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STATUTORY RULES OF NORTHERN IRELAND

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**2010 No. 289**

**HEALTH AND PERSONAL SOCIAL SERVICES**

The Voluntary Adoption Agencies  
Regulations (Northern Ireland) 2010

*Made* - - - - *3rd September 2010*

*Coming into operation* *29th October 2010*

The Department of Health, Social Services and Public Safety, in exercise of the powers conferred by Articles 10 (1) and (1A) of the Adoption (Northern Ireland) Order 1987 (1) and Articles 17 (2), 30, 31, 32 and 48 (2) of the Health and Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (2), makes the following Regulations:

PART I  
GENERAL

**Citation and commencement**

1.—(1) These Regulations may be cited as the Voluntary Adoption Agencies Regulations (Northern Ireland) 2010 and shall come into operation on the 29<sup>th</sup> October 2010.

**Commencement Information**

II [Reg. 1](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Interpretation**

2.—(1) In these Regulations—

“the Order” means the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003;

“agency” means a voluntary adoption agency;

“complaints procedure” shall be constructed in accordance with regulation 12 (1);

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(1) S.I.1987 No.2203 (N.I.22) Article 10 (1A) is inserted by Schedule 4 to S.I. 2003/431 (N.I.9)

(2) S.I. 2003 No 431 (N.I.9)

“manager” shall be construed in accordance with regulation 7 (1) (a);

“organisation” means a body corporate;

“registered provider” means in relation to an agency, a person who is registered under Part III of the Order as the person carrying on the agency;

“RQIA” means the Health and Social Care Regulation and Quality Improvement Authority(3);

“responsible individual” shall be construed in accordance with regulation 6 (2);

“statement of purpose” means the written statement compiled in accordance with regulation 4 (1).

(2) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

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**Commencement Information**

**I2** [Reg. 2](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Application for registration under Part III of the Order**

**3.** No application for registration under Part III of the Order shall be made in respect of an agency which is an unincorporated body.

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**Commencement Information**

**I3** [Reg. 3](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Statement of Purpose**

**4.—(1)** The registered provider and the manager shall compile in relation to the agency a written statement (in these regulations referred to as “the statement of purpose”) which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered provider and the manager shall provide a copy of the statement of purpose to the RQIA.

(3) The registered provider and the manager shall make a copy of the statement of purpose available, upon request, for inspection by—

- (a) any person working for the purposes of the agency;
- (b) children who may be adopted, their parents and guardians;
- (c) persons wishing to adopt a child;
- (d) adopted persons, their parents, natural parents and former guardians;
- (e) any HSC Trust ;

(4) Subject to paragraph (5), the registered provider and the manager shall ensure that the agency is at all times conducted in a manner which is consistent with its statement of purpose.

(5) Nothing in paragraph (4) shall require or authorise the registered provider or the manager to contravene, or not to comply with—

- (a) any other provision of these Regulations;
- (b) any conditions for the time being in force in relation to the registration of the registered provider under Part III of the Order.

**Commencement Information**

**I4** Reg. 4 in operation at 29.10.2010, see **reg. 1(1)**

**Review of statement of purpose**

5. The registered provider and the manager shall keep under review and, where appropriate, revise the statement of purpose and notify the RQIA of any such revision within 28 days.

**Commencement Information**

**I5** Reg. 5 in operation at 29.10.2010, see **reg. 1(1)**

## PART II

### REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS

**Fitness of registered provider**

- 6.—(1) An organisation shall not carry on an agency unless it is fit to do so.
- (2) An organisation is not fit to carry on an agency unless—
- (a) it has given notice to the RQIA of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the agency;
  - (b) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
  - (b) he is physically and mentally fit to carry on the agency; and
  - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

**Commencement Information**

**I6** Reg. 6 in operation at 29.10.2010, see **reg. 1(1)**

**Appointment of manager**

- 7.—(1) The registered provider shall appoint—
- (a) an individual to manage the agency (in these regulations referred to as “the manager”);
- (2) the registered provider shall forthwith notify the RQIA of—
- (a) the name of any person appointed in accordance with this regulation; and

- (b) the date on which the appointment is to take effect.

