
STATUTORY INSTRUMENTS

2005 No. 691

**CHILDREN AND YOUNG PERSONS, ENGLAND
SOCIAL CARE, ENGLAND**

The Adoption Support Services Regulations 2005

Made - - - - *11th March 2005*
Laid before Parliament *22nd March 2005*
Coming into force - - *30th December 2005*

The Secretary of State, in exercise of the powers conferred on her by sections 9(2) and (3) and 57A of the Adoption Act 1976(1) and sections 2(6) and (7), 3(3) and (4), 4, 9(1)(a), 140(1), (2), (7) and (8) and 142(4) of, and paragraph 3 of Schedule 2 to, the Adoption and Children Act 2002(2) hereby makes the following Regulations:—

PART 1
INTRODUCTORY

Citation, commencement and application

1.—(1) These Regulations may be cited as the Adoption Support Services Regulations 2005 and shall come into force on 30th December 2005.

(2) These Regulations apply to England only.

Commencement Information

II [Reg. 1](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Interpretation

2.—(1) In these Regulations—

“the Act” means the Adoption and Children Act 2002;

(1) 1976 c. 36.
(2) 2002 c. 38.

“adoptive child” means—

- (a) a child who has been adopted or in respect of whom a person has given notice of his intention to adopt under section 44 of the Act; or
- (b) a child whom an adoption agency has matched with a prospective adopter or placed for adoption;

“adoptive parent” means—

- (a) a person who has adopted a child or has given notice under section 44 of the Act of his intention to adopt a child; or
- (b) a person with whom an adoption agency has matched a child or has placed a child for adoption;

“agency adoptive child” means—

- (a) a child who has been adopted after having been placed for adoption by an adoption agency; or
- (b) a child whom an adoption agency has matched with a prospective adopter or placed for adoption;
- (c) a child whose adoptive parent has been a local authority foster parent in relation to him (unless the local authority oppose the adoption);

“child” means (subject to paragraph (2)) a person who has not attained the age of 18;

F1
...

“income support” means income support under Part VII of the Social Security Contributions and Benefits Act 1992⁽³⁾;

[^{F2}“integrated care board” means an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006;]

“jobseeker’s allowance” has the same meaning as in the Jobseekers Act 1995⁽⁴⁾;

“local authority foster parent” has the same meaning as in the Children Act 1989⁽⁵⁾;

F3
...

“Local Health Board” means a Local Health Board established by the National Assembly for Wales under section 16BA of the National Health Service Act 1977⁽⁶⁾;

F4
...

[^{F5}“looked after child” means a child referred to in section 22(1) of the Children Act 1989;]

“related person” in relation to an adoptive child means—

- (a) a relative within the meaning of section 144(1) of the Act; or
- (b) any person with whom the adoptive child has a relationship which appears to the local authority to be beneficial to the welfare of the child having regard to the matters referred to in sub-paragraphs (i) to (iii) of section 1(4)(f) of the Act;

[^{F5}“statutory adoption leave” has the meaning given in regulation 2(1) of the Paternity and Adoption Leave Regulations 2002;]

[^{F5}“statutory adoption pay” means payments payable in accordance with Part 12ZB of the Social Security Contributions and Benefits Act 1992;]

(3) 1992 c. 4.
(4) 1995 c. 18.
(5) 1989 c. 41.
(6) 1977 c. 49.

“tax credit” has the same meaning as in the Tax Credits Act 2002(7);

[^{F6}“universal credit” means universal credit under Part 1 of the Welfare Reform Act 2012].

(2) In any case where—

- (a) a person has attained the age of 18 years and is in full-time education or training; and
- (b) immediately before he attained the age of 18 years—
 - (i) he was an adoptive child; and
 - (ii) financial support was payable in relation to him,

the definition of “child” shall, for the purposes of the continued provision of financial support and any review of financial support, have effect in relation to him as if he had not attained the age of 18 years.

(3) For the purposes of these Regulations a child has been matched with a prospective adopter if an adoption agency is considering placing the child for adoption with that person.

