
STATUTORY INSTRUMENTS

2003 No. 1348

CHILDREN AND YOUNG PERSONS, ENGLAND

The Adoption Support Services (Local Authorities) (England) Regulations 2003

Made - - - - *21st May 2003*
Laid before Parliament *22nd May 2003*
Coming into force - - *31st October 2003*

The Secretary of State, in exercise of the powers conferred upon him by sections 9(3) and 67(5) of the Adoption Act 1976(1) and sections 2(6)(b) and (7), 4(6) and (7)(b) to (i), 139(2), 140(7) and (8) and 142(4) and (5) of, and paragraph 3 of Schedule 4 to, the Adoption and Children Act 2002(2), and all other powers enabling him in that behalf, hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Adoption Support Services (Local Authorities) (England) Regulations 2003 and shall come into force on 31st October 2003.

(2) These Regulations apply to England only.

(3) In these Regulations—

“the 2002 Act” means the Adoption and Children Act 2002;

“the 1983 Regulations” means the Adoption Agencies Regulations 1983(3);

“adoption agency” has the same meaning as in the Adoption Act 1976(4);

“adoption support services” shall be construed in accordance with regulation 2(1);

“adoptive child” means, subject to paragraph (5), a child who is an agency adoptive child or a non-agency adoptive child;

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- (1) 1976 c. 36. The powers are exercisable by the appropriate Minister, who is defined by section 9(5) in relation to England, Scotland and Northern Ireland as the Secretary of State. Section 9(5) was inserted by section 139(2) of, and paragraph 4(1) (b) of Schedule 4 to, the Adoption and Children Act 2002.
- (2) 2002 c. 38. The powers are exercisable by the appropriate Minister; *see* section 144(1) for the definition of “regulations”. The “appropriate Minister” is defined in section 144(1), in relation to England, Scotland and Northern Ireland as the Secretary of State.
- (3) S.I. 1983/1964. Relevant amending instruments are S.I. 1997/649, 1997/2308 and 2001/2237.
- (4) 1976 c. 36. By section 1(4) of the Adoption Act 1976, a local authority or appropriate voluntary organisation may be referred to as an adoption agency. The term “appropriate voluntary organisation” is defined in section 1(5) of that Act. Section 1(4) was amended by section 116 of, and paragraph 5(1) and (2)(a) of Schedule 4 to, that Act. Section 1(5) was inserted by section 116 of, and paragraph 5(1) and (2)(b) of Schedule 4 to, that Act.

“adoptive family” means an adoptive child, the adoptive parent of the adoptive child, and any child of the adoptive parent, and references to the adoptive family of a person, or to an adoptive family in relation to a person, shall be construed as the adoptive family of which that person is a member;

“adoptive parent” means a person—

- (a) who an adoption agency has decided in accordance with regulation 11(1) of the 1983 Regulations would be a suitable adoptive parent for a particular child;
- (b) with whom an adoption agency has placed a child for adoption;
- (c) who has given notice under section 22(1) of the Adoption Act 1976 of his intention to apply for an adoption order for a child; or
- (d) who has adopted a child,

but does not include a person where the child is no longer a child, or where the person is the step-parent or natural parent of the child, or was the step-parent of the child before he adopted the child;

“agency adoptive child” means a child—

- (a) in respect of whom an adoption agency has decided in accordance with regulation 11(1) of the 1983 Regulations that a person would be a suitable adoptive parent for the child;
- (b) whom an adoption agency has placed for adoption; or
- (c) who has been adopted after having been placed for adoption by an adoption agency;

“child” means, subject to paragraph (5), a person who has not attained the age of 18 years;

“child of an adoptive parent”, in any case where the provision of adoption support services, or any assessment in respect of adoption support services, is in relation to the adoption or prospective adoption of an adoptive child by an adoptive parent, means a child, other than that adoptive child, of the adoptive parent;