**Commencement Information**

**I7** [Reg. 7](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Fitness of manager**

**8.**—(1) The registered provider shall not allow a person to manage the agency unless he is fit to do so.

(2) A person is not fit to manage an agency unless—

- (a) he is of integrity and good character;
- (b) having regard to the size of the agency and the agency’s statement of purpose—
  - (i) he has the qualifications, skills and experience necessary for managing the agency; and
  - (ii) he is physically and mentally fit to manage the agency; and
- (c) full and satisfactory information is available in relation to him in respect of each of the matters listed in Schedule 2.

**Commencement Information**

**I8** [Reg. 8](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Registered provider and manager – general requirements**

**9.**—(1) The registered provider and the manager shall, having regard to—

- (a) the size of the agency and the agency’s statement of purpose; and
  - (b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the agency;
- carry on or manage the agency, with sufficient care, competence and skill.

(2) The registered provider shall ensure that the responsible individual undertakes from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the agency.

(3) The registered provider shall ensure that the manager undertakes from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the agency.

**Commencement Information**

**I9** [Reg. 9](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Notification of offences**

**10.** Where the registered provider, responsible individual or manager is convicted of any criminal offence, or there are prosecutions pending, whether in Northern Ireland or elsewhere, he shall forthwith give notice in writing to the RQIA.

- (a) the date and place of the conviction ;

- (b) the offence of which he was convicted;
- (c) the penalty imposed on him in respect of the offence; and
- (d) the details of the offences pending.

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**Commencement Information**

**I10** Reg. 10 in operation at 29.10.2010, see [reg. 1\(1\)](#)

## PART III

### CONDUCT OF AGENCIES

#### Arrangements for the protection of children

**11.**—(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 who are or may be placed for adoption—
    - (i) by the agency; or
    - (ii) by another agency but with prospective adopters approved by the agency as suitable to be adoptive parents in accordance with the Adoption Agencies Regulations (Northern Ireland) 1989(4); 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 HSC Trust 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 HSC Trust 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 HSC Trust in whose area the agency is located of any allegation of abuse or neglect;
  - (d) notification to the RQIA 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 any child following an allegation of abuse or neglect;
  - (g) arrangements to be made for persons working for the purposes of the agency, prospective adopters, adopters and any children to have access to information that would enable them to contact—
    - (i) the HSC Trust referred to in sub-paragraph (b) or (c) (as the case may be); and
    - (ii) the RQIA regarding any concern about child welfare or safety.

(3) In this regulation “child protection enquiries” means any enquiries carried out by a HSC Trust in the exercise of any of its functions conferred by or under the Children (Northern Ireland) Order 1995(5).

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(4) S.R. 1989 No. 253

(5) S.I.1995 No.755 (N.I.2)

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**Commencement Information**

**I11** [Reg. 11](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Complaints**

**12.**—(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;
  - (b) parents or guardians of such children; and
  - (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 or the manager; 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 RQIA; and
  - (b) details of the procedure (if any) which has been notified to the registered provider by the RQIA for the making of complaints to the RQIA that relate to the agency.

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**Commencement Information**

**I12** [Reg. 12](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Complaints – further requirements**

**13.**—(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 and including 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 actions taken in consequence, and for that record to be retained for at least 10 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 RQIA 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.

**Commencement Information**

**I13** Reg. 13 in operation at 29.10.2010, see **reg. 1(1)**

**Staffing of agency**

**14.** The registered provider and the manager shall ensure that there is, having regard to—

- (a) the size of the agency and the agency’s 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—
  - (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 (Northern Ireland) 1989 **(6)**,

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

**Commencement Information**

**I14** Reg. 14 in operation at 29.10.2010, see **reg. 1(1)**

**Fitness of workers**

**15.—(1)** The registered provider and the 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 an 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 a registered provider, in a position in which he may be 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 and the 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.

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**Commencement Information**

**I15** Reg. 15 in operation at 29.10.2010, see **reg. 1(1)**

**Employment of staff**

**16.**—(1) The registered provider and the 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 and the 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.

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**Commencement Information**

**I16** Reg. 16 in operation at 29.10.2010, see **reg. 1(1)**

**Staff disciplinary procedure**

**17.**—(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 any 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 who may be or has been 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 or the manager;
- (b) an officer of the RQIA;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children;
- (e) an officer of a HSC Trust in whose area the agency is situated; or
- (f) an officer of a HSC Trust in whose area the child placed for adoption is living.

