



Children and Families Act 2014

2014 CHAPTER 6

PART 1

ADOPTION AND CONTACT

Adoption

5 Adoption support services: personal budgets

In Chapter 2 of Part 1 of the Adoption and Children Act 2002 (the Adoption Service) after section 4 insert—

“4A Adoption support services: personal budgets

- (1) This section applies where—
 - (a) after carrying out an assessment under section 4, a local authority in England decide to provide any adoption support services to a person (“the recipient”), and
 - (b) the recipient is an adopted person or the parent of an adopted person.
- (2) The local authority must prepare a personal budget for the recipient if asked to do so by the recipient or (in prescribed circumstances) a person of a prescribed description.
- (3) The authority prepare a “personal budget” for the recipient if 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.
- (4) Regulations may make provision about personal budgets, in particular—
 - (a) about requests for personal budgets;
 - (b) about the amount of a personal budget;
 - (c) about the sources of the funds making up a personal budget;

Status: This is the original version (as it was originally enacted).

- (d) for payments (“direct payments”) representing all or part of a personal budget to be made to the recipient, or (in prescribed circumstances) a person of a prescribed description, in order to secure any adoption support services to which the budget relates;
 - (e) about the description of adoption support services to which personal budgets and direct payments may (and may not) relate;
 - (f) for a personal budget or direct payment to cover the agreed cost of the adoption support services to which the budget or payment relates;
 - (g) about when, how, to whom and on what conditions direct payments may (and may not) be made;
 - (h) about when direct payments may be required to be repaid and the recovery of unpaid sums;
 - (i) about conditions with which a person or body making direct payments must comply before, after or at the time of making a direct payment;
 - (j) about arrangements for providing information, advice or support in connection with personal budgets and direct payments.
- (5) If the regulations include provision authorising direct payments, they must—
- (a) require the consent of the recipient, or (in prescribed circumstances) a person of a prescribed description, to be obtained before direct payments are made;
 - (b) require the authority to stop making direct payments where the required consent is withdrawn.
- (6) Any adoption support services secured by means of direct payments made by a local authority are to be treated as adoption support services provided by the authority for all purposes, subject to any prescribed conditions or exceptions.
- (7) On the occasion of the first exercise of the power to make regulations under this section—
- (a) the statutory instrument containing the regulations is not to be made unless a draft of the instrument has been laid before, and approved by a resolution of, each House of Parliament, and
 - (b) accordingly section 140(2) does not apply to the instrument.
- (8) In this section “prescribed” means prescribed by regulations.”