

Status: This version of this provision is prospective.

Changes to legislation: *Adoption and Children Act (Northern Ireland) 2022, Section 5 is up to date with all changes known to be in force on or before 11 June 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*



2022 CHAPTER 18

PART 1

Adoption

CHAPTER 2

The Adoption Service

The Adoption Service

PROSPECTIVE

Assessments etc. for adoption support services

5.—(1) An adoption authority must at the request of—

- (a) any of the persons mentioned in paragraphs (a) to (c) of section 4(1), or
- (b) any other person who falls within a prescribed description (subject to subsection (8)(a)),

carry out an assessment of that person's needs for adoption support services.

(2) An adoption authority may, at the request of any person, carry out an assessment of that person's needs for adoption support services.

(3) An adoption authority may request the help of the persons mentioned in paragraph (a) or (b) of section 4(4) in carrying out an assessment.

(4) Where, as a result of an assessment, an adoption authority decides that a person has needs for adoption support services, the adoption authority must then decide whether to provide any such services to that person, subject to subsection (5).

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(5) An adoption authority must provide adoption support services to a person under subsection (4) where—

- (a) that person is a child who may be adopted;
- (b) that person is a parent or guardian of a child who may be adopted;
- (c) that person is a person wishing to adopt a child;
- (d) that person is an adopted person;
- (e) that person is a parent, natural parent or former guardian of an adopted person; or
- (f) that person is within a prescribed description.

(6) If—

- (a) an adoption authority decides to provide any adoption support services to a person under subsection (4) or is under a duty to do so by virtue of subsection (5); and
- (b) the circumstances fall within a prescribed description,

the adoption authority must prepare a plan in accordance with which adoption support services are to be provided to the person and keep the plan under review.

(7) Regulations may make provision about assessments, preparing and reviewing plans, the provision of adoption support services in accordance with plans and reviewing the provision of adoption support services.

(8) The regulations may in particular make provision—

- (a) as to the circumstances in which a person mentioned in paragraph (b) of subsection (1) is to have a right to request an assessment of that person's needs in accordance with that subsection;
- (b) about the type of assessment which, or the way in which an assessment, is to be carried out;
- (c) about the way in which a plan is to be prepared;
- (d) about the way in which, and time at which, a plan or the provision of adoption support services is to be reviewed;
- (e) about the considerations to which an adoption authority is to have regard in carrying out an assessment or review or preparing a plan;
- (f) as to the circumstances in which an adoption authority may provide adoption support services subject to conditions;
- (g) as to the consequences of conditions imposed by virtue of paragraph (f) not being met (including the recovery of any financial support provided by an adoption authority);
- (h) as to the circumstances in which this section may apply to an adoption authority in respect of persons who are outside its area;

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(i) as to the circumstances in which an adoption authority may recover from another adoption authority the expenses of providing adoption support services to any person.

(9) An adoption authority may carry out an assessment of the needs of any person under this section at the same time as an assessment of that person's needs is made under any other statutory provision.

(10) If at any time during the assessment of the needs of any person under this section, it appears to an adoption authority that there may be a need for the provision of services to that person—

(a) by another health and social care body (within the meaning of the Health and Social Care (Reform) Act (Northern Ireland) 2009); or

(b) by the Education Authority,

the adoption authority must notify the body or the Education Authority, as the case may be.

(11) Where it appears to an adoption authority that another public body could, by taking any specified action, help in the exercise of any of the adoption authority's functions under this section, the adoption authority may request the help of that body, specifying the action in question.

(12) A public body whose help is so requested must comply with the request if it is consistent with the exercise of its functions.

Commencement Information

II S. 5 not in operation at Royal Assent, see [s. 160\(1\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

- Act applied (with modifications) by S.I. 2018/412, Sch. 3 (as substituted) by [2022 c. 18 \(N.I.\) Sch. 3 para. 83](#)