“child tax credit” has the same meaning as in the Tax Credits Act 2002⁽⁵⁾;

“foster parent” has the same meaning as in the Fostering Services Regulations 2002⁽⁶⁾;

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992⁽⁷⁾;

“jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995⁽⁸⁾;

“local education authority” has the same meaning as in the Education Act 1996⁽⁹⁾;

“non-agency adoptive child” means a child—

- (a) in respect of whom a person—
 - (i) has given notice under section 22(1) of the Adoption Act 1976 of his intention to apply for an adoption order; and
 - (ii) is not the natural parent or step-parent of the child; or
- (b) who has been adopted by a person who—
 - (i) is not the natural parent of the child; and
 - (ii) was not the step-parent of the child before he adopted the child,
 but does not include an agency adoptive child;

⁽⁵⁾ 2002 c. 21. See section 8 for the definition of child tax credit.

⁽⁶⁾ S.I. 2002/57.

⁽⁷⁾ 1992 c. 4.

⁽⁸⁾ 1995 c. 18.

⁽⁹⁾ 1996 c. 56. See section 12 of the Act.

“notify” means notify in writing;

“person entitled to be assessed” means—

- (a) an adoptive parent;
- (b) an adoptive child;
- (c) a child of an adoptive parent; or
- (d) a related person;

“plan” shall be construed in accordance with regulation 11;

“related person” means a person, other than an adoptive child, referred to in regulation 2(1)(c)(i) or (ii).

(4) In these Regulations—

- (a) any reference to a child who is looked after by a local authority has the same meaning as it has in the Children Act 1989⁽¹⁰⁾;
- (b) any reference to a person’s adoptive child is to a child who is an adoptive child in relation to that person;
- (c) any reference to a child’s adoptive parent is to a person who is an adoptive parent in relation to that child;
- (d) references (other than references in this sub-paragraph) to a child being placed, or being placed for adoption—
 - (i) are to the child being placed for adoption with a prospective adopter by an adoption agency;
 - (ii) include, where the child has been placed with a person by an adoption agency, leaving the child with him as a prospective adopter.

(5) In any case where—

- (a) a person has attained the age of 18 years and is in full-time education or training; and
- (b) immediately before he attained the age of 18 years—
 - (i) he was an adoptive child; and
 - (ii) financial support was payable in relation to him,

the definitions of “adoptive child” and “child” shall, for the purposes of the continued provision of financial support and any review of financial support, have effect in relation to him as if he had not attained the age of 18 years.

Provision of adoption support services

2.—(1) For the purposes of section 2(6) of the 2002 Act (definition of “adoption support services”)⁽¹¹⁾, the following services are prescribed—

- (a) financial support payable under regulation 3;
- (b) services to enable groups of adoptive parents and adoptive children to discuss matters relating to adoption;
- (c) assistance in relation to arrangements for contact between an adoptive child and—
 - (i) a natural parent or relative⁽¹²⁾ of the adoptive child; or

⁽¹⁰⁾ 1989 c. 41. See section 22(1) for the definition in the Children Act 1989 of a child who is looked after by a local authority.

⁽¹¹⁾ By section 2(6) of the 2002 Act, the term “adoption support services” is defined as (a) counselling, advice and information, and (b) any other services prescribed by regulations, in relation to adoption.

⁽¹²⁾ By section 144(1) of the 2002 Act, “relative” is defined in relation to a child as a grandparent, brother, sister, uncle or aunt, whether of the full blood or half-blood or by marriage.

