
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made partly under the Care Standards Act 2000 (“the 2000 Act”) and partly under the Adoption and Children Act 2002 (“the 2002 Act”). The 2000 Act established a new regulatory system for care services in England and Wales; section 8(3) of the 2002 Act amends the 2000 Act with the effect that a person cannot carry on or manage an adoption support agency without being registered under Part 2 of the 2000 Act.

Section 2(6) of the 2002 Act provides that counselling, advice and information and any other services prescribed by regulations, in relation to adoption, are adoption support services. Regulation 3 of these Regulations prescribes further services which are adoption support services for the purposes of these Regulations. Regulation 4 provides for exceptions from the undertakings that are adoption support agencies.

Regulations 5 and 6 make provision for the statement of purpose and children’s guide. Each adoption support agency must have a statement of purpose setting out the aims and objectives of the agency. The statement of purpose must be kept under review and revised when necessary. The agency must be carried on in a manner that is consistent with the statement of purpose. An agency which provides services to children must produce a written guide to the agency which is suitable for children.

Regulations 7 to 11 make provision about the persons carrying on and managing an adoption support agency, and require a manager to be appointed for the agency in certain circumstances (regulation 8). Provision is made for the fitness of the manager, in particular by the requirement that satisfactory information be obtained in relation to the matters specified in Schedule 2 (regulation 9). Regulation 7 requires an agency that is not an individual or a partnership to nominate a responsible individual in respect of whom this information must also be available. Regulation 10 imposes general requirements in relation to the proper conduct of an adoption support agency, and the need for appropriate training.

Regulations 12 to 23 make further provision about the conduct of an adoption support agency, in particular as to the protection of children (regulation 12), providing services appropriate to a user’s needs (regulation 13), record-keeping in relation to services provided (regulation 14), adoption case records (regulation 15), complaints (regulations 16 and 17), staffing (including record-keeping in relation staff) and fitness of premises (regulations 18 to 23). The provision in regulation 15 obliges an adoption support agency that has been a voluntary adoption agency and has retained its adoption case records to comply with provisions in the Adoption Agencies Regulations 1983 about the retention and treatment of those records.

Regulation 24 provides for the registered provider and registered manager to give notice of the events described in Schedule 4 to the persons specified in that Schedule. Regulation 25 imposes requirements relating to an adoption support agency’s financial position. Regulations 26 to 28 provide for the giving of notices to the registration authority and the appointment of liquidators. Regulation 29 provides for offences for contravention of, or failure to comply with, provisions in the Regulations. Regulation 30 provides that where these Regulations place a requirement on more than one person, if one of those who is obliged to meet that requirement does so, the other person is not also obliged to meet that requirement.

Regulation 31 amends the National Care Standards Commission (Registration) Regulations 2001 to require the Commission for Social Care Inspection to keep a register of adoption support agencies containing the particulars specified in Schedule 7 to the 2001 Regulations, and to add to the register of voluntary adoption agencies categories of voluntary adoption agency that provide adoption

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

support services in addition to adoption services. Regulation 32 amends the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003 (“the 2003 Regulations”). The amendments provide for the fees to be paid on an application for registration in respect of an adoption support agency, for the variation or removal of any condition that is in force in relation to a registration and for the payment of annual fees. The 2003 Regulations are also amended to provide for premises used by an adoption support agency to be inspected by the Commission for Social Care Inspection at least once in every 3 years.

Regulation 34 amends the Adoption Agencies Regulations 1983 to enable adoption agencies to extend the term of office of certain members of adoption panels, and to allow any voluntary adoption agency that is planning to become an adoption support agency to retain its adoption case records. Regulation 35 amends the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 so that an adoption support agency holding information in relation to an adopted person does not provide intermediary services to that person in simply providing him with information about his adoption.

A regulatory impact assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the regulatory impact assessment can be obtained from the Department for Education and Skills' website <http://www.dfes.gov.uk/ria/>.