Textual Amendments

- F1** Words in reg. 2(1) omitted (1.7.2022) by virtue of [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **20(2)(a)**
- F2** Words in reg. 2(1) inserted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **20(2)(b)**
- F3** Words in reg. 2(1) omitted (5.5.2010) by virtue of [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010 \(S.I. 2010/1172\)](#), art. 1(1), **Sch. 3 para. 55(2)**
- F4** Words in reg. 2(1) omitted (1.4.2013) by virtue of [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 81(2)(b)**
- F5** Words in reg. 2(1) inserted (25.7.2014) by [The Adoption Support Services \(Amendment\) Regulations 2014 \(S.I. 2014/1563\)](#), regs. 1(1), **3**
- F6** Words in reg. 2(1) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **45(2)**

Commencement Information

- I2** Reg. 2 in force at 30.12.2005, see [reg. 1\(1\)](#)

[^{F7}PART 1A

PROVISION OF INFORMATION

Textual Amendments

- F7** Pt. 1A inserted (25.7.2014) by [The Adoption Support Services \(Amendment\) Regulations 2014 \(S.I. 2014/1563\)](#), regs. 1(1), **4**

Provision of information

2A.—(1) In addition to the information specified in section 4B(2)(a) to (c) of the Act, a local authority must provide the following information to the persons listed in section 4B(1) of that Act:

- (a) the address and phone number of the local authority’s adoption support services adviser appointed under regulation 6;
- (b) the address and phone number of the web based information service supported and funded by the Department for Education to provide information to the public about adoption and the adoption process in England;
- (c) information about the availability of assessments for adoption support services for persons who are outside the area of the local authority;
- (d) where appropriate, information about priority in school admissions for looked after children (including those placed for adoption) and adopted children as set out in the School Admissions Code issued under section 84 of the School Standards and Framework Act 1998;
- (e) information about the right to make a representation (including a complaint) under the Children Act 1989 Representations Procedure (England) Regulations 2006⁽⁶⁾;
- (f) information about the procedure under section 26B of the Local Government Act 1974⁽⁷⁾, for making a complaint to the Local Government Ombudsman; and
- (g) information about any other relevant services provided by the local authority.

(2) A local authority must also provide the following information to the persons listed in section 4B(1)(a) and (b) of the Act—

- (a) details of where to find information about statutory adoption pay and statutory adoption leave; and
- (b) information about a prospective adopter’s right to receive the child’s permanence report (prepared in accordance with regulation 17 of the Adoption Agencies Regulations 2005⁽⁸⁾), including a summary of the medical adviser’s report on the health of the child, in accordance with regulation 31 those Regulations.

Circumstances in which information need not be provided

2B.—(1) A local authority are not required to provide information specified in, or prescribed under, section 4B(2) of the Act to a person who—

- (a) has already received that information from the local authority within the preceding twelve months and the information has not changed substantively in that time, or
- (b) has informed the local authority that they do not want to receive that information,

unless the local authority are satisfied that there are valid reasons for providing the information.

(2) Where—

- (a) a person listed in section 4B(1)(a) of the Act makes a request for information about adopting a child, or
- (b) a person listed in section 4B(1)(d) of the Act makes a request for any of the information listed in section 4B(2) of the Act,

and the local authority refuses that request, the local authority must give that person reasons for their refusal.

⁽⁶⁾ 1977 c. 49.

⁽⁷⁾ 2002 c. 21.

⁽⁸⁾ See section 66(1)(c) of the Act for the meaning of “Convention adoption”.

(3) Where a person within the local authority's area who is a parent of an adopted child requests any information listed in section 4B(2) of the Act and that information is about a particular adoption support service, the local authority must—

- (a) ask that person if they would like any of the other information listed in section 4B(2) of the Act and regulation 2A, and
- (b) if appropriate, only provide information about the particular adoption support service requested.]

PART 2

PROVISION OF ADOPTION SUPPORT SERVICES

Prescribed services

3.—(1) For the purposes of section 2(6)(b) of the Act the following services are prescribed as adoption support services (in addition to counselling, advice and information)—

- (a) financial support payable under Part 3;
- (b) services to enable groups of adoptive children, adoptive parents and natural parents or former guardians of an adoptive child to discuss matters relating to adoption;
- (c) assistance, including mediation services, in relation to arrangements for contact between an adoptive child and a natural parent, natural sibling, former guardian or a related person of the adoptive child;
- (d) services in relation to the therapeutic needs of an adoptive child;
- (e) assistance for the purpose of ensuring the continuance of the relationship between an adoptive child and his adoptive parent, including—
 - (i) training for adoptive parents for the purpose of meeting any special needs of the child; and
 - (ii) subject to paragraph (4), respite care;
- (f) assistance where disruption of an adoptive placement, or of an adoption arrangement following the making of an adoption order, has occurred or is in danger of occurring, including—
 - (i) making arrangements for the provision of mediation services; and
 - (ii) organising and running meetings to discuss disruptions in such placements or arrangements.