- (ii) any person with whom the adoptive child has a relationship which appears to the local authority to be beneficial to the welfare of the child having regard to the matters referred to in sub-paragraphs (i) to (iii) of section 1(4)(f) of the 2002 Act;
- (d) services that may be provided in relation to the therapeutic needs of an adoptive child;
- (e) assistance for the purpose of ensuring the continuance of the relationship between the child and his adoptive parent, including—
 - (i) training for adoptive parents for the purpose of meeting any special needs of the child;
 - (ii) respite care.
- (2) Subject to paragraph (3), local authorities shall make arrangements for the purpose of providing any service specified in column (1) of the table in the Schedule for persons who are of a description specified in the corresponding entry in column (2) of the table.
- (3) The arrangements referred to in paragraph (2) in respect of any service are required to be made whether or not the local authority have decided to provide the service to any person.
- (4) The services prescribed in paragraph (1)(b) to (e) may include—
 - (a) giving assistance in cash;
 - (b) making arrangements with other persons for the purpose of providing those services.
- (5) These Regulations shall apply to a local authority in respect of a person who lives in the area of the local authority or, in the circumstances specified in paragraph (6), a person (“the individual”) who lives outside that area.
- (6) The circumstances specified are where—
 - (a) a person entitled to be assessed lives in that area;
 - (b) the individual, or a person entitled to be assessed—
 - (i) has at any time in the preceding six months lived in that area; or
 - (ii) intends to live in that area; or
 - (c) the individual (if he is the adoptive child), or the adoptive child—
 - (i) is looked after by the local authority;
 - (ii) has not been adopted but has been placed by the local authority for adoption; or
 - (iii) has been adopted and, before the adoption order was made, was placed for adoption with the adoptive parents by the local authority;
 - (d) the individual is not the adoptive child and the local authority have assessed the individual’s needs for adoption support services in relation to the adoption or prospective adoption of the adoptive child.

Circumstances in which financial support may be paid

- 3.—**(1) Financial support may be paid only to an adoptive parent, and only where one or more of the circumstances specified in paragraph (2) exists.
- (2) The circumstances referred to in paragraph (1) are—
 - (a) where the child has not been placed with the adoptive parents for adoption, and financial support is necessary to ensure that the adoptive parents can look after the child if placed with them;
 - (b) where the child has been placed with the adoptive parents for adoption, and financial support is necessary to ensure that the adoptive parents can continue to look after the child;

- (c) where the child has been adopted, and financial support is necessary to ensure that the adoptive parents can continue to look after the child;
 - (d) where the local authority are satisfied that the child has established a strong and important relationship with the adoptive parent before the adoption order is made;
 - (e) where it is desirable that the child be placed with the same adoptive parent as his brother or sister (whether of the full blood or half blood), or with a child with whom he has previously shared a home;
 - (f) where the child needs special care which requires a greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
 - (g) where on account of the age, sex or ethnic origin of the child it is necessary for the local authority to make special arrangements to facilitate the placement of the child for adoption.
- (3) Before financial support is payable the local authority shall require the adoptive parents to have agreed to—
- (a) inform the local authority immediately if—
 - (i) they change their address;
 - (ii) the child no longer has his home with them (or either of them), or dies; or
 - (iii) there is any change in their financial circumstances or the financial needs or resources of the child,and, where the information is given orally, to confirm it in writing within seven days;
 - (b) complete and supply the local authority with an annual statement as to the matters referred to in regulation 13(2)(a)(i) to (iii).

Adoption support services adviser

4.—(1) The local authority shall appoint a person (an “adoption support services adviser”) to carry out the function specified in paragraph (2).

(2) The function of the adoption support services adviser shall be to give advice and information, to persons who may be affected by the adoption or proposed adoption of a child, as to—

- (i) services that may be appropriate to those persons; and
- (ii) how those services may be made available to them.

(3) The local authority shall not appoint a person as an adoption support services adviser unless satisfied that his knowledge and experience of—

- (a) the process of adoption; and
- (b) the effect of the adoption of a child on persons likely to be affected by the adoption,

is sufficient for the purposes of the work that he is to perform.

Requirement for assessment

5.—(1) Subject to paragraph (10), a local authority shall, at the request of—

- (a) an adoptive parent;
- (b) an adoptive child; or
- (c) a child of an adoptive parent,

carry out an assessment of his needs for adoption support services.