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**Commencement Information**

**I17** Reg. 17 in operation at 29.10.2010, see **reg. 1(1)**



### Records with respect to staff

**18.**—(1) The registered provider and the 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.

#### Commencement Information

**I18** Reg. 18 in operation at 29.10.2010, see [reg. 1\(1\)](#)

### Fitness of premises

**19.**—(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 and the 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.

#### Commencement Information

**I19** Reg. 19 in operation at 29.10.2010, see [reg. 1\(1\)](#)

## PART IV

### MISCELLANEOUS

### Notifiable events

**20.**—(1) If, in relation to an agency, any of the events listed in column 1 of the table in Schedule 4 takes place, the registered provider and the manager shall without delay notify the person indicated in that table.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing within 14 days.

(3) In the table in Schedule 4 —

“approved by the agency” means approved by the agency as suitable to be an adoptive parent in accordance with the Adoption Agencies Regulations (Northern Ireland) 1989;

“placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;

#### Commencement Information

**I20** Reg. 20 in operation at 29.10.2010, see [reg. 1\(1\)](#)

## Financial position

**21.**—(1) The registered provider shall carry on the agency in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered provider shall, if the RQIA so requests, provide the RQIA with such information and documents as it may require for the purpose of considering the financial viability of the agency, including—

- (a) the annual accounts of the agency certified by an accountant; and
- (b) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the agency in respect of death, injury, public liability, damage or other loss.

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### Commencement Information

**I21** [Reg. 21](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

## Notice of absence

**22.**—(1) Where the manager proposes to be absent from the agency for a continuous period of 28 days or more, the registered provider and the manager shall give notice in writing to the RQIA of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than 28 days before the proposed absence is to start, or within such shorter period as may be agreed with the RQIA, and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the agency;
- (d) the name, address and qualification of that person who will be responsible for the management of the agency during that absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the agency during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered provider and the manager shall give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2) (a) to (e).

(4) Where the manager has been absent from the agency for a continuous period of 28 days or more, and the RQIA has not been given notice of the absence, the registered provider and the manager shall without delay give notice in writing to the authority specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered provider and the manager shall notify the RQIA of the return to duty of the manager not later than 7 days after the date of his return.

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### Commencement Information

**I22** [Reg. 22](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

### Notice of changes

**23.**—(1) The registered provider and the manager shall give notice in writing to the RQIA as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

- (a) a person other than the registered provider carries on the agency;
- (b) a person ceases to manage the agency;
- (c) the name or address of the registered provider is changed;
- (d) there is any change of trustee, or director, manager, secretary, or other similar officer, of the registered provider;
- (e) there is to be any change in the identity of the responsible individual;
- (f) a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (g) the agency intends to cease to act or exist as such.

(2) The registered provider shall notify the RQIA in writing and without delay of the death of the responsible individual or the manager.

#### Commencement Information

**I23** Reg. 23 in operation at 29.10.2010, see **reg. 1(1)**

### Appointment of liquidators etc.

**24.**—(1) Any person to whom paragraph (2) applies shall —

- (a) forthwith notify the RQIA of his appointment indicating the reason for it;
- (b) appoint a manager to take full-time day to day control of the agency in any case where there is no manager; and
- (c) not more than 28 days after his appointment notify the RQIA of his intentions regarding the future operation of the agency.

(2) This paragraph applies to any person appointed as —

- (a) the receiver or manager of the property of a registered provider;
- (b) the liquidator or provisional liquidator of a registered provider.

#### Commencement Information

**I24** Reg. 24 in operation at 29.10.2010, see **reg. 1(1)**

### Transfer of case records.

**25.**—(1) Where an agency intends to cease to act or exist as such it shall transfer its case records having first obtained the RQIA's approval for such transfer to either —

- (a) another agency;
- (b) the HSC Trust in whose area the agency's principal office is situated; or
- (c) in the case of an agency that amalgamates with another to form a new voluntary adoption agency, to the new agency.

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**Commencement Information**

**I25** [Reg. 25](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Compliance with regulations**

**26.** Where anything is required under these Regulations to be done by more than one person, it shall, if done by one of those persons, not be required to be done by the other person or, as the case may be, persons.

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**Commencement Information**

**I26** [Reg. 26](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Amendment of the Adoption Agencies Regulations (Northern Ireland) 1989**

**27.—(1)** The Adoption Agencies Regulations (Northern Ireland) 1989(7) are amended in accordance with the following paragraphs.