(2) The services prescribed in paragraph (1) do not include any services that might be provided in the case of an adoption of a child by his natural parent or the partner of his natural parent.

(3) The services prescribed in paragraph (1)(b) to (f) may include giving assistance in cash.

(4) For the purposes of paragraph (1)(e)(ii) respite care that consists of the provision of accommodation must be accommodation provided by or on behalf of a local authority under section 23 of the Children Act 1989 (accommodation of looked after children) or by a voluntary organisation under section 59 of that Act.

Commencement Information

I3 [Reg. 3](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Persons to whom adoption support services must be extended

4.—(1) This regulation prescribes, for the purposes of section 3(3)(a) of the Act, the description of persons to whom the provision of adoption support services must be extended.

- (2) Counselling, advice and information must extend to—
- (a) children who may be adopted, their parents and guardians;
 - (b) persons wishing to adopt a child;
 - (c) adopted persons, their parents, natural parents and former guardians;
 - (d) children of adoptive parents (whether or not adopted);
 - (e) children who are natural siblings (whether full or half-blood) of an adoptive child;
 - (f) related persons in relation to adoptive children.
- (3) Financial support under Part 3 must extend to an adoptive parent of an agency adoptive child.
- (4) The services mentioned in regulation 3(1)(b) (services to enable discussion) must extend to—
- (a) an adoptive parent of an agency adoptive child;
 - (b) an agency adoptive child;
 - (c) a natural parent or former guardian of an agency adoptive child.
- (5) The services mentioned in regulation 3(1)(c) (contact) must extend to—
- (a) an adoptive parent of an agency adoptive child;
 - (b) an agency adoptive child;
 - (c) a child who is the natural sibling (whether full or half-blood) of an adoptive child;
 - (d) a natural parent, former guardian or related person in relation to an agency adoptive child.
- (6) The services mentioned in regulation 3(1)(d) (therapeutic services) must extend to—
- (a) an agency adoptive child;
 - (b) an adoptive child in circumstances where the restrictions in section 83 of the Act (restrictions on bringing children in) apply;
 - (c) an adoptive child in the case of a Convention adoption⁽⁸⁾.
- (7) The services mentioned in regulation 3(1)(e) to (f) (services to ensure continuation of a relationship and services to assist in cases of disruption) must extend to—
- (a) a child mentioned in paragraph (6);
 - (b) an adoptive parent of such a child;
 - (c) a child of such an adoptive parent (whether or not adopted).

Commencement Information

14 Reg. 4 in force at 30.12.2005, see [reg. 1\(1\)](#)

Arrangement for securing provision of services

5.—(1) The following persons are prescribed for the purposes of section 3(4)(b) of the Act (persons other than registered adoption societies who may provide the requisite facilities) in relation to the provision of adoption support services—

- (a) another local authority;

⁽⁸⁾ See section 66(1)(c) of the Act for the meaning of “Convention adoption”.

- (b) a registered adoption support agency;
 - [^{F8}(bb) [^{F9}a person] falling within regulation 4(4) [^{F10}or 4(5)] of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.]
 - (c) a Local Health Board [^{F11}, [^{F12}an integrated care board] and [^{F13}NHS England]]; and
 - ^{F14}(d)
- [^{F15}(2) In paragraph (1) “registered adoption support agency” means an adoption support agency which is—
- (a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or
 - (b) registered as a provider in Wales of an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.]

Textual Amendments

- F8** Reg. 5(1)(bb) inserted (1.4.2010) by [The Adoption Support Agencies \(England\) \(Amendment\) Regulations 2010 \(S.I. 2010/465\)](#), regs. 1(1), **3**
- F9** Words in reg. 5(1)(bb) substituted (18.12.2023) by [The Adoption Support Agencies \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/1261\)](#), regs. 1(1), **3(a)**
- F10** Words in reg. 5(1)(bb) inserted (18.12.2023) by [The Adoption Support Agencies \(England\) \(Amendment\) Regulations 2023 \(S.I. 2023/1261\)](#), regs. 1(1), **3(b)**
- F11** Words in reg. 5(1)(c) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 81(3)**
- F12** Words in Regulations substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), reg. 1(2), Sch. para. 1(1)(**3**) (with Sch. para. 1(2))
- F13** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F14** Reg. 5(1)(d) omitted (5.5.2010) by virtue of [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010 \(S.I. 2010/1172\)](#), art. 1(1), **Sch. 3 para. 55(3)**
- F15** Reg. 5(2) substituted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2019 \(S.I. 2019/237\)](#), reg. 1(2), **Sch. 1 para. 7(2)**

Commencement Information

- I5** Reg. 5 in force at 30.12.2005, see [reg. 1\(1\)](#)

Adoption support services adviser

6.—(1) The local authority must appoint a person (an “adoption support services adviser”) to carry out the functions specified in paragraph (2).