(2) Subject to paragraph (11), where—

(a) a related person requests a local authority to carry out an assessment of his need for assistance in relation to arrangements for contact between him and an adoptive child; and
 (b) arrangements for such contact have been made before the request for an assessment,
 the local authority shall carry out the assessment.

(3) Where a local authority are considering adoption for a child, they shall, before completing the written report required under regulation 7(2)(e) of the 1983 Regulations, carry out an assessment of the child's needs for adoption support services.

(4) Where a local authority propose to place a particular child for adoption with a prospective adopter, they shall, before completing the written report required under regulation 9(1) of the 1983 Regulations, carry out an assessment of the needs of each member of the adoptive family for adoption support services.

(5) Where—

- (a) a local authority are reviewing the placement for adoption of a child under regulation 12(2)(k) of the 1983 Regulations; and
- (b) they have not carried out an assessment in accordance with paragraph (4) in respect of each member of the adoptive family,

they shall, before completing the review, carry out an assessment of the needs of each member of the adoptive family for adoption support services.

(6) Where a person's request for an assessment under paragraph (1) relates to a particular adoption support service, or it appears to the local authority that the person's needs for adoption support services may be adequately assessed by reference to a particular adoption support service, the local authority may carry out the assessment by reference only to that service.

(7) In this regulation a reference to a particular adoption support service is to any of the following services—

- (a) counselling, advice and information in relation to adoption; or
- (b) a service specified in regulation 2(1).

(8) This paragraph applies where an adoptive child—

- (a) is looked after by the local authority; or
- (b) has not been adopted but has been placed by the local authority for adoption.

(9) This paragraph applies where an adoptive child—

- (a) has been adopted by his adoptive parents; and
- (b) before the adoption order was made, was placed for adoption with the adoptive parents by the local authority.

(10) The local authority shall not be required under paragraph (1) to carry out an assessment of a person's needs unless—

- (a) paragraph (8) applies;
- (b) paragraph (9) applies and the person requests the assessment—
 - (i) not more than one year after the date of the adoption order; or
 - (ii) not more than three years after the date on which the adoptive child was placed with the adoptive parents; or
- (c) sub-paragraphs (a) and (b) do not apply and the person lives in the area of the local authority.

(11) The local authority shall not be required under paragraph (2) to carry out an assessment of a related person's needs unless—

- (a) paragraph (8) or (9) applies; or
- (b) paragraphs (8) and (9) do not apply and the related person lives in the area of the local authority.

Procedure for assessment

6.—(1) Where the local authority carry out an assessment of a person's needs for adoption support services they shall, in carrying out the assessment, have regard to the following considerations—

- (a) subject to paragraph (4), the needs of the person being assessed;
- (b) the needs of the adoptive child and his adoptive family;
- (c) in the case of a child who has been placed for adoption, the circumstances that led to the child being placed for adoption.

(2) In carrying out an assessment in respect of a person—

- (a) where it appears to the local authority that—
 - (i) there may be a need for the provision of services to that person by a Primary Care Trust; or
 - (ii) there may be a need for the provision to him of any services which fall within the functions of a local education authority,the local authority shall notify that Primary Care Trust or local education authority;
- (b) where the assessment is for the purposes of regulation 5(4) and the prospective adopter lives in the area of another local authority, they shall consult that other local authority.

(3) The local authority shall, where it considers it appropriate to do so—

- (a) interview the person and, where the person is an adoptive child, his adoptive parents;
- (b) prepare a written report of the assessment.

(4) Where the assessment is being carried out at the request of a related person, the local authority shall have regard to his needs only so far as they relate to his need for assistance so as to enable him to take part in arrangements for contact with the adoptive child that were made before the request for an assessment.

Amount of financial support

7.—(1) This regulation applies where the local authority carry out an assessment of a person's need for financial support.

