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STATUTORY INSTRUMENTS

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**2005 No. 2720**

**The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005**

**PART 2**

**REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS**

**Fitness of registered provider**

- 7.—(1) A person shall not carry on an agency unless he is fit to do so.
- (2) A person is not fit to carry on an agency unless the person—
- (a) is an individual who carries on the agency—
    - (i) otherwise than in partnership with others and he satisfies the requirements set out in paragraph (3);
    - (ii) in partnership with others, and he and each of the partners satisfies the requirements set out in paragraph (3);
  - (b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);
  - (c) is an organisation and—
    - (i) the organisation has given notice to the registration authority of the name, address and position in the organisation of an individual (“the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the agency; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
  - (b) he is physically and mentally fit to carry on the agency; and
  - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.
- (4) A person shall not carry on an agency if—
- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded;
  - (b) he is a person in respect of whom a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A of the Insolvency Act 1986<sup>(1)</sup> has effect; or
  - (c) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

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(1) 1986 c. 45. Schedule 4A was inserted by section 257(2) of the Enterprise Act 2002 (c. 40).

### **Appointment of manager**

**8.**—(1) The registered provider shall appoint an individual to manage the agency if the registered provider is—

- (a) an organisation or a partnership;
  - (b) is not a fit person to manage an agency; or
  - (c) is not, or does not intend to be, in full-time day-to-day charge of the agency.
- (2) The registered provider shall forthwith notify the registration authority of—
- (a) the name of any person appointed in accordance with this regulation; and
  - (b) the date on which the appointment is to take effect.

### **Fitness of manager**

**9.**—(1) A person shall not manage an agency unless he is fit to do so.

(2) A person is not fit to manage an agency unless—

- (a) he is of integrity and good character;
- (b) having regard to the size of the agency and the agency's statement of purpose—
  - (i) he has the qualifications, skills and experience necessary for managing the agency; and
  - (ii) he is physically and mentally fit to manage the agency; and
- (c) full and satisfactory information is available in relation to him in respect of each of the matters listed in Schedule 2.

### **Registered person – general requirements**

**10.**—(1) The registered person and the responsible individual (if any) shall, having regard to the size of the agency, the statement of purpose and the number and needs of those receiving adoption support services from the agency, carry on or (as the case may be) manage the agency with sufficient care, competence and skill.

(2) If the registered provider is—

- (a) an individual, he shall undertake,
- (b) an organisation, it shall ensure that the responsible individual undertakes,
- (c) a partnership, it shall ensure that one of the partners undertakes,

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the agency.

(3) The registered provider shall ensure that the registered manager undertakes from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the agency.

### **Notification of offences**

**11.** Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall immediately give notice in writing to the registration authority of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted;
- (c) the penalty imposed on him in respect of the offence.

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

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