(2) In regulation 1(2), after the definition of “prospective adopter” insert:

“RQIA” means the Health and Social Care Regulation and Quality Improvement Authority;”  
(8)

(3) In regulation 15 (Access to case records and disclosure of information) after paragraph (1) (b) insert the following sub-paragraph:

“(bb) to the RQIA, where the adoption agency is an appropriate voluntary organisation  
(9);”

(4) For Regulation 16 (Transfer of case records) substitute the following —

“**16.—(1)** Subject to paragraph (2), an adoption agency may transfer a copy of a case record (or part thereof) to another adoption agency when it considers this to be in the interests of a child or prospective adopter to whom the record relates, and a written record shall be kept of any such transfer.

(2) An adoption agency to which case records are transferred from an appropriate voluntary organisation, shall notify the RQIA in writing of such transfer”.

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**Commencement Information**

**I27** [Reg. 27](#) in operation at 29.10.2010, see [reg. 1\(1\)](#)

**Revocation**

**28.** Regulations 2 and 3 of the Adoption Agencies Regulations (Northern Ireland) 1989 are revoked.

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(7) [S.R 1989 No.253](#)

(8) Renamed under [Health and Social Care Reform Act \(Northern Ireland\) 2009 \(c.1 \(N.I\)\)](#)

(9) Definition inserted by Schedule 4 of [S.I. 2003/431 \(N.I.9\)](#)

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**Changes to legislation:** There are currently no known outstanding effects for the The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010. (See end of Document for details)

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**Commencement Information**

**I28** Reg. 28 in operation at 29.10.2010, see **reg. 1(1)**

Sealed with the Official Seal of the Department of Health, Social Services and Public Safety on 3rd September 2010.



*J.F Livingstone*  
A senior officer of the  
Department of Health Social Services and Public  
Safety

SCHEDULE 1

Regulation 4 (1)

INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

1. A statement of the overall aims and objectives of the agency

**Commencement Information**

**I29** Sch. 1 para. 1 in operation at 29.10.2010, see **reg. 1(1)**

2. The name and address of the registered provider, the responsible individual and the manager.

**Commencement Information**

**I30** Sch. 1 para. 2 in operation at 29.10.2010, see **reg. 1(1)**

3. Any conditions for the time being in force in relation to the registration of the registered person under Part III of the Order.

**Commencement Information**

**I31** Sch. 1 para. 3 in operation at 29.10.2010, see **reg. 1(1)**

4. The relevant qualifications and experience of the manager.

**Commencement Information**

**I32** Sch. 1 para. 4 in operation at 29.10.2010, see **reg. 1(1)**

5. The relevant qualifications and experience of the staff working for the purpose of the agency, including details of registration with any relevant professional regulatory body.

**Commencement Information**

**I33** Sch. 1 para. 5 in operation at 29.10.2010, see **reg. 1(1)**

6. The organisational structure of the agency.

**Commencement Information**

**I34** Sch. 1 para. 6 in operation at 29.10.2010, see **reg. 1(1)**

7. The system in place to monitor and evaluate the provision of services to ensure that the services provided by the agency are effective and the quality of those services is of an appropriate standard.

**Commencement Information**

**I35** Sch. 1 para. 7 in operation at 29.10.2010, see **reg. 1(1)**

8. The procedures for recruiting, preparing, assessing and approving prospective adopters.

**Commencement Information**

**I36** Sch. 1 para. 8 in operation at 29.10.2010, see [reg. 1\(1\)](#)

9. The arrangements for dealing with complaints.

**Commencement Information**

**I37** Sch. 1 para. 9 in operation at 29.10.2010, see [reg. 1\(1\)](#)

10. The name, address and telephone number of the RQIA.

**Commencement Information**

**I38** Sch. 1 para. 10 in operation at 29.10.2010, see [reg. 1\(1\)](#)

SCHEDULE 2

Regulations 6(3)(c), 8(2)(c) and 15(3)(d)

INFORMATION REQUIRED IN RESPECT OF THE RESPONSIBLE INDIVIDUAL OR PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF AN AGENCY

1. Proof of identity including a recent photograph.

**Commencement Information**

**I39** Sch. 2 para. 1 in operation at 29.10.2010, see [reg. 1\(1\)](#)

2. Either —

where the certificate is required for a position that falls within regulation 9 of the Police Act 1997 (Criminal Records) (Disclosure) Regulations (Northern Ireland) 2008 **(10)**, an enhanced criminal record certificate within the meaning of section 113B **(11)** of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA (2) of that Act); or in any other case, a criminal record certificate issued under section 113A of the Police Act 1997.