(2) In determining the amount of financial support the local authority shall take into account—

- (a) any recommendations, in relation to the adoptive parent or the adoptive child, made by the adoption panel to the local authority on a matter referred to in regulation 10(1)(a) or (c) of the 1983 Regulations;
- (b) the financial resources available to the adoptive parents including child tax credit and any other financial benefit which would be available in respect of the child if the child lived with them;
- (c) the amount required by the adoptive parents in respect of their reasonable outgoings and commitments (excluding outgoings in respect of the child);
- (d) the financial needs and resources of the child;
- (e) expenditure for the purposes of facilitating the placement of the child with the adoptive parents for adoption, including—
 - (i) expenditure for the purpose of introducing the child to his adoptive parents;

- (ii) initial expenditure necessary for the purpose of accommodating the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child;
- (iii) legal costs, including fees payable to a court, in relation to the adoption of the child;
- (iv) cost of equipment for the purpose of meeting any special needs of the child;
- (v) cost of damage in the home where the child is accommodated where such cost arises out of special behavioural difficulties of the child;
- (vi) the cost of placing a child in a boarding school where the placement is necessary to meet the special needs of the child;
- (vii) the cost of meeting the special needs of the child, including needs arising out of a serious disability or illness;
- (viii) expenditure on travel for the purpose of visits between the child and a related person.

(3) Financial support may not be paid to meet any needs in so far as any benefit or allowance applicable to the adoptive parents as a result of their adoption of the child, is payable or available to them in respect of those needs.

(4) Except where paragraphs (5) and (6) apply, the financial support payable by the local authority shall not include any element of remuneration for the care of the child by the adoptive parents.

(5) This paragraph applies where—

- (a) the adoptive parent is or has been a foster parent in respect of the child;
- (b) it appears to the local authority that any financial assistance or allowances given to the adoptive parents in respect of their fostering of the child has ceased, or will cease;
- (c) the local authority have decided in accordance with regulation 11(1) of the 1983 Regulations that the adoptive parent would be a suitable adoptive parent for the child;
- (d) before the adoption order is made the local authority decide to pay financial support and determine that the financial support is to be paid periodically.

(6) This paragraph applies—

- (a) at any time until the day (“the second anniversary”) occurring two years after the date of the adoption order in respect of the child; and
- (b) at any time after the second anniversary, in a case where any of the circumstances specified in regulation 3(2)(a), (b), (e), (f) or (g) exists on the date on which the local authority decide, in accordance with paragraph (5)(d), to pay financial support.

Proposal to provide adoption support services

8.—(1) The local authority shall, after carrying out an assessment under regulation 5—

- (a) supply in accordance with regulation 10 the information specified in paragraph (2);
- (b) give notice in accordance with paragraph (3) and regulation 10.

(2) The matters specified are—

- (a) a statement of the person’s needs for adoption support services;
- (b) where the assessment relates to the person’s need for financial support, the basis upon which financial support is determined;
- (c) whether the local authority propose to provide adoption support services to the person;
- (d) the services (if any) that are proposed to be provided to him;
- (e) if financial support is to be paid to him—

- (i) the proposed amount which would be payable; and
- (ii) whether the financial support should be paid subject to any conditions that may be imposed in accordance with regulation 9(4).

(3) A notice to be given to a person under paragraph (1)(b) shall state the period of time within which he may make representations to the local authority concerning the proposed decision; and the local authority shall not make a decision under regulation 9 until either—

- (a) the person has—
 - (i) made representations to the local authority; or
 - (ii) notified the local authority that he is satisfied with the proposed decision; or
- (b) the period of time for making representations has expired.

(4) Where the assessment relates only to the provision of information, the requirement in paragraph (1)(b) to give notice shall not apply where the local authority do not consider it appropriate to give such notice.