- (2) The functions of the adoption support services adviser are to—
 - (a) give advice and information to persons who may be affected by the adoption or proposed adoption of a child, including as to—
 - (i) services that may be appropriate to those persons; and
 - (ii) how those services may be made available to them;

- (b) give advice, information and assistance to the local authority which appointed him, including as to—
 - (i) the assessment of needs for adoption support services in accordance with Part 4;
 - (ii) the availability of adoption support services;
 - (iii) the preparation of plans required under section 4(5) of the Act; and
 - (c) consult with, and give advice, information and assistance to, another local authority where appropriate.
- (3) The local authority must not appoint a person as an adoption support services adviser unless they are satisfied that his knowledge and experience of—
- (a) the process of adoption; and
 - (b) the effect of the adoption of a child on persons likely to be affected by the adoption, is sufficient for the purposes of the work that he is to perform.

Commencement Information

I6 Reg. 6 in force at 30.12.2005, see [reg. 1\(1\)](#)

Services for persons outside the area

7.—(1) Section 4 of the Act applies to a local authority in respect of the following persons who are outside the authority's area—

- (a) an agency adoptive child whom the authority has placed for adoption or who has been adopted after being placed for adoption by the authority;
- (b) an adoptive parent of such a child;
- (c) a child of such an adoptive parent (whether or not adopted).

(2) But section 4 ceases to apply at the end of the period of three years from the date of the adoption order except in relation to any financial support provided by the local authority where the decision to provide that support was made before the adoption.

(3) Nothing in this regulation prevents a local authority from providing adoption support services to persons outside their area where they consider it appropriate to do so.

Commencement Information

I7 Reg. 7 in force at 30.12.2005, see [reg. 1\(1\)](#)

PART 3

PROVISION OF FINANCIAL SUPPORT

Circumstances in which financial support is payable

8.—(1) Financial support is payable under this Part to an adoptive parent for the purpose of supporting the placement of the adoptive child or the continuation of adoption arrangements after an adoption order is made.

(2) Such support is payable only in the following circumstances—

- (a) where it is necessary to ensure that the adoptive parent can look after the child;

- (b) where the child needs special care which requires greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
- (c) where it is necessary for the local authority to make any special arrangements to facilitate the placement or the adoption by reason of—
 - (i) the age or ethnic origin of the child; or
 - (ii) the desirability of the child being placed with the same adoptive parent as his brother or sister (whether of full or half-blood) or with a child with whom he previously shared a home;
- (d) where such support is to meet recurring costs in respect of travel for the purpose of visits between the child and a related person;
- (e) where the local authority consider it appropriate to make a contribution to meet the following kinds of expenditure—
 - (i) expenditure on legal costs, including fees payable to a court in relation to an adoption;
 - (ii) expenditure for the purpose of introducing an adoptive child to his adoptive parent;
 - (iii) expenditure necessary for the purpose of accommodating and maintaining the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child.

Commencement Information

18 [Reg. 8](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Remuneration for former foster parents

9.—(1) Financial support under this Part may include an element of remuneration but only where the decision to include it is taken before the adoption order is made and the local authority consider it to be necessary to facilitate the adoption in a case where—

- (a) the adoptive parent has been a local authority foster parent in respect of the child; and
- (b) an element of remuneration was included in the payments made by the local authority to the adoptive parent in relation to his fostering the child.

(2) But that element of remuneration ceases to be payable at the end of the period of two years from the adoption order unless the local authority consider its continuation to be necessary having regard to the exceptional needs of the child or any other exceptional circumstances.

Commencement Information

19 [Reg. 9](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Payment of financial support

10. Financial support under this Part may be paid—

- (a) periodically, if it is provided to meet a need which is likely to give rise to recurring expenditure; or

- (b) in any other case, by a single payment or, if the local authority and adoptive parent agree, by instalments.

Commencement Information

I10 Reg. 10 in force at 30.12.2005, see [reg. 1\(1\)](#)

Cessation of financial support

- 11.** Financial support ceases to be payable to an adoptive parent if—
- (a) the child ceases to have a home with him;
 - (b) the child ceases full-time education or training and commences employment;
 - (c) the child qualifies for [^{F16}universal credit,] income support [^{F17}, employment and support allowance,] or jobseeker’s allowance in his own right; or
 - (d) the child attains the age of 18 unless he continues in full-time education or training, when it may continue until the end of the course or training he is then undertaking.

