

2005 No. 3341

**CHILDREN AND YOUNG PERSONS,
ENGLAND AND WALES**

SOCIAL CARE, ENGLAND AND WALES

**The Voluntary Adoption Agencies (Amendment) Regulations
2005**

<i>Made</i> - - - -	<i>3rd December 2005</i>
<i>Laid before Parliament</i>	<i>9th December 2005</i>
<i>Coming into force</i> - -	<i>30th December 2005</i>

The Secretary of State for Education and Skills and the National Assembly for Wales, acting jointly, in exercise of powers conferred by sections 9(1)(a) and 140(7) and (8) of the Adoption and Children Act 2002(a), make the following Regulations:—

Citation and commencement

1. These Regulations may be cited as the Voluntary Adoption Agencies (Amendment) Regulations 2005 and shall come into force on 30th December 2005.

Amendment of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

2.—(1) The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003(b) are amended as follows.

(2) In regulation 1(2) (interpretation)—

(a) for the definition of “agency” substitute—

““agency” means a registered adoption society(c);”; and

(b) insert in the appropriate places—

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

““adoption support services” means, in addition to the services set out in section 2(6)(a) of the 2002 Act, the services prescribed for the purposes of section 2(6)(b) of that Act—

(a) 2002 c.38. These powers are exercisable by the appropriate Minister who is defined in section 144(1) of the Adoption and Children Act 2002, in relation to England as the Secretary of State, in relation to Wales as the National Assembly for Wales and in relation to England and Wales as the Secretary of State and the National Assembly for Wales acting jointly.

(b) S.I. 2003/367.

(c) See section 2(2) of the 2002 Act.

- (a) in relation to England, by the Secretary of State(a); and
- (b) in relation to Wales, by the Assembly(b);”.

(3) In regulations 10(1)(a)(ii) (arrangements for the protection of children), 13(b)(ii) (staffing of agency) and 19(3) (notifiable events - definition of “approved by the agency”) for “Adoption Agencies Regulations 1983” substitute “Adoption Agencies Regulations 2005(c) or the Adoption Agencies (Wales) Regulations 2005(d)”.

(4) There is inserted after Part 4, the Part 4A set out in the Schedule to these Regulations.

(5) In Schedule 1 (information to be included in statement of purpose) insert after paragraph 7—

“7A. Where an agency may provide adoption support services a description of the adoption support services provided by the agency and the procedure for assessing needs for adoption support services.”.

(6) In Schedule 3 (staff records) insert after paragraph 5—

“5A. Where an agency may provide adoption support services, qualifications relevant to, and experience of, working with adults and children receiving adoption support services.”.

3rd December 2005

Maria Eagle
Parliamentary Under Secretary of State
Department for Education and Skills

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998.

29th November 2005

Dafydd Elis-Thomas
Presiding Officer
National Assembly for Wales

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- (a) See the services prescribed in regulation 3 of the Adoption Support Services Regulations 2005, S.I. 2005/691, regulations 3(3) and 4 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, S.I. 2005/890 and regulation 3(1) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, S.I. 2005/2720.
 - (b) See the services prescribed in regulation 3 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005, S.I. 2005/1512 (W.116), regulation 2(2) of the Adoption Support Agencies (Wales) Regulations 2005, S.I. 2005/1514 (W.118) and regulation 3(4) and 4 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005, S.I. 2005/2701 (W.190).
 - (c) S.I. 2005/389.
 - (d) S.I. 2005/1313 (W.95).

“PART 4A

PROVISION OF ADOPTION SUPPORT SERVICES

Application of this Part

24A. This Part shall apply where an agency may provide adoption support services.

Statement of purpose

24B. Regulation 3 shall have effect as if there were added at the end of paragraph (3)—

- “(f) any person receiving adoption support services from the agency or acting on behalf of a child receiving such services from the agency;
- (g) any person making enquiries about receiving adoption support services from the agency on his own or a child’s behalf”.

Children’s guide

24C.—(1) Where adoption support services are provided by the agency to children the registered provider and the manager shall produce a written guide about the provision of adoption support services by the agency (“children’s guide”) which shall include—

- (a) a summary of the agency’s statement of purpose;
- (b) a summary of the complaints procedure; and
- (c) the address and telephone number of the registration authority.

(2) The children’s guide shall be produced in a form appropriate to the age, understanding and communication needs of the children to whom the agency provides adoption support services.

(3) The registered provider and the manager shall provide a copy of the children’s guide to the registration authority, to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.

(4) The registered provider shall—

- (a) keep under review and, where appropriate, revise the children’s guide;
- (b) notify the persons referred to in regulation 4(b) of any such revision within 28 days of making the revision; and
- (c) if the children’s guide is revised, supply a copy to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.