Decision as to adoption support services

9.—(1) The local authority shall, having regard to the assessment, and after considering any representations received within the period specified in the notice to be given under regulation 8(1)(b), decide—

- (a) whether the person has needs for adoption support services;
- (b) if so, whether any such services are to be provided to him,

and shall give notice of that decision in accordance with regulation 10, which shall include the reasons for the decision.

(2) Where the assessment relates only to the provision of information, the requirement in paragraph (1) to give notice shall not apply where the local authority do not consider it appropriate to give such notice.

(3) If the local authority decide that financial support is to be paid—

- (a) they shall determine, in accordance with regulation 7, the amount that is to be payable;
- (b) they shall decide the conditions, if any, which are to be imposed in accordance with paragraph (4); and
- (c) the notice required to be given under paragraph (1) shall include the matters specified in paragraph (6).

(4) Where the local authority decide that financial support is to be paid for a particular purpose, they may pay the financial support subject to a condition as to how the payment is to be used and may specify the date by which the condition is to be met.

(5) Where the local authority decide that financial support is to be paid, it shall be paid as a single payment except that—

- (a) the local authority and the person to whom financial support is to be paid may agree that it shall be paid—
 - (i) in instalments on such dates as the local authority may specify; or
 - (ii) periodically until such date (if any) as the local authority may specify;
- (b) where the local authority decide that financial support is to be paid to meet any needs which are likely to give rise to expenditure which is likely to be recurring, they may determine that financial support shall be paid—
 - (i) in instalments on such dates as the local authority may specify; or

- (ii) periodically until such date (if any) as the local authority may specify.
- (6) The following matters are specified—
 - (a) the method of the determination of the amount of financial support;
 - (b) where financial support is to be paid in instalments or periodically—
 - (i) the amount of financial support;
 - (ii) the frequency with which the payment will be made;
 - (iii) the date (if any) until which financial support is to be paid;
 - (iv) the date of the first payment of financial support;
 - (c) where financial support is to be paid as a single payment, the date on which the payment is to be made;
 - (d) where financial support is to be paid subject to any conditions, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions;
 - (e) the arrangements and procedure for review, variation and termination of financial support;
 - (f) the responsibilities of—
 - (i) the local authority under regulation 13 (review of financial support); and
 - (ii) the adoptive parents pursuant to their agreement under regulation 3(3).

(7) Where the local authority are satisfied that a condition notified under paragraph (3) has not been met by the date, if any, specified in the notice, they may require that the payment or an appropriate part of the payment be repaid.

Notices

10.—(1) Any information required to be supplied, or notice required to be given, under regulation 8, 9, 11, 12 or 13 shall be given in writing—

- (a) where the person is an adult, to that person;
- (b) where the person is a child and paragraph (2) applies—
 - (i) to the child; and
 - (ii) except where it appears inappropriate to do so, to the adoptive parents;
- (c) where the person is a child and paragraph (2) does not apply, to the adoptive parents.
- (2) This paragraph applies where—
 - (a) it appears to the local authority that the child is of sufficient age and understanding for it to be appropriate to give him such notice; and
 - (b) in all the circumstances it does not appear inappropriate to give him such notice.

Plan

11.—(1) If the local authority decide under regulation 9 to provide any adoption support services to a person, they shall—

- (a) prepare a plan (“the plan”) in accordance with which the services are to be provided; and
- (b) give notice of the plan in accordance with regulation 10,

except where the services to be provided are to consist of services to be provided on a single occasion.

- (2) The local authority shall for the purpose of preparing the plan consult—
 - (a) any person who is to be given notice of the plan under paragraph (1);

- (b) where it appears to the local authority that—
 - (i) there may be a need for the provision of services to that person by a Primary Care Trust; or
 - (ii) there may be a need for the provision to him of any services which fall within the functions of a local education authority,
that Primary Care Trust or local education authority.
- (3) If the local authority decide under regulation 9 to provide any adoption support services to a person, and are required under that regulation to give notice of that decision, they shall—
 - (a) nominate an individual who shall monitor the provision of the services that are to be provided; and
 - (b) notify the person of the nomination when they notify him of their decision under regulation 9(1).