Textual Amendments

F16 Words in reg. 11(c) inserted (29.4.2013) by [The Universal Credit \(Consequential, Supplementary, Incidental and Miscellaneous Provisions\) Regulations 2013 \(S.I. 2013/630\)](#), regs. 1(2), **45(3)**

F17 Words in reg. 11(c) inserted (1.7.2013) by [The Adoption Agencies \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/985\)](#), reg. 1, **Sch. para. 1**

Commencement Information

I11 Reg. 11 in force at 30.12.2005, see [reg. 1\(1\)](#)

Conditions

12.—(1) Where financial support is to be paid periodically, it is not payable until the adoptive parent or, in the case of adoption by a couple, each adoptive parent, has agreed to the following conditions—

- (a) that he will inform the local authority immediately if—
 - (i) he changes his address;
 - (ii) the child dies;
 - (iii) any of the changes mentioned in regulation 11 (cessation of financial support) occurs; or
 - (iv) there is a change in his financial circumstances or the financial needs or resources of the child which may affect the amount of financial support payable to him,
 and, where the information is given orally, that he will confirm it in writing within seven days;
- (b) that he will complete and supply the local authority with an annual statement as to the following matters—
 - (i) his financial circumstances;
 - (ii) the financial needs and resources of the child;
 - (iii) his address and whether the child still has a home with him.

(2) The local authority may provide financial support subject to any other conditions they consider appropriate, including the timescale within which and purposes for which any payment of financial support should be utilised.

(3) Subject to paragraph (4), where any condition imposed in accordance with this regulation is not complied with, the local authority may—

- (a) suspend or terminate payment of financial support; and
- (b) seek to recover all or part of the financial support they have paid.

(4) Where the condition not complied with is a failure to provide an annual statement in accordance with an agreement referred to in paragraph (1), the local authority shall not take any steps under paragraph (3) until—

- (a) they have sent to the person who entered into the agreement a written reminder of the need to provide an annual statement; and
- (b) 28 days have expired since the date on which that notice was sent.

Commencement Information

I12 Reg. 12 in force at 30.12.2005, see **reg. 1(1)**

PART 4

ASSESSMENTS AND PLANS

Request for assessment

13.—(1) The following persons are prescribed for the purposes of section 4(1)(b) of the Act (persons at whose request an assessment must be carried out)—

- (a) a child of an adoptive parent (whether or not adopted);
- (b) a child who is the natural sibling (whether full or half-blood) of an adoptive child;
- (c) a related person in relation to an adoptive child.

(2) Where the request of a person falling within section 4(1)(a) of the Act or paragraph (1) for an assessment relates to a particular adoption support service, or it appears to the local authority that the person's needs for adoption support services may be adequately assessed by reference to a particular adoption support service, the local authority may carry out the assessment by reference only to that service.

(3) In assessing a person's needs for adoption support services the local authority are not required to assess the person's need for a service if he is not within the description of persons to whom provision of the service must be extended by virtue of regulation 4.

Commencement Information

I13 Reg. 13 in force at 30.12.2005, see **reg. 1(1)**

Procedure for assessment

14.—(1) Where the local authority carry out an assessment of a person's needs for adoption support services they must have regard to such of the following considerations as are relevant to the assessment—

- (a) the needs of the person being assessed and how these might be met;
 - (b) the needs of the adoptive family and how these might be met;
 - (c) the needs, including developmental needs, of the adoptive child and how these might be met;
 - (d) the parenting capacity of the adoptive parent;
 - (e) wider family and environmental factors;
 - (f) in the case of a child who is, or was, placed for adoption or matched for adoption, the circumstances that led to the child being so placed or matched; and
 - (g) any previous assessment of needs for adoption support services undertaken in relation to the person in question.
- (2) In paragraph (1) “adoptive family” means the family consisting of the adoptive child, the adoptive parents and any other child of the adoptive parents (whether or not adopted).
- (3) The local authority must—
- (a) where they consider it appropriate to do so, interview the person and, where the person is an adoptive child, his adoptive parents; and
 - (b) prepare a written report of the assessment.
- (4) Where it appears to the local authority that the person may have a need for services from [^{F12}an integrated care board], [^{F13}NHS England], a Local Health Board or [^{F18}another local authority], the local authority shall, as part of the assessment, consult [^{F19}that [^{F20}body]].

