
STATUTORY INSTRUMENTS

2003 No. 367

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

PART III

CONDUCT OF AGENCIES

Arrangements for the protection of children

10.—(1) The registered provider and the manager shall prepare and implement a written policy which—

- (a) is intended to safeguard from abuse or neglect children placed for adoption—
 - (i) by the agency; or
 - (ii) by another adoption agency but with prospective adopters approved by the agency as suitable to be adoptive parents in accordance with the Adoption Agencies Regulations 1983(1); 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) shall 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) where the child is placed with prospective adopters, the prompt referral to the local authority in whose area the child is placed of any allegation of abuse or neglect;
- (c) where the child is not placed with prospective adopters, the prompt referral to the local authority in whose area the principal office of the agency is located of any allegation of abuse or neglect;
- (d) notification to the registration authority of the instigation and outcome of any child protection enquiries;
- (e) written records to be kept of any allegation of abuse or neglect and the action taken in response;
- (f) consideration to be given to the measures that may be necessary to protect children placed with prospective adopters following an allegation of abuse or neglect;
- (g) arrangements to be made for persons working for the purposes of the agency, prospective adopters and children who have been placed for adoption by the agency, to have access to information that would enable them to contact—
 - (i) the local authority referred to in sub-paragraph (b) or (c) (as the case may be); and
 - (ii) the registration authority,

(1) S.I. 1983/1964, amended by S.I. 1997/649, 1997/2308, 1999/2768, 2001/2237, 2001/2992, 2001/3443, 2002/808 and 2002/3220.

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 relating to the protection of children.

Complaints

11.—(1) The registered provider and the manager shall establish a written procedure for considering complaints (referred to in these Regulations as “the complaints procedure”) made by or on behalf of—

- (a) children who may be adopted, their parents and guardians;
- (b) persons wishing to adopt a child;
- (c) adopted persons, their parents, natural parents and former guardians.

(2) The complaints procedure shall, in particular, provide—

- (a) for 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 provider or the manager considers it appropriate, at the informal resolution stage only;
- (c) for dealing with complaints about the registered provider, the responsible individual, the manager and branch manager (if any); and
- (d) for complaints to be made by a person acting on behalf of a child.

(3) The registered provider and the manager shall provide a copy of the complaints procedure to every person working for the purposes of the agency and shall provide, upon request, a copy of the procedure to any person mentioned in paragraph (1)(a) to (c).

(4) The copy of the complaints procedure supplied under paragraph (3) shall 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 provider by the registration authority for the making of complaints to the registration authority that relate to the agency.

Complaints — further requirements

12.—(1) The registered provider and the manager shall ensure that any complaint made under the complaints procedure is fully investigated.

(2) The registered provider and the manager shall, so far as is reasonably practicable, within a period of 28 days beginning on the date on which the complaint is received by the agency, inform the complainant of the outcome of the investigation and the action (if any) that is to be taken in consequence.

(3) The registered provider and the manager shall 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 for that record to be retained for at least 3 years from the date that it is made.

(4) The registered provider and the manager shall 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 provider shall supply to the registration authority at its request a statement containing a summary of any complaints made in accordance with the complaints procedure during the preceding 12 months and any action taken in consequence.

Staffing of agency

13. The registered provider, the manager and, in relation to any branch, the branch manager, shall ensure that there is, having regard to—

- (a) the size of the agency or (as the case may be) branch and the agency's statement of purpose; and
- (b) the need to safeguard and promote the health and welfare of children placed for adoption—
 - (i) by the agency; or
 - (ii) by another adoption agency but with prospective adopters approved by the agency as suitable to be adoptive parents in accordance with the Adoption Agencies Regulations 1983,

a sufficient number of suitably qualified, competent, and experienced persons working for the purposes of the agency or (as the case may be) branch.

Fitness of workers

14.—(1) The registered provider, the manager and, in relation to any branch, the branch manager, shall not—

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

(2) This paragraph applies to any person who is employed by a person other than the registered provider, in a position in which he may in the course of his duties have regular contact with children who may be, or have been, placed for adoption by the agency.

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

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

(4) The registered provider, the manager and, in relation to any branch, the branch manager, shall take reasonable steps to ensure that any person working for the agency who is not employed by the agency and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

Employment of staff

15.—(1) The registered provider, the manager and, in relation to any branch, the branch manager, shall—

- (a) ensure that all permanent appointments of staff 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 provider, the manager and, in relation to any branch, the branch manager, shall ensure that all persons employed by the agency—

- (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

16.—(1) The registered provider and the manager shall 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 placed for adoption by the agency;
- (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 placed for adoption by the agency 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 provider, the manager, or in relation to any person working at any branch of the agency, the branch manager;
- (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;
- (e) an officer of a local authority in whose area the agency or (as the case may be) branch is situated; or
- (f) an officer of a local authority in whose area the child is placed for adoption.

Records with respect to staff

17.—(1) The registered provider, the manager and, in relation to any person working at any branch of the agency, the branch manager, shall maintain and keep up to date the records specified in Schedule 3.

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

Fitness of premises

18.—(1) The registered provider shall not use premises for the purposes of the agency unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered provider, the manager and, in relation to any branch, the branch manager, shall 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.