

# CHILDREN AND FAMILIES ACT 2014

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### Part 1: ADOPTION AND CONTACT

##### Adoption

##### *Section 5: Adoption support services: personal budgets*

61. This section inserts a new section 4A into the 2002 Act to make provision enabling local authorities to prepare personal budgets for adoption support services. A personal budget is an amount to be made available to secure particular adoption support services and provides a way of involving an adopted person or the parent of an adopted person (“the recipient”) in securing those services.
62. Personal budgets may take the form of direct payments, where families can purchase the services themselves, notional personal budgets, which families can prepare with the local authority and which the local authority can spend on their behalf at their direction, or a combination of both.
63. Section 4A(2) requires local authorities to prepare a personal budget with respect to adoption support services for a recipient upon request. This only applies where the local authority has, following an assessment under section 4 of the 2002 Act, decided to provide adoption support services (*subsection (1)(a)*).
64. The local authority prepare a personal budget where they identify an amount as available to secure the adoption support services that they have decided to provide, with a view to the recipient being involved in securing those services (section 4A(3)).
65. Section 4A(4) enables regulations to be made to make detailed provision about personal budgets, including for direct payments to be made to the recipient in order for the recipient to secure the service, the provision of information, support and advice in connection with personal budgets and direct payments, and when, to whom and on what conditions direct payments may or may not be made. The first set of regulations made under section 4A(4) will be subject to the affirmative resolution procedure (section 4A(7)).
66. If regulations authorise direct payments to be made to an adoptive parent or an adopted child they must require them to consent before the direct payment can be made. They must also require local authorities to stop making direct payments where that consent is withdrawn (section 4A(5)).
67. Any adoption support services that are secured by means of direct payments will be treated as adoption support services provided by the local authority (section 4A(6)).