Textual Amendments

- F12** Words in Regulations substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), reg. 1(2), Sch. para. 1(1)(3) (with Sch. para. 1(2))
- F13** Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**
- F18** Words in reg. 14(4) substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010 \(S.I. 2010/1172\)](#), art. 1(1), **Sch. 3 para. 55(4)(a)**
- F19** Words in reg. 14(4) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 81(4)(b)**
- F20** Word in reg. 14(4) substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **20(3)**

Commencement Information

- I14** Reg. 14 in force at 30.12.2005, see [reg. 1\(1\)](#)

Assessment for financial support

15.—(1) This regulation applies where the local authority carry out an assessment of a person’s needs for financial support.

(2) In determining the amount of financial support, the local authority must take account of any other grant, benefit, allowance or resource which is available to the person in respect of his needs as a result of the adoption of the child.

(3) Subject to paragraphs (4) and (5) the local authority must also take account of the following considerations—

- (a) the person's financial resources, including any tax credit or benefit, which would be available to him if the child lived with him;
- (b) the amount required by the person in respect of his reasonable outgoings and commitments (excluding outgoings in respect of the child);
- (c) the financial needs and resources of the child.

(4) The local authority must disregard the considerations in paragraph (3) where they are considering providing financial support in respect of—

- (a) legal costs, including fees payable to a court, where an adoption order is applied for in respect of an agency adoptive child; or
- (b) expenditure for the purpose of introducing an agency adoptive child to his adoptive parents.

(5) The local authority may disregard any of the considerations in paragraph (3)—

- (a) where they are considering providing financial support in respect of—
 - (i) initial costs of accommodating an agency adoptive child;
 - (ii) recurring costs in respect of travel for the purpose of visits between the child and a related person; or
 - (iii) any special arrangements or special care referred to in regulation 8(2)(b) or (c) in relation to an agency adoptive child; or
- (b) where they are considering including an element of remuneration under regulation 9.

Commencement Information

I15 Reg. 15 in force at 30.12.2005, see **reg. 1(1)**

Plan

16.—(1) This regulation applies in relation to the requirement in section 4(5) of the Act for the local authority to prepare a plan in accordance with which adoption support services are to be provided.

(2) The local authority must prepare a plan if they propose to provide adoption support services to a person on more than one occasion and the services are not limited to the provision of advice or information.

(3) Where it appears to the local authority that the person may have a need for services from [^{F12}an integrated care board], [^{F13}NHS England], a Local Health Board or [^{F21}another local authority], they must consult [^{F22}that [^{F23}body]] before preparing the plan.

(4) The local authority must nominate a person to monitor the provision of the services in accordance with the plan.

Textual Amendments

F12 Words in Regulations substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), reg. 1(2), Sch. para. 1(1)(3) (with Sch. para. 1(2))

F13 Words in Regulations substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), reg. 1(1), **Sch. para. 1**

- F21** Words in reg. 16(3) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) \(Local and Subordinate Legislation\) Order 2010 \(S.I. 2010/1172\)](#), art. 1(1), **Sch. 3 para. 55(5)(a)**
- F22** Words in reg. 16(3) substituted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 81(5)(b)**
- F23** Word in reg. 16(3) substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **20(4)**

Commencement Information

- I16** Reg. 16 in force at 30.12.2005, see [reg. 1\(1\)](#)

Notice of proposal to provide adoption support services

17.—(1) Before making any decision under section 4(4) of the Act as to whether to provide adoption support services, the local authority must allow the person an opportunity to make representations in accordance with this regulation.

(2) The local authority must first give the person notice of the proposed decision and the time allowed for making representations.

(3) The notice must contain the following information—

- (a) a statement as to the person's needs for adoption support services;
- (b) where the assessment relates to his need for financial support, the basis upon which financial support is determined;
- (c) whether the local authority propose to provide him with adoption support services;
- (d) the services (if any) that are proposed to be provided to him;
- (e) if financial support is to be paid to him, the proposed amount that would be payable; and
- (f) any proposed conditions under regulation 12(2).

(4) In a case where the local authority propose to provide adoption support services and are required to prepare a plan under section 4(5) of the Act, the notice must be accompanied by a draft of that plan.

(5) The local authority shall not make a decision until—

- (a) the person has made representations to the local authority or notified the local authority that he is satisfied with the proposed decision and, where applicable, the draft plan; or
- (b) the period of time for making representations has expired.

