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STATUTORY INSTRUMENTS

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**2020 No. 445**

**The Adoption and Children (Coronavirus)  
(Amendment) Regulations 2020**

**PART 3**

**Adoption Agencies**

**Amendment of the Adoption Agencies Regulations 2005**

- 4.—(1) The Adoption Agencies Regulations 2005(1) are amended as follows.
- (2) In regulation 4 (constituting an adoption panel)—
- (a) in paragraph (1) for “must constitute” substitute “may constitute”, and
  - (b) in paragraph (2) omit “that an adoption panel has sufficient members, and”.
- (3) In regulation 6 (meetings of adoption panel), for paragraph (1)(c) substitute—
- “(c) one other independent person.”.
- (4) In regulation 17 (requirement to prepare child’s permanence report), for paragraph (2C) substitute—
- “(2C) in a case not falling within paragraph (2), the adoption agency must decide whether to—
- (a) require the case to be referred to an adoption panel, or
  - (b) proceed to make a decision under regulation 19 without such a referral, and where the case is to be referred to the adoption panel the adoption agency must send the information and reports referred to in paragraph (2D) to the adoption panel.”.
- (5) In regulation 19(1) (adoption agency decision and notification) for “falling within” substitute “referred to the panel under”.
- (6) In regulation 23(1)(e) (prospective adopter’s case record), at the beginning insert “where applicable,”.
- (7) In regulation 26(b) and (e) (other pre-assessment information), at the beginning insert “subject to regulation 27(1A),”.
- (8) In regulation 27 (pre-assessment decision)—
- (a) after paragraph (1) insert—
- “(1A) The adoption agency may make a decision under paragraph (1) even if the information requested under regulation 25 and 26(b) has yet to be obtained.”, and
- (b) in paragraph (2) after “agency must” insert “, where reasonably practicable,”.
- (9) In regulation 28 (stage 2 assessment)—

- (a) in paragraph (1) for “within six months from the date on which the agency notified the prospective adopter” substitute “following notification”, and
  - (b) omit paragraph (2).
- (10) In regulation 30 (prospective adopter’s report)—
- (a) in paragraph (5)(a) at the beginning insert “where applicable,”, and
  - (b) in paragraph (6) after “agency must” insert “decide whether or not to refer the case to an adoption panel or proceed to make a decision under regulation 30B without such a referral and, if the case is being referred to an adoption panel, the adoption agency must”.
- (11) In regulation 30B (adoption agency decision and notification)—
- (a) in paragraph (1) after “adopt a child” insert “, where reasonably practicable,”,
  - (b) after paragraph (1) insert—
    - “(1A) The adoption agency must not make a decision under paragraph (1) until it has obtained the information requested under regulation 25 and 26(b).”,
  - (c) in paragraph (5)(c)(ii), at the beginning insert “subject to paragraph (5A),”,
  - (d) after paragraph (5) insert—
    - “(5A) Where the adoption agency consider that the prospective adopter is not suitable to adopt because of information obtained under regulation 25 or 26(b) the prospective adopter may not apply to the Secretary of State for a review by an independent review panel of the qualifying determination.”, and
  - (e) in paragraph (9)(b) for “panel and the recommendation” substitute “panel and any recommendation”.
- (12) In regulation 30D (review and termination of approval)—
- (a) in paragraph (4)(b) at the beginning insert “decide whether or not to refer the case to the adoption panel and, where applicable,”, and
  - (b) in paragraph (5) after “agency must” insert “, where applicable,”.
- (13) In regulation 30E(b) and (c) (duties of the adoption agency in a section 83 case), at the beginning insert “where applicable,”.
- (14) In regulation 31 (proposed placement)—
- (a) in paragraph (3) for “prospective adopter that” substitute “prospective adopter whether”, and
  - (b) in paragraph (4) after “adoption agency must” insert “decide whether or not to refer the case to an adoption panel or to proceed to make a decision under regulation 33 without such a referral and, where the case is being referred to an adoption panel, the adoption agency must”.
- (15) In regulation 33(1) (adoption agency decision in relation to proposed placement), for “account the” substitute “account any”.
- (16) In regulation 36 (reviews), at the beginning insert—
- “(A1) Subject to paragraph (B1) an adoption agency does not have to carry out a review required by this regulation where the adoption agency decide that it is not reasonably practicable to carry out the review of the child’s case.
  - (B1) Paragraph (A1) does not apply where the adoption agency is satisfied that a review is necessary to safeguard and promote the welfare of the child.”.