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STATUTORY INSTRUMENTS

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**2003 No. 370**

**The Local Authority Adoption  
Service (England) Regulations 2003**

**PART III**

**CONDUCT OF LOCAL AUTHORITY ADOPTION SERVICE**

**Arrangements for the protection of children**

- 9.**—(1) Each local authority shall prepare and implement a written policy which—
- (a) is intended to safeguard from abuse or neglect children placed for adoption by the authority; 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) where the child is placed with prospective adopters in the area of another local authority, the prompt referral to that authority of any allegation of abuse or neglect;
  - (b) written records to be kept of any allegation of abuse or neglect and the action taken in response;
  - (c) consideration to be given to the measures that may be necessary to protect children placed with prospective adopters following an allegation of abuse or neglect;
  - (d) arrangements to be made for persons working for the adoption service, prospective adopters and children who have been placed for adoption by the authority, to have access to information that would enable them to contact the Commission, regarding any concern about child welfare and safety.

**Staffing of agency**

- 10.** Each local authority shall ensure that there is, having regard to—
- (a) the size of the authority and its 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 authority,

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

**Fitness of workers**

- 11.**—(1) A local authority shall not—
- (a) employ a person to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service; or

(b) allow a person to whom paragraph (2) applies, to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service.

(2) This paragraph applies to any person who is employed by a person other than the authority, in a position in which he may in the course of his duties have regular contact with children who may be, or have been, placed for adoption by the authority.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an adoption service 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 3.

(4) The authority shall take reasonable steps to ensure that any person working for the adoption service who is not employed by the authority and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

### **Employment of staff**

12.—(1) Each local authority shall—

- (a) ensure that all permanent appointments made by the authority for the purposes of the adoption service are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees employed by the authority for the purposes of the adoption service with a job description outlining their responsibilities.

(2) The authority shall ensure that all persons employed by the authority for the purposes of the adoption service—

- (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.

### **Staff disciplinary procedure**

13.—(1) Each local authority 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 children who may be, or have been, placed for adoption by the authority;
- (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 placed for adoption by the authority is a ground on which disciplinary proceedings may be instituted.

(2) For the purposes of paragraph 1(b), an appropriate person is—

- (a) the manager of the adoption service;
- (b) an officer of the Commission;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children; or
- (e) where the child is placed for adoption in the area of another local authority, an officer of that authority.

### **Arrangements for absence of manager**

14. Each local authority shall establish a system to ensure that where the manager proposes to be or is absent from the authority for a continuous period of 28 days or more, an identified person is responsible for the management of the adoption service until such time as the manager returns or (as the case may be) a new manager is appointed by the authority.

### **Records with respect to staff**

15.—(1) Each local authority shall maintain and keep up to date the records specified in Schedule 4.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years from the date of the last entry.

### **Fitness of premises**

16.—(1) The local authority shall not use premises for the purposes of the adoption service unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The authority 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 authority's premises are nevertheless kept in conditions of appropriate security.

### **Complaints**

17. Each local authority shall—

- (a) ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and for that record to be retained for at least 3 years from the date that it is made; and
- (b) supply to the Commission at its request a statement containing a summary of any complaints made in respect of the adoption service during the preceding 12 months and any action taken in consequence.