Commencement Information

- I17** [Reg. 17](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Notification of decision as to adoption support services

18.—(1) After making their decision under section 4(4) of the Act as to whether to provide adoption support services to a person, the local authority must give the person notice of that decision, including the reasons for it.

(2) Where the local authority are required to prepare a plan under section 4(5) of the Act, the notice must include details of that plan and the person nominated under regulation 16(4).

- (3) If the local authority decide that financial support is to be provided, notice given under paragraph (1) must include the following information—
- (a) the method of the determination of the amount of financial support;
 - (b) where financial support is to be paid in instalments or periodically—
 - (i) the amount of financial support;
 - (ii) the frequency with which the payment will be made;
 - (iii) the period for which financial support is to be paid;
 - (iv) when the first payment of financial support is to be made.
 - (c) where financial support is to be paid as a single payment, when the payment is to be made;
 - (d) where financial support is to be paid subject to any conditions imposed in accordance with regulation 12, those conditions, the date (if any) by which the conditions are to be met and the consequences of failing to meet the conditions;
 - (e) the arrangements and procedure for review, variation and termination of financial support;
 - (f) the responsibilities of—
 - (i) the local authority under Part 5 (reviews); and
 - (ii) the adoptive parent pursuant to any agreement mentioned in regulation 12.

Commencement Information

I18 Reg. 18 in force at 30.12.2005, see **reg. 1(1)**

PART 5 REVIEWS

Reviews: general procedure

19.—(1) This regulation applies where the local authority provide adoption support services for a person other than financial support payable periodically.

- (2) The local authority must review the provision of such services—
- (a) if any change in the person’s circumstances which may affect the provision of adoption support services comes to their notice;
 - (b) at such stage in the implementation of the plan as they consider appropriate;
 - (c) in any event, at least annually.

(3) Regulations 14 and 15 apply in relation to a review under this regulation as they apply in relation to an assessment under Part 4.

(4) If the local authority propose to vary or terminate the provision of adoption support services to any person, before making any decision as a result of the review, they must give the person an opportunity to make representations and for that purpose they must give him notice of the proposed decision and the time allowed for making representations.

(5) The notice must contain the information mentioned in regulation 17(3) and, if the local authority propose to revise the plan, a draft of the revised plan.

(6) The local authority shall, having regard to the review and after considering any representations received within the period specified in the notice—

- (a) decide whether to vary or terminate the provision of adoption support services for the person; and
 - (b) where appropriate, revise the plan.
- (7) The local authority must give the person notice of their decision (including the reasons for it) and, if applicable, details of the revised plan.

Commencement Information

I19 Reg. 19 in force at 30.12.2005, see [reg. 1\(1\)](#)

Review of financial support payable periodically

20.—(1) This regulation applies where the local authority provide financial support payable periodically.

- (2) The local authority shall review the financial support—
 - (a) annually, on receipt of the statement from the adoptive parent mentioned in regulation 12;
 - (b) if any relevant change of circumstances or any breach of a condition mentioned in regulation 12 comes to their notice;
 - (c) at any stage in the implementation of the plan that they consider appropriate.

(3) In paragraph (2) a relevant change of circumstances is any of the changes that the adoptive parent has agreed to notify under regulation 12.

(4) Regulations 14 and 15 apply in relation to a review under this regulation as they apply in relation to an assessment under Part 4.

(5) If the local authority propose, as a result of the review, to reduce or terminate financial support or revise the plan, before making that decision the local authority must give the person an opportunity to make representations and for that purpose they must give the person notice of the proposed decision and the time allowed for making representations.

(6) But paragraph (5) does not prevent the local authority from suspending financial support pending that decision.

(7) The notice must contain the information mentioned in regulation 17(3) and, if applicable, a draft of the revised plan.

(8) The local authority must, having regard to the review, and after considering any representations received within the period specified in the notice—

- (a) decide whether to vary or terminate payment of the financial support or whether to seek to recover all or part of any financial support that has been paid; and
- (b) where appropriate, revise the plan.

(9) The local authority must give the person notice of their decision including the reasons for it and, if applicable, the revised plan.

Commencement Information

I20 Reg. 20 in force at 30.12.2005, see [reg. 1\(1\)](#)

PART 6

MISCELLANEOUS

Urgent cases

21. Where any requirement applicable to the local authority under these Regulations in relation to carrying out an assessment, preparing a plan or giving notice would delay the provision of a service in a case of urgency, that requirement does not apply.

Commencement Information

I21 [Reg. 21](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Notices

22.—(1) Any notice required to be given under these Regulations must be given in writing.