Registered provider etc. – general requirements

24D. Regulation 8 shall have effect as if there were added—

- (a) at the end of paragraph (1)(b) “and”; and
- (b) after paragraph (1)(b)—
 - “(c) the number and needs of those receiving adoption support services,”.

Arrangements for the protection of children

24E. Regulation 10 shall have effect as if—

- (a) in paragraph (1)(a) after “children” there were inserted “receiving adoption support services from the agency or”; and
- (b) in paragraph (2)(g) after “by the agency” there were inserted “and adults and children to whom the agency provides adoption support services,”.

Provision of services

24F. The registered provider, the manager and, in relation to any branch, the branch manager, shall ensure that adoption support services provided to any person are appropriate having regard to the needs for such services identified by an assessment carried out by the agency or by a local authority.

Records with respect to services

24G.—(1) The registered provider, the manager and, in relation to any branch, the branch manager, shall maintain records indicating in respect of each person to whom the agency provides adoption support services—

- (a) full name;
- (b) date of birth;
- (c) whether he is an adoptive child or an adopted person who has attained the age of 18 or, if not, his relationship to an adoptive child or adopted person;
- (d) description of services requested;
- (e) description of needs as assessed by the agency or a local authority;
- (f) description of services provided;
- (g) whether the services are provided on behalf of a local authority by virtue of section 3(4)(a) of the 2002 Act.

(2) The records specified in paragraph (1) shall be retained for such period as the registered provider considers appropriate.

(3) In this regulation “adoptive child”—

- (a) in relation to an agency where the registration authority is the Commission has the same meaning as in the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(a); and
- (b) in relation to an agency where the registration authority is the Assembly has the same meaning as in the Adoption Support Agencies (Wales) Regulations 2005(b).

Complaints

24H. Regulation 11 shall have effect as if—

- (a) at the end of paragraph (1) there were added—
 - “(d) any person to whom the agency is providing or has provided adoption support services or to whom the agency has refused to provide such services”; and
- (b) in paragraph (3) for “paragraph (1)(a) to (c)” there were substituted “paragraph (1)(a) to (d)”.

(a) S.I. 2005/2720.

(b) S.I. 2005/1514 (W.118).

Staffing

24I—(1) Regulation 13(b) (staffing of agency) shall have effect as if after “children” there were inserted “provided with adoption support services or”.

(2) Regulation 14(2) (fitness of workers) shall have effect as if after “adoption” there were inserted “or provided with adoption support services”.

Staff disciplinary procedure

24J. Regulation 16 shall have effect as if—

- (a) in paragraph (1)(a) and (b) after “placed for adoption by” there were inserted “, or receiving adoption support services from,”; and
- (b) in paragraph (2)(f) for “is placed for adoption” there were substituted “is living”.

Notifiable events

24K.—(1) Regulation 19 shall have effect as if there were added after paragraph (1)—

“(1A) The agency must notify—

- (a) the persons specified in paragraph (1B) where a child has died or sustained serious injury in the course of receiving adoption support services; and
- (b) where the registration authority is the Commission, the Secretary of State of the death of a child in those circumstances.

(1B) The persons are—

- (a) the registration authority;
- (b) the Primary Care Trust or Local Health Board^(a) in whose area the child who has died or sustained serious injury in the course of receiving adoption support services was living at the time of the incident;
- (c) the local authority in whose area the agency is situated and any other local authority on behalf of whom the agency is providing adoption support services to that child by virtue of section 3(4)(a) of the 2002 Act^{.”}

(a) Local Health Boards are established under the National Health Service Act 1977, section 16B (c.49), and Primary Care Trusts are established under section 16A of that Act; those sections were inserted by the Health Act 1999, section 2 (c.8). Section 16A was amended by the National Health Service Reform and Health Care Professions Act 2002, section 2(1) to (3) (c.17); section 16B was amended by that Act, Schedule 1, paragraphs 1 and 4 and Schedule 5, paragraphs 4 and 6, and by the Health and Social Care (Community Health and Standards) Act 2003, section 182(1) (c.43).

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 (“the Regulations”).

Regulation 2(4) inserts a new Part 4A which will apply to a registered adoption society (“agency”) which may provide adoption support services. Regulation 2(5) and (6) amends Schedules 1 and 3 to the Regulations to impose additional obligations in relation to the agency’s statement of purpose and staff records where it may provide adoption support services. The new Part 4A modifies the Regulations to reflect that the agency will be providing adoption support services. In particular an agency which provides adoption support services to children will need to produce a children’s guide (regulation 24C); regulation 24F requires the agency to ensure that adoption support services are appropriate having regard to the assessed needs of those receiving services and regulation 24G requires the agency to maintain records about the provision of adoption support services. A new definition of “adoption support services” is inserted by regulation 2(2)(b).

Regulation 2(2)(a) and (3) make other minor amendments to the Regulations consequential upon the coming into force of the Adoption and Children Act 2002 on 30th December 2005.

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/>.

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