
WELSH STATUTORY INSTRUMENTS

2019 No. 762

**The Regulated Adoption Services (Service Providers
and Responsible Individuals) (Wales) Regulations 2019**

PART 1

General

Title and commencement

1.—(1) The title of these Regulations is the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002⁽¹⁾;

“adoption agency” (“*asiantaeth fabwysiadu*”) means an adoption society or a local authority adoption service;

“adoption society” (“*cymdeithas fabwysiadu*”) has the meaning given in section 2(5) of the 2002 Act, which is a voluntary organisation within the meaning of that Act;

“adoption support agency” (“*asiantaeth cymorth mabwysiadu*”) has the meaning given in section 8 of the 2002 Act;

“adoption support plan” (“*cynllun cymorth mabwysiadu*”) means the plan which sets out the adoption support services the local authority has decided to provide for the child and the adoptive family, how these will be provided and by whom (if applicable);

“adoption support services” (“*gwasanaethau cymorth mabwysiadu*”) has the meaning given in section 2(6) of the 2002 Act and regulation 3 of the Adoption Support Services (Wales) Regulations 2019⁽²⁾;

“adoptive child” (“*plentyn mabwysiadol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

“adoptive parent” (“*rhiant mabwysiadol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

“approved by the service” (“*a gymeradwywyd gan y gwasanaeth*”) means approved by the service as suitable to be an adoptive parent in accordance with the Adoption Agencies (Wales) Regulations 2005⁽³⁾;

⁽¹⁾ 2002 c. 38.

⁽²⁾ S.I. 2019/286 (W.66).

⁽³⁾ S.I. 2005/1313 (W. 95).

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan for the child made under section 54 or section 83 of the 2014 Act⁽⁴⁾;

“child” (“*plentyn*”) means a person who is aged under 18;

“clinical commissioning group” (“*grwp comisiynu clinigol*”) means a body established under section 14D of the National Health Service Act 2006⁽⁵⁾;

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 1;

“the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012⁽⁶⁾;

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996⁽⁷⁾;

“guardian” (“*gwarcheidwad*”) has the meaning given to it in section 5 of the Children Act 1989⁽⁸⁾;

“individual” (“*unigolyn*”) means, unless the context indicates otherwise—

(a) in the case of an adoption society in the course of arranging an adoption or after an adoption has been arranged—

- (i) a child who may be adopted, their parent or guardian;
- (ii) a person wishing to adopt a child, or
- (iii) an adopted person, their parent, birth parent or former guardian,

who is receiving support of the type which an adoption society is required to provide in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005⁽⁹⁾;

(b) in the case of an adoption support agency, or an adoption society in the course of providing adoption support services, any person who is receiving adoption support services;

“local authority adoption service” (“*gwasanaeth mabwysiadu awdurdod lleol*”) has the meaning given in regulation 2(1) of the Local Authority Adoption Services (Wales) Regulations 2019⁽¹⁰⁾;

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

“the National Health Service Commissioning Board” (“*Bwrdd Comisiynu'r Gwasanaeth Iechyd Gwladol*”) means the body established under section 1H of the National Health Service Act 2006;

“placement plan” (“*cynllun lleoliad*”) has the meaning given in regulation 36(2) of the Adoption Agencies (Wales) Regulations 2005;

⁽⁴⁾ “The 2014 Act” is defined in section 189 of the Act as the Social Services and Well-being (Wales) Act 2014 (dccc 4).

⁽⁵⁾ 2006 c. 41.

⁽⁶⁾ 2012 c. 9.

⁽⁷⁾ 1996 c. 18.

⁽⁸⁾ 1989 c. 41.

⁽⁹⁾ S.I. 2005/2689 (W. 189).

⁽¹⁰⁾ S.I. 2019/291 (W.69).

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010(11);

“regulated adoption service” (“*gwasanaeth mabwysiadu rheoleiddiedig*”) means an adoption service which is regulated under the Act;

“related person” (“*person perthynol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

“representative” (“*cynrychiolydd*”) means any person having legal authority, or the consent of the individual, to act on the individual’s behalf;

“the service” (“*y gwasanaeth*”), unless otherwise indicated, means an adoption service(12) which is provided in relation to a specified area;

“service provider” (“*darparwr gwasanaeth*”) means an adoption service provider who is registered under section 7 of the Act;

“the service regulator” (“*y rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions(13);

“specified area” (“*ardal benodedig*”) means an area specified in a condition to the service provider’s registration as a place in relation to which the service is to be provided;

“staff” (“*staff*”) includes—

(a) persons employed by the service provider to work at the service as an employee or a worker, and

(b) persons engaged by the service provider under a contract for services,

but does not include persons who are allowed to work as volunteers;

“the statement of purpose” (“*y datganiad o ddiben*”) means the document containing the information which must be provided in accordance with regulation 3(c) of and Schedule 2 to the Regulated Services (Registration) (Wales) Regulations 2017(14) for the place in relation to which the service is to be provided(15);

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996.

(2) In these Regulations, where used in relation to the support provided to an “individual” as defined in this regulation, “support” includes—

(a) the support which an adoption society is required to provide to individuals in the course of arranging an adoption, or after an adoption has been arranged, in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005, or

(b) the adoption support services which may be provided by an adoption society or adoption support agency.

(11) 2010 c. 15, section 20.

(12) “adoption service” has the meaning given in paragraph 4 of Schedule 1 to the Act.

(13) “Regulatory functions” is defined in section 3(1)(b) of the Act.

(14) S.I. 2017/1098 (W. 278).

(15) Regulation 3(c) of the Regulated Services (Registration) (Wales) Regulations 2017 requires a person who wants to provide an adoption service to provide a statement of purpose for each place from which the service is to be provided.