(2) If the person to whom notice is to be given is a child and—

(a) it appears to the local authority that the child is not of sufficient age and understanding for it to be appropriate to give him such notice; or

(b) in all the circumstances it is not appropriate to give him such notice,

the notice must be given to his adoptive parent or to the adult that the local authority consider most appropriate.

Commencement Information

I22 [Reg. 22](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Recovery of expenses between local authorities

23.—(1) Subject to paragraph (2), where a local authority (“the recovering authority”) provide adoption support services to any person following a request under section 4(10) of the Act from another local authority (“the paying authority”), the recovering authority may recover the expenses of providing those services from the paying authority.

(2) Paragraph (1) shall not apply where—

(a) the recovering authority are, by virtue of regulation 7, a local authority to which section 4 of the Act applies in respect of the person referred to in paragraph (1); or

(b) the service provided by the recovering authority is advice or information under section 2(6) (a) of the Act.

Commencement Information

I23 [Reg. 23](#) in force at 30.12.2005, see [reg. 1\(1\)](#)

Revocations and transitional provision

24.—(1) Subject to paragraph (3), the Adoption Allowance Regulations 1991⁽⁹⁾ and the Adoption Support Services (Local Authorities) (England) Regulations 2003⁽¹⁰⁾ (“the 2003 Regulations”) shall be revoked.

(2) This paragraph applies where immediately before the date on which these Regulations come into force—

- (a) an assessment had been requested, was being prepared or was in place;
- (b) a plan was being prepared or was in place;
- (c) a review was being arranged or was underway; or
- (d) an adoption support service was being provided,

under the 2003 Regulations.

(3) Where paragraph (2) applies, the assessment, plan, review or adoption support service referred to in that paragraph shall, from the date these Regulations come into force, be treated as an assessment, plan, review or adoption support service under these Regulations.

[^{F24}(4) This paragraph applies where a person carrying on an adoption support agency has applied to the registration authority to be registered in respect of it under Part 2 of the Care Standards Act 2000 before 30th December 2005 and the application has not yet been determined.

(5) Where paragraph (4) applies, the adoption support agency shall be treated as if it were a registered adoption support agency for the purposes of regulation 5 until it is notified whether its application has been finally determined.]

Textual Amendments

F24 Reg. 24(4)(5) inserted (30.12.2005) by [The Adoption and Children \(Miscellaneous Amendments\) Regulations 2005 \(S.I. 2005/3482\)](#), regs. 1, 7

Commencement Information

I24 Reg. 24 in force at 30.12.2005, see [reg. 1\(1\)](#)

11th March 2005

Filkin
Parliamentary Under-Secretary of State
Department for Education and Skills

(9) S.I.1991/2030.
(10) S.I. 2003/1348.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for local authorities in England to provide adoption support services as part of the service maintained by them under section 3(1) of the Adoption and Children Act 2002 (“The Act”).

Part 2 deals with the provision of adoption support services, which are defined by section 2(6) of the Act as counselling, advice and information, and other services prescribed by regulations, in relation to adoption. Such services are prescribed by regulation 3 and include financial support (as required by section 2(7) of the Act). The services must be extended to the classes of person specified in regulation 4 and their provision may be secured from the persons specified in regulation 5. Local authorities are required to appoint an adoption support services adviser to give advice and information to them and to persons who may be affected by the adoption of a child (regulation 6). Regulation 7 provides for services to persons outside the local authority’s area.

Part 3 deals with financial support. It may only be paid in the circumstances specified in regulation 8. It may only include a remuneration element where paid to a former local authority foster parent (regulation 9). Regulations 10 to 12 provide for payment of financial support, circumstances in which financial support ceases and conditions that may be imposed.

Part 4 deals with the assessment of a person’s needs for adoption support services, plans for provision of services and notifications of proposals and decisions in relation to the provision of services.

Part 5 deals with reviews of adoption support services.

Part 6 contains miscellaneous provisions, including a general exception from giving notice etc. in cases of urgency (regulation 21), service of notices (regulation 22) and recovery of expenses between authorities (regulation 23). Regulation 24 revokes the Adoption Allowance Regulations 1991 and the Adoption Support Services (Local Authorities) (England) Regulations 2003 and makes transitional provision.

A Regulatory Impact Assessment has been carried out for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department for Education and Skills' website <http://www.dfes.gov.uk/ria/>.

Changes to legislation:

There are currently no known outstanding effects for the The Adoption Support Services Regulations 2005.