
STATUTORY INSTRUMENTS

2003 No. 367

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

**PART I
GENERAL**

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 and shall come into force on 30th April 2003.

(2) In these Regulations—

“the Act” means the Care Standards Act 2000;

“agency” means an appropriate voluntary organisation⁽¹⁾;

“branch manager” shall be construed in accordance with regulation 6(1)(b);

“complaints procedure” shall be construed in accordance with regulation 11(1);

“guardian” has the meaning given to it in section 5 of the Children Act 1989⁽²⁾;

“manager” shall be construed in accordance with regulation 6(1)(a);

“organisation” means a body corporate other than a public or local authority the activities of which are not carried on for profit;

“registered provider” means, in relation to an agency, a person who is registered under Part II of the Act as the person carrying on the agency⁽³⁾;

“registration authority” means, in relation to an agency, the registration authority which may exercise, in relation to that agency, functions to which section 36A of the Act applies⁽⁴⁾;

“responsible individual” shall be construed in accordance with regulation 5(2);

“statement of purpose” means the written statement compiled in accordance with regulation 3(1).

(1) By virtue of section 1(5) of the 1976 Act, inserted by section 116 of, and paragraph 5(2)(b) of Schedule 4 to, the Act, “appropriate voluntary organisation” is defined as a voluntary organisation which is an adoption society in respect of which a person is registered under Part II of the Act. Part II of the Act makes provision for registration of certain establishments and agencies, including voluntary adoption agencies. By section 4(7) of the Act, “voluntary adoption agency” is defined as an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act.

(2) 1989 c. 41.

(3) By virtue of section 121(4) of the Act the person who carries on the agency is the voluntary organisation itself.

(4) By virtue of sections 5 and 36A of the Act (inserted by section 16 of the 2002 Act) where the principal office of the agency is in England, the registration authority will be the National Care Standards Commission and where the principal office of the agency is in Wales, the registration authority will be the National Assembly for Wales. By section 5(b) of the Act, the National Assembly for Wales is referred to as “the Assembly”. By section 6(1) of the Act the National Care Standards Commission is referred to as “the Commission”.

(3) 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.

Application for registration under Part II of the Act

2. No application for registration under Part II of the Act shall be made in respect of a voluntary adoption agency which is an unincorporated body.

Statement of purpose

3.—(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 registration authority and—

- (a) if the registration authority is the Commission and the agency has a branch in Wales, to the Assembly;
- (b) if the registration authority is the Assembly and the agency has a branch in England, to the Commission.

(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 local authority.

(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, the manager or the branch manager (if any), to contravene, or not 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 II of the Act.

Review of statement of purpose

4. The registered provider and the manager shall—

- (a) keep under review and, where appropriate, revise the statement of purpose; and
- (b) notify the registration authority and—
 - (i) if the registration authority is the Commission and the agency has a branch in Wales, the Assembly;
 - (ii) if the registration authority is the Assembly and the agency has a branch in England, the Commission,

of any such revision within 28 days.

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