
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the exercise by adoption agencies (local authorities and registered adoption societies) of their functions in relation to adoption under the Adoption and Children Act 2002 (“the Act”).

Part 2 makes provision for the arrangements for adoption work which agencies must put in place. Regulation 3 requires agencies to set up adoption panels and regulations 4 and 5 make provision in relation to the tenure of panel members and the proceedings of adoption panels. Regulation 8 requires agencies to appoint an adoption adviser to the adoption panel.

Part 3 applies where an agency is considering adoption for the child. Regulation 12 requires the agency to open a case record in respect of the child and place on that record any information obtained under the regulations about the child and the child’s family. Regulations 13 and 14 require the agency to provide counselling and information for the child and the child’s parent or guardian. Regulation 14(2) and (3) deal with the position of the father who does not have parental responsibility for the child. Regulations 15 and 16 impose duties on an agency to obtain information about the child, the child’s family and others which is specified in Schedule 1. Regulation 17 requires the agency to prepare a written report for the adoption panel about the child and the child’s family, to include an analysis of why placement for adoption is the preferred option for permanence. Regulation 18 provides that the adoption panel must make a recommendation to the agency as to whether the child should be placed for adoption. The agency must take into account that recommendation in coming to a decision about whether the child should be placed for adoption (regulation 19). Regulation 20 provides for the agency to request a Welsh family proceedings officer to be appointed to witness consent to placement under section 19 of the Act and, as the case may be, to the making of a future adoption order under section 20 of the Act. The information to be provided to the Welsh family proceedings officer is specified in Schedule 2.

Part 4 makes provision for the assessment of prospective adopters. Regulation 21 requires the agency to provide counselling and information for a prospective adopter. Regulation 23 requires the agency to carry out police checks and provides that an agency may not consider a person suitable to be an adoptive parent if the person or any member of their household aged 18 or over has been convicted of, or cautioned for, any specified offences (as defined in regulation 23(3)). Regulation 26 sets out the procedure for carrying out an assessment of the prospective adopter. The information to be obtained in respect of a prospective adopter is set out in Schedule 4. A report must be prepared and the papers submitted to the adoption panel which makes a recommendation to the agency as to whether the prospective adopter is suitable to be an adoptive parent. The agency must take into account that recommendation in coming to a decision about whether the prospective adopter is suitable to be an adoptive parent (regulations 27 and 28). Part 5 makes provision in relation to the duties of the adoption agency in respect of the placement of a child with prospective adopters. The agency must provide the prospective adopters with a report about the child which must include the information which is set out in Schedule 5 and any other information which the agency consider relevant (regulation 32). The papers are referred to the adoption panel who must consider the proposed placement and make a recommendation to the agency as to whether the particular prospective adopter would be a suitable adoptive parent for that particular child and the agency must take into account that recommendation when coming to its decision (regulations 33 and 34).

Part 6 makes provision in relation to placements and reviews. Regulation 36 provides that the agency must provide the prospective adopter with a placement plan (which must cover the matters specified

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

in Schedule 6) and before the child is placed for adoption send certain information to the persons specified in regulation 36 (4) and arrange for the prospective adopter to meet the child and following that meeting counsel the prospective adopter and (where practicable) the child (regulation 36(6)). Regulation 37 imposes a duty on the agency to carry out reviews of children's cases. Regulation 39 places an agency under a duty to immediately review its decision to place a child for adoption where a parent withdraws their consent under section 19 or sections 19 and 20 of the Act.

Part 7 makes provision in relation to records.

Part 8 makes miscellaneous provisions including modifications to provisions in the Children Act in the case of children whom adoption agencies are authorised to place for adoption and in relation to the steps to be taken where an agency decides to refuse to allow contact under section 27(2) of the Act.

Part 9 makes miscellaneous provisions.