
WELSH STATUTORY INSTRUMENTS

2006 No. 3100

**The Independent Review of Determinations
(Adoption) (Wales) Regulations 2006**

PART 2

PANELS

Constitution of panels

4.—(1) The National Assembly must, on receipt of an application made by an applicant in accordance with regulation 12, constitute a panel for the purpose of reviewing the qualifying determination.

(2) The members of the panel must be drawn from a list of persons appointed and serving as members of adoption agency panels in Wales (in these Regulations referred to as “the central list”), kept by the National Assembly who are considered by the National Assembly to be suitable, by virtue of their skills, qualifications or experience to be members of a panel.

(3) The members of the central list must include—

- (a) Social workers within the meaning of Part IV Care Standards Act 2000 who have at least five years post-qualifying experience in adoption and family placement work; and
- (b) other persons who are considered by the National Assembly to be suitable as members including, where reasonably practicable, persons with personal experience of adoption.

Membership of Panels

5.—(1) The maximum number of people who may be appointed to a panel is five.

(2) A panel must be advised by:

- (a) A social worker within the meaning of Part IV of the Care Standards Act with appropriate qualifications, skills and experience;
- (b) A registered medical practitioner with relevant expertise in adoption work;

(3) A panel may, where the panel considers it appropriate, be advised by:

- (a) A legal advisor with knowledge and expertise in adoption legislation;
- (b) Any other person who the panel considers has relevant expertise in relation to the determination being considered.

(4) Where the qualifying determination being reviewed is a disclosure determination, the panel must include at least two persons falling within regulation 4 (3)(a).

(5) The National Assembly must—

- (a) appoint to chair a panel a person who has the skills and experience necessary for chairing a panel; and

- (b) in the case of a panel constituted to review a suitability determination, appoint one of the members of the panel as vice chair to act as chair if the person appointed to chair the panel is absent or if the office of chair is vacant.
- (6) A person must not be appointed to a panel if—
 - (a) that person is a member of the adoption panel of the adoption agency that made the qualifying determination;
 - (b) where the adoption agency which made the qualifying determination is a local authority the person is, or has been within the period of two years prior to the date on which the qualifying determination was made, employed by that authority in their children and family social services or a member of that authority;
 - (c) where the adoption agency which made the qualifying determination is a registered adoption society the person is, or has been within the period of two years prior to the date on which the qualifying determination was made, an employee or a trustee of that agency;
 - (d) that person is related to a person falling within sub-paragraph (a), (b) or (c);
 - (e) that person has within the last two years had a child placed for adoption with him or her by the adoption agency which made the qualifying determination;
 - (f) that person was within the last two years approved as a prospective adopter by the adoption agency that made the qualifying determination; or
 - (g) that person knows the applicant in a personal or professional capacity.
- (7) In this regulation—
 - (a) “employed” includes employed whether or not for payment and whether under a contract of service or a contract for services or as a volunteer; and
 - (b) a person (“*person A*”) is related to another person (“*person B*”) if person A is—
 - (i) a member of the household of, or married to or the civil partner of, person B;
 - (ii) the son, daughter, mother, father, sister or brother of person B; or
 - (iii) the son, daughter, mother, father, sister or brother of the person to whom person B is married or with whom person B has formed a civil partnership.

Meetings of panels

- 6. —The proceedings of a panel will be invalidated unless at least four of its members are present.

Functions of panel constituted to review a suitability determination

7.—(1) This regulation applies where the qualifying determination being reviewed is a suitability determination.

- (2) A panel must —
 - (a) review the suitability determination; and
 - (b) make a recommendation to the adoption agency which made the qualifying determination as to whether or not a prospective adopter is suitable to be an adoptive parent.
- (3) In considering what recommendation to make, the panel—
 - (a) must consider and take into account all of the information passed to it in accordance with regulation 29 of the Agencies Regulations;
 - (b) may request the adoption agency to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request; and
 - (c) may obtain such legal advice as it considers necessary in relation to the case.

Functions of panel constituted to review a disclosure determination

8.—(1) This regulation applies where the qualifying determination being reviewed is a disclosure determination.

(2) A panel must review the disclosure determination and make to the adoption agency that made the disclosure determination a recommendation as to whether or not the agency should proceed with its original determination.

(3) In considering what recommendation to make, the panel—

- (a) must consider and take into account all of the information passed to it in accordance with regulation 13A of the Disclosure Regulations;
- (b) may request the adoption agency to obtain any other relevant information which the panel considers necessary or to provide such other assistance as the panel may request; and
- (c) may obtain such legal advice or advice from a registered medical practitioner included in the central list as it considers necessary in relation to the case; and
- (d) must consider the welfare of any adopted person and if the person is an adopted child, that child's welfare must be paramount. In the case of any other child the panel must have particular regard to their welfare.

Administration of Panels

9. The panel must be administered by the National Assembly, who must make suitable provision for clerking arrangements to the panel.

Fees of panel members

10. The National Assembly may pay to any member of a panel such fees as the National Assembly considers to be reasonable.

Records

11. The National Assembly must ensure that a written record of a panel's review of a qualifying determination, including the reasons for its recommendation and whether the recommendation was unanimous or that of a majority, is retained—

- (a) for a period of 5 years from the date on which the recommendation is made; and
- (b) in conditions of appropriate security.