**Commencement Information**

**I40** Sch. 2 para. 2 in operation at 29.10.2010, see [reg. 1\(1\)](#)

3. Two written references, including a reference from the person's most recent employer, if any.

**(10)** S.I. 2008/542, the relevant amending instrument is S.I.2009/2495

**(11)** 1997 (C.50). Sections 113A and 113B were inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 (c.15) and amended by section 63(1) of, and paragraph 14 of Schedule 9 to the Safeguarding and Vulnerable Groups Act 2006 (c.47). Section 113BA was inserted by section 63(1) of, and paragraph 14 of Schedule 9 to the Safeguarding and Vulnerable Groups Act 2006.

**Changes to legislation:** There are currently no known outstanding effects for the The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010. (See end of Document for details)

**Commencement Information**

**I41** Sch. 2 para. 3 in operation at 29.10.2010, see **reg. 1(1)**

4. Where a person has previously worked in a position whose duties included work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.

**Commencement Information**

**I42** Sch. 2 para. 4 in operation at 29.10.2010, see **reg. 1(1)**

5. Dates and documentary evidence of any relevant qualifications or accredited training of the person and if applicable, registration with an appropriate professional regulatory body.

**Commencement Information**

**I43** Sch. 2 para. 5 in operation at 29.10.2010, see **reg. 1(1)**

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

**Commencement Information**

**I44** Sch. 2 para. 6 in operation at 29.10.2010, see **reg. 1(1)**

7. Evidence that the person is physically and mentally fit for the purposes of the work which he is to perform or where it is unavailable for the person to obtain such evidence, a declaration signed by the person that he is fit.

**Commencement Information**

**I45** Sch. 2 para. 7 in operation at 29.10.2010, see **reg. 1(1)**

SCHEDULE 3

Regulation 18(1)

RECORDS TO BE KEPT IN RELATION TO EACH PERSON  
WORKING FOR THE PURPOSES OF THE AGENCY

1. Proof of the persons identity including a recent photograph.

**Commencement Information**

**I46** Sch. 3 para. 1 in operation at 29.10.2010, see **reg. 1(1)**

2. In respect of each person working for the purposes of the agency, a record including, full name, sex, date of birth and home address.



**Commencement Information**

**I47** Sch. 3 para. 2 in operation at 29.10.2010, see **reg. 1(1)**

3. Two written references relating to the person, including a reference from the persons present or recent employer if any.

**Commencement Information**

**I48** Sch. 3 para. 3 in operation at 29.10.2010, see **reg. 1(1)**

4. Dates and documentary evidence of qualifications relevant to, and experience of work involving children.

**Commencement Information**

**I49** Sch. 3 para. 4 in operation at 29.10.2010, see **reg. 1(1)**

5. The dates on which he commences and ceases to be so employed.

**Commencement Information**

**I50** Sch. 3 para. 5 in operation at 29.10.2010, see **reg. 1(1)**

6. Whether he is employed by the registered provider under a contract of service or a contract for services, or is employed by someone other than the registered provider.

**Commencement Information**

**I51** Sch. 3 para. 6 in operation at 29.10.2010, see **reg. 1(1)**

7. His job description and whether he works full-time or part-time and the number of hours for which he is employed by or contracted to work for, the registered provider each week.

**Commencement Information**

**I52** Sch. 3 para. 7 in operation at 29.10.2010, see **reg. 1(1)**

8. Training undertaken by him, supervision, appraisal, disciplinary action (if any) taken against him, complaints (if any) made against or concerning him and the outcome of such complaints and any other matters in relation to his employment for the purposes of the agency.

