copy of the available report in an appropriate format when requested by —

- (a) the National Assembly;
- (b) service users;
- (c) representatives of service users;
- (d) staff employed by the local authority.

### **Assessment of Service**

**23.**—(1) The National Assembly can at any time request the local authority to undertake an assessment of the service provided to service users using its adoption services.

(2) Within 28 days of receiving a request under paragraph (1) the local authority must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The local authority must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

### **Compliance Notification**

**24.**—(1) The National Assembly can at any time notify the local authority of the action that in the National Assembly's view the local authority must take to ensure compliance with the 2000 Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the local authority must take the action required under paragraph (1).

(3) The local authority must advise the appropriate office of the National Assembly of the completion of any action required under paragraph (1).

### **Complaints**

**25.** Each local authority must—

- (a) ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and that the record is retained for at least 3 years from the date it is made; and
- (b) supply to the National Assembly at its request a statement containing a summary of any complaints made in respect of their adoption service during the preceding 12 months and the action (if any) taken as a result of the outcome of the investigation; and
- (c) supply to the National Assembly a summary of any allegations of abuse against children in the last 12 months and outcomes of investigations and action taken

### **Notifiable events**

**26.**—(1) If, in relation to a local authority, any of the events listed in the table in Schedule 5 occur, the local authority must without delay notify the persons listed in the columns of the table in respect of the event.

(2) Any notification made in respect of this order orally, must also be put in writing.