Review of the provision of adoption support services

12.—(1) Where the local authority provide adoption support services for a person, they shall review the provision of such services if any change in the person's circumstances comes to their notice.

(2) This regulation shall not apply to a review of the provision of financial support where the financial support is payable in instalments or periodically.

(3) Regulations 6 to 8 shall apply in relation to a review under this regulation as they apply in relation to an assessment under regulation 5.

(4) The local authority shall, having regard to the review and after considering any representations received within the period specified in the notice to be given in accordance with regulation 8(1)(b)—

- (a) decide whether to vary or terminate the provision of adoption support services for the person; and
- (b) review and, where appropriate, revise the plan.

(5) If the local authority decide to vary or terminate the provision of adoption support services for the person, or revise the plan, they shall give notice of their decision in accordance with regulation 10, which shall include the reasons for the decision; and paragraphs (2) to (7) of regulation 9 shall apply to a decision under paragraph (4) as they apply to a decision under paragraph (1) of that regulation.

Review of financial support

13.—(1) This regulation shall apply where financial support is payable in instalments or periodically.

(2) The local authority shall review the financial support—

- (a) annually, on receipt of a statement from the adoptive parents as to—
 - (i) their financial circumstances;
 - (ii) the financial needs and resources of the child;
 - (iii) their address and whether the child still has a home with them (or either of them); and
- (b) if any change in the circumstances of the adoptive parents or the child, including any change of address, comes to their notice.

(3) The local authority shall, having regard to the review, and in particular whether the adoptive parents' need for financial support has changed or ceased since the amount of financial support was last determined, and after considering any representations received within the period specified in the notice to be given in accordance with regulation 8(1)(b)—

- (a) decide whether to vary, suspend or terminate payment of the financial support;
 - (b) review and, where appropriate, revise the plan.
- (4) Where the adoptive parents fail to supply the local authority with an annual statement in accordance with their agreement under regulation 3(3)(b), the local authority may suspend payment of the financial support until such time as a statement is supplied.
- (5) The local authority shall terminate payment of financial support when—
- (a) the child ceases to have a home with the adoptive parents (or either of them);
 - (b) the child ceases full-time education or training and commences employment;
 - (c) the child qualifies for income support or jobseeker’s allowance in his own right; or
 - (d) the child attains the age of 18, unless he continues in full-time education or training, when it may continue until the end of the course of education or training he is then undertaking.
- (6) Regulations 6 to 8 shall apply in relation to a review under this regulation as they apply in relation to an assessment under regulation 5.
- (7) If the local authority decide to vary, suspend or terminate payment of the financial support, or revise the plan, they shall give notice of their decision in accordance with regulation 10, which shall include the reasons for the decision.
- (8) Paragraphs (3) to (7) of regulation 9 shall apply to a decision under paragraph (3) as they apply to a decision under paragraph (1) of that regulation.

Recovery of expenses between local authorities

14.—(1) Where—

- (a) a local authority (“the placing authority”)—
 - (i) are considering adoption for the child but the child has not been placed; or
 - (ii) have placed a child for adoption; and
- (b) another local authority (“the recovering authority”) provide any adoption support services in relation to the child,

the recovering authority may, subject to paragraphs (2) and (3), recover from the placing authority the expenses of providing the adoption support services.

(2) Paragraph (1) shall not apply in respect of the expenses of providing adoption support services to the extent that those services consist of the provision of advice or information.

(3) Paragraph (1) shall apply in respect of the expenses of providing adoption support services in relation to a child only to the extent that—

- (a) the placing authority have decided to provide such services; and
- (b) the services are provided in accordance with the plan prepared by the placing authority.

(4) References in paragraph (3) to adoption support services include any allowance that by virtue of regulation 15(2) is treated as financial support payable under these Regulations.