**Commencement Information**

**I53** Sch. 3 para. 8 in operation at 29.10.2010, see **reg. 1(1)**

**Changes to legislation:** There are currently no known outstanding effects for the The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010. (See end of Document for details)

SCHEDULE 4

Regulations 20 (1)

EVENTS AND NOTIFICATIONS

**Commencement Information**  
**I54** Sch. 4 in operation at 29.10.2010, see **reg. 1(1)**

<i>Event</i>	<i>To be notified to</i>						
<i>Column 1</i>	<i>Column 2</i>	F1	<i>Column 4</i>	<i>Column 5</i>	<i>Column 6</i>	<i>Column 7</i>	<i>Column 8</i>
	...						
	<i>RQIA</i>	F1	<i>Placing Authority</i>	<i>Regional Board</i>	<i>HSC Trust on behalf of whom the Agency is acting</i>	<i>HSC Trust in area</i>	<i>Director of Public Health in Northern Ireland (12)</i>
		...					
Death of child placed for adoption by the agency or in the care of that agency pending placement	Yes			Yes	Yes	Yes	Yes
Referral to the Independent Safeguarding Authority (13) pursuant to Article 37 of the Safeguarding Vulnerable Groups (Northern Ireland) Order 2007 (14) of an individual working for the agency.	Yes						
Serious illness of, or serious accident sustained by, a child placed for adoption by the agency or	Yes	F1		Yes		Yes	Yes
		...					

(12) Article 32 of the Health and Personal Social Services (NI) Order 1991 (S.I. 1991/194 (N.I.1)) as substituted by Schedule 6 of the Health and Social Care (Reform) Act 2009 (C.1).  
 (13) Renamed under the Policing and Crime Act 2009 (c.26)  
 (14) S.I. 2007 No.1351 (N.I.11)

**Changes to legislation:** There are currently no known outstanding effects for the The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010. (See end of Document for details)

<i>Event</i>	<i>To be notified to</i>		
<i>in the care of that agency pending placement</i>			
Any serious complaint about a prospective adopter approved by the agency where no child is placed for adoption with that prospective adopter	Yes		
Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by the agency	Yes	Yes	Yes
Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by another agency	Yes		Yes
Instigation and outcome of any child protection enquiry involving a child placed for adoption by the agency <i>or in the care of that agency pending adoption</i>	Yes	Yes	Yes

**F1** Words in Sch. 4 omitted (1.4.2022) by virtue of The Children’s Social Care (Consequential Amendments) Regulations (Northern Ireland) 2022 (S.R. 2022/161), regs. 1, **4(2)**

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## EXPLANATORY NOTE

*(This note is not part of the Order)*

These regulations are made under the Adoption (Northern Ireland) Order 1987 (the 1987 Order) and the Health and Personal Social Services (Quality, Improvement and Regulation) (Northern Ireland) Order 2003 (the 2003 Order) and apply to voluntary adoption agencies.

Part III of the 2003 Order provides for registration and inspection of establishments and agencies, including voluntary adoption agencies, by the Health and Social Care Regulation and Quality Improvement Authority.

Regulations 4 and 5 make provision for the statement of purpose. Each voluntary adoption agency must have a statement of purpose setting out the aims and objectives of the agency. The statement of purpose must be kept under review and revised when necessary. The agency must be carried on in a manner that is consistent with the statement of purpose.

Regulations 6 to 10 make provision about the persons carrying on and managing a voluntary adoption agency, and require a manager to be appointed for the agency (regulation 7). Provision is made for the fitness of the manager in particular by the requirement that satisfactory information be obtained in relation to the matters specified in Schedule 2 (regulation 8). Regulation 6 requires the voluntary organisation that is carrying on the agency to nominate a responsible individual in respect of whom this information must be available. Regulation 9 imposes general requirements in relation to the proper conduct of a voluntary adoption agency, and the need for appropriate training.

Part III of these Regulations makes further provision about the conduct of a voluntary adoption agency, in particular as to the protection of children (regulation 11), complaints (regulations 12 and 13), staffing, record keeping and fitness of premises (regulation 14 to 19).

Part IV of these Regulations deals with the miscellaneous matters. Regulation 20 provides for the registered provider and the manager to give notice of the events listed in Schedule 4 to the persons mentioned in that Schedule. Regulation 21 imposes requirements relating to a voluntary adoption agency's financial position. Regulations 22 to 25 provide for the giving of notices in relation to the absence of the manager and changes, appointment of liquidators and transfer of case records to the RQIA. Regulation 26 provides that where these Regulations place a requirement on more than one person, if one of those who is obliged to meet that requirement does so, the other person is not also obliged to meet that requirement.

Regulations 27 and 28 provide for amendments and revocations of the Adoption Agencies Regulations (Northern Ireland) 1989.

**Changes to legislation:**

There are currently no known outstanding effects for the The Voluntary Adoption Agencies Regulations (Northern Ireland) 2010.