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STATUTORY INSTRUMENTS

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**2005 No. 691**

**The Adoption Support Services Regulations 2005**

**PART 4**

**ASSESSMENTS AND PLANS**

**Request for assessment**

**13.**—(1) The following persons are prescribed for the purposes of section 4(1)(b) of the Act (persons at whose request an assessment must be carried out)—

- (a) a child of an adoptive parent (whether or not adopted);
- (b) a child who is the natural sibling (whether full or half-blood) of an adoptive child;
- (c) a related person in relation to an adoptive child.

(2) Where the request of a person falling within section 4(1)(a) of the Act or paragraph (1) for an assessment 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.

(3) In assessing a person's needs for adoption support services the local authority are not required to assess the person's need for a service if he is not within the description of persons to whom provision of the service must be extended by virtue of regulation 4.

**Procedure for assessment**

**14.**—(1) Where the local authority carry out an assessment of a person's needs for adoption support services they must have regard to such of the following considerations as are relevant to the assessment—

- (a) the needs of the person being assessed and how these might be met;
- (b) the needs of the adoptive family and how these might be met;
- (c) the needs, including developmental needs, of the adoptive child and how these might be met;
- (d) the parenting capacity of the adoptive parent;
- (e) wider family and environmental factors;
- (f) in the case of a child who is, or was, placed for adoption or matched for adoption, the circumstances that led to the child being so placed or matched; and
- (g) any previous assessment of needs for adoption support services undertaken in relation to the person in question.

(2) In paragraph (1) "adoptive family" means the family consisting of the adoptive child, the adoptive parents and any other child of the adoptive parents (whether or not adopted).

(3) The local authority must—

- (a) where they consider it appropriate to do so, interview the person and, where the person is an adoptive child, his adoptive parents; and
- (b) prepare a written report of the assessment.

(4) Where it appears to the local authority that the person may have a need for services from a Primary Care Trust, a Local Health Board or a local education authority, the local authority shall, as part of the assessment, consult that Primary Care Trust, Local Health Board or local education authority.

### **Assessment for financial support**

**15.**—(1) This regulation applies where the local authority carry out an assessment of a person’s needs for financial support.

(2) In determining the amount of financial support, the local authority must take account of any other grant, benefit, allowance or resource which is available to the person in respect of his needs as a result of the adoption of the child.

(3) Subject to paragraphs (4) and (5) the local authority must also take account of the following considerations—

- (a) the person’s financial resources, including any tax credit or benefit, which would be available to him if the child lived with him;
- (b) the amount required by the person in respect of his reasonable outgoings and commitments (excluding outgoings in respect of the child);
- (c) the financial needs and resources of the child.

(4) The local authority must disregard the considerations in paragraph (3) where they are considering providing financial support in respect of—

- (a) legal costs, including fees payable to a court, where an adoption order is applied for in respect of an agency adoptive child; or
- (b) expenditure for the purpose of introducing an agency adoptive child to his adoptive parents.

(5) The local authority may disregard any of the considerations in paragraph (3)—

- (a) where they are considering providing financial support in respect of—
  - (i) initial costs of accommodating an agency adoptive child;
  - (ii) recurring costs in respect of travel for the purpose of visits between the child and a related person; or
  - (iii) any special arrangements or special care referred to in regulation 8(2)(b) or (c) in relation to an agency adoptive child; or
- (b) where they are considering including an element of remuneration under regulation 9.

### **Plan**

**16.**—(1) This regulation applies in relation to the requirement in section 4(5) of the Act for the local authority to prepare a plan in accordance with which adoption support services are to be provided.

(2) The local authority must prepare a plan if they propose to provide adoption support services to a person on more than one occasion and the services are not limited to the provision of advice or information.

(3) Where it appears to the local authority that the person may have a need for services from a Primary Care Trust, a Local Health Board or a local education authority, they must consult that Primary Care Trust, Local Health Board or local education authority before preparing the plan.

(4) The local authority must nominate a person to monitor the provision of the services in accordance with the plan.

### **Notice of proposal to provide adoption support services**

**17.**—(1) Before making any decision under section 4(4) of the Act as to whether to provide adoption support services, the local authority must allow the person an opportunity to make representations in accordance with this regulation.

(2) The local authority must first give the person notice of the proposed decision and the time allowed for making representations.

(3) The notice must contain the following information—

- (a) a statement as to the person's needs for adoption support services;
- (b) where the assessment relates to his need for financial support, the basis upon which financial support is determined;
- (c) whether the local authority propose to provide him with adoption support services;
- (d) the services (if any) that are proposed to be provided to him;
- (e) if financial support is to be paid to him, the proposed amount that would be payable; and
- (f) any proposed conditions under regulation 12(2).

(4) In a case where the local authority propose to provide adoption support services and are required to prepare a plan under section 4(5) of the Act, the notice must be accompanied by a draft of that plan.

(5) The local authority shall not make a decision until—

- (a) the person has made representations to the local authority or notified the local authority that he is satisfied with the proposed decision and, where applicable, the draft plan; or
- (b) the period of time for making representations has expired.

### **Notification of decision as to adoption support services**

**18.**—(1) After making their decision under section 4(4) of the Act as to whether to provide adoption support services to a person, the local authority must give the person notice of that decision, including the reasons for it.

(2) Where the local authority are required to prepare a plan under section 4(5) of the Act, the notice must include details of that plan and the person nominated under regulation 16(4).

(3) If the local authority decide that financial support is to be provided, notice given under paragraph (1) must include the following information—

- (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 period for which financial support is to be paid;
  - (iv) when the first payment of financial support is to be made.
- (c) where financial support is to be paid as a single payment, when the payment is to be made;

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- (d) where financial support is to be paid subject to any conditions imposed in accordance with regulation 12, 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 Part 5 (reviews); and
  - (ii) the adoptive parent pursuant to any agreement mentioned in regulation 12.