Amendment of the Adoption Allowance Regulations 1991 and transitional provision

15.—(1) In regulation 1(2) of the Adoption Allowance Regulations 1991⁽¹³⁾, in the definition of “adoption agency”, the words “or a local authority” shall be omitted.

(2) Any allowance which is payable by a local authority under the Adoption Allowance Regulations 1991 immediately before 31st October 2003 (“the allowance”) shall be treated with

⁽¹³⁾ S.I. 1991/2030, amended by S.I. 1991/2130.

effect from that date as financial support payable under these Regulations, and the financial support shall be of the same amount, method and frequency of payment, and payable for the same period, as the allowance.

Signed by authority of the Secretary of State for Health

21st May 2003

Jacqui Smith
Minister of State,
Department of Health

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

THE SCHEDULE

Regulation 2(2)

<i>(1) Service</i>	<i>(2) Description of person</i>
The service specified in regulation 2(1)(a) (financial support)	Adoptive parent of an agency adoptive child
The service specified in regulation 2(1)(b) (support group)	Adoptive parent who has adopted an agency adoptive child, or with whom an agency adoptive child has been placed for adoption Agency adoptive child who has been placed for adoption or has been adopted
The service specified in regulation 2(1)(c) (contact)	Agency adoptive child who has been placed for adoption or has been adopted
The service specified in regulation 2(1)(d) (therapeutic services)	A related person Adoptive parent who has adopted an agency adoptive child, or with whom an agency adoptive child has been placed for adoption Agency adoptive child who has been placed for adoption or has been adopted Any child of an adoptive parent who has adopted an agency adoptive child, or with whom an agency adoptive child has been placed for adoption
The service specified in regulation 2(1)(e) (services to ensure continuance of relationship)	Adoptive parent who has adopted an agency adoptive child, or with whom an agency adoptive child has been placed for adoption Agency adoptive child who has been placed for adoption or has been adopted Any child of an adoptive parent who has adopted an agency adoptive child, or with whom an agency adoptive child has been placed for adoption
Counselling, advice and information	Adoptive parent Adoptive child Any child of an adoptive parent

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for local authorities in England to provide adoption support services as part of the service maintained by them under section 1(1) of the Adoption Act 1976.

Adoption support services are defined by section 2(6) of the Adoption and Children Act 2002 as counselling, advice and information, and other services prescribed by regulations, in relation to adoption. Such services are prescribed in regulation 2(1) of these Regulations, and include financial support (regulation 2(1)(a)). Regulation 3 specifies the persons to whom financial support may be paid, and the circumstances in which it may be paid.

Each local authority is required to appoint an adoption support services adviser to give advice and information to persons who may be affected by the adoption of a child (regulation 4).

Regulation 5 specifies the persons who are entitled to an assessment of their needs for adoption support services. Regulation 6 specifies the procedure for assessment, and regulation 7 provides for the determination of financial support.

After carrying out an assessment the local authority must give notice under regulation 8 as to any adoption support services that are proposed to be provided, and as to the period within which representations may be made about the proposed decision. They must then give notice of their decision in accordance with regulation 9. Regulation 10 makes provision about the supply of information and giving of notices.

Where adoption support services are to be provided to a person, regulation 11 provides for local authorities to prepare a plan in accordance with which the services are to be provided. Regulations 12 and 13 provide for review of the provision of adoption support services and for revision of the plan. Regulation 14 applies where a local authority have decided to provide adoption support services, and specifies circumstances in which another local authority may recover their expenses of providing the services.

By regulation 15, the Adoption Allowance Regulations 1991 (“the 1991 Regulations”), which enable allowances to be paid in certain circumstances to persons who have adopted, or intend to adopt, a child, are amended so that the allowances may no longer be paid by local authorities under the 1991 Regulations. Any allowance which is payable by a local authority under the 1991 Regulations before these Regulations come into force is to be treated as financial support payable under these Regulations.