
WELSH STATUTORY INSTRUMENTS

2016 No. 216

The Social Services and Well-being (Wales)
Act 2014 (Consequential Amendments) and
Care Planning, Placement and Case Review
(Miscellaneous Amendments) (Wales) Regulations 2016

Amendment of the Adoption Agencies (Wales) Regulations 2005

- 5.—(1) The Adoption Agencies (Wales) Regulations 2005⁽¹⁾ are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the appropriate place, insert—
- ““looked after” means—
- (a) looked after (“*derbyn gofal*”) by a local authority in Wales in accordance with section 74(1) of the Social Services and Well-being (Wales) Act 2014⁽²⁾, or
- (b) looked after by a local authority in England in accordance with section 22(1) of the 1989 Act;”;
- (b) for the definition of “social services functions” substitute—
- ““social services functions” (“*swyddogaethau gwasanaethau cymdeithasol*”) means functions within the meaning of section 143 of and Schedule 2 to the Social Services and Well-being (Wales) Act 2014;”.
- (3) In regulation 12(2) (requirement to open child’s case record), after “under the 1989 Act” insert “, or the Social Services and Well-being (Wales) Act 2014 (as the case may be)”.
- (4) After regulation 12 insert—

“Duties of adoption agency when a child is to be placed in accordance with section 81(11) of the Social Services and Well-being (Wales) Act 2014

12A.—(1) This regulation applies where a decision has been made to place a child in accordance with regulation 28 of the Care Planning, Placement and Case Review (Wales) Regulations 2015⁽³⁾ (temporary approval of a particular prospective adopter as a foster parent).

- (2) The adoption agency must—
- (a) notify the prospective adopter in writing of the decision to place the child with the prospective adopter; and
- (b) explain the decision to the child in an appropriate manner, having regard to the child’s age and understanding.
- (3) For the purposes of this regulation “placed” (“*lleoli*”) means placed in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014 where a local authority is

(1) S.I. 2005/ 1313 (W. 95).
(2) 2014 anaw 4.
(3) S.I. 2015/1818 (W. 261).

satisfied, in accordance with section 81(11) of that Act, that the child ought to be placed for adoption with a particular prospective adopter who has been granted temporary approval as a foster parent.”.

(5) In regulation 14 (requirement to provide counselling and information for, and ascertain the wishes and feelings of, the parent or guardian of the child and others)—

(a) after paragraph (1)(b)(iii), omit “and” and insert—

“(iv) the legal implications of a child being placed in accordance with section 81 of the Social Services and Well-being (Wales) Act 2014 with a particular prospective adopter who has been granted temporary approval as a foster parent following consideration in accordance with section 81(11) of that Act; and”; and

(b) in paragraph (3)(a), for “and (iii)” substitute “(iii), and (iv)”.

(6) In regulation 38(1) (independent reviewing officers), for “section 26(2A) of the 1989 Act” substitute “section 100 of the Social Services and Well-being (Wales) Act 2014”.

(7) In regulation 46 (modification of the 1989 Act in relation to adoption), omit paragraphs (1) and (2).

(8) After regulation 46 (modification of the 1989 Act in relation to adoption), insert—

“Modification of the Social Services and Well-being (Wales) Act 2014 in relation to adoption

46A.—(1) This paragraph applies where—

- (a) a local authority is authorised to place a child for adoption; or
- (b) a child who has been placed for adoption by a local authority is less than six weeks old.

(2) Where paragraph (1) applies—

- (a) section 6(4)(b) of the Social Services and Well-being (Wales) Act 2014 applies as if the reference to persons with parental responsibility for the child were a reference to any prospective adopter with whom the local authority has placed the child for adoption; and
- (b) section 95 of and paragraph 1 of Schedule 1 to the Social Services and Well-being (Wales) Act 2014 do not apply.”.

(9) In Schedule 5 (information to be given to the prospective adopter), in paragraph 6, omit “by the local authority”.