

WELSH STATUTORY INSTRUMENTS

2020 No. 1082 (W. 244)

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

The Adoption and Fostering (Wales) (Miscellaneous
Amendments) (Coronavirus) Regulations 2020

<i>Made</i>	- - - -	<i>5 October 2020</i>
<i>Laid before Senedd Cymru</i>		<i>7 October 2020</i>
<i>Coming into force</i>	- -	<i>1 November 2020</i>

The Welsh Ministers make these Regulations in exercise of the powers conferred by sections 9(1) (a), 140(7) and (8) and 142(5) of the Adoption and Children Act 2002 ^{M1} and sections 87 and 196(2) of the Social Services and Well-being (Wales) Act 2014 ^{M2}.

Marginal Citations

- M1** 2002 c. 38 (“the 2002 Act”). See the definitions of “regulations”, “appropriate Minister”, and “the Assembly” in section 144(1) of the 2002 Act. The power conferred on the National Assembly for Wales to make regulations under the 2002 Act was transferred to the Welsh Ministers by virtue of section 162 of, and paragraph 30 of Schedule 11 to, the [Government of Wales Act 2006 \(c. 32\)](#).
- M2** 2014 anaw 4. See section 197(1) for the definition of “regulations” and “specified”.

Title and commencement

1.—(1) The title of these Regulations is the Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020.

(2) These Regulations come into force on 1 November 2020.

Commencement Information

- I1** Reg. 1 in force at 1.11.2020, see reg. 1(2)

Amendment of the Adoption Agencies (Wales) Regulations 2005

2. The Adoption Agencies (Wales) Regulations 2005 ^{M3} are amended in accordance with regulations 3 to 6.

Commencement Information

I2 Reg. 2 in force at 1.11.2020, see [reg. 1\(2\)](#)

Marginal Citations

M3 [S.I. 2005/1313](#) (W. 95) (“the 2005 Regulations”), amended by [S.I. 2020/163](#) (W. 31) (“the 2020 Regulations”). The 2020 Regulations substituted a new Part 4 into the 2005 Regulations. There are other amendments not relevant to these Regulations.

3. In regulation 27 (pre-assessment decision)—

(a) after paragraph (1) insert—

“(1A) If the information required under regulations 25 and 26 has yet to be obtained the adoption agency may decide to proceed as if it has made a decision under paragraph (1) (a).”;

(b) in paragraph (2), after “agency must” insert “, where reasonably practicable, ”;

(c) in paragraph (4)—

(i) in the opening words, after “adopt a child,” insert “ or where paragraph (1A) applies, ”;

(ii) in sub-paragraph (b), after “they must” insert “, where reasonably practicable, ”.

Commencement Information

I3 Reg. 3 in force at 1.11.2020, see [reg. 1\(2\)](#)

4. In regulation 28 (stage 2 assessment)—

(a) in paragraph (1)—

(i) for “within six months from the date on which the agency notified the prospective adopter” substitute “ following notification ”;

(ii) after “regulation 27(4)” insert “ or where regulation 27(1A) applies ”;

(b) omit paragraphs (2) and (3).

Commencement Information

I4 Reg. 4 in force at 1.11.2020, see [reg. 1\(2\)](#)

5. In regulation 30 (prospective adopter's report)—

(a) in paragraph (2)(c), for “26(e)” substitute “ 26(e) or (f) ”;

(b) in paragraph (6)(b), for “26(b) to (e)” substitute “ 26(b) to (f) ”.

Commencement Information

I5 Reg. 5 in force at 1.11.2020, see [reg. 1\(2\)](#)

6. In regulation 30B (adoption agency decision and notification)—

(a) in paragraph (1), after “agency must” insert “, where reasonably practicable, ”;

(b) after paragraph (1) insert—

“(1A) The adoption agency must not make a decision under paragraph (1) until it has obtained the information required under regulations 25 and 26.”;

(c) in paragraph (2), omit sub-paragraph (a) and the “or” immediately following it;

(d) in paragraph (5)(c)(ii), at the beginning insert “ subject to paragraph (5A), ”;

(e) after paragraph (5) insert—

“(5A) Where regulation 27(1A) applies and the adoption agency considers that the prospective adopter is not suitable to adopt a child because of information obtained under regulation 25 or regulation 26, the prospective adopter may not apply to the Welsh Ministers for a review by an independent review panel of the qualifying determination.”

Commencement Information

I6 Reg. 6 in force at 1.11.2020, see [reg. 1\(2\)](#)

Amendment of the Care Planning, Placement and Case Review (Wales) Regulations 2015

7. The Care Planning, Placement and Case Review (Wales) Regulations 2015 ^{M4} are amended in accordance with regulation 8.

Commencement Information

I7 Reg. 7 in force at 1.11.2020, see [reg. 1\(2\)](#)

Marginal Citations

M4 [S.I. 2015/1818](#) (W. 261), to which there are amendments not relevant to these Regulations.

8. In regulation 26(1) (temporary approval of a relative, friend or other person connected with C), for “16 weeks” substitute “ 24 weeks ”.

Commencement Information

I8 Reg. 8 in force at 1.11.2020, see [reg. 1\(2\)](#)

Expiry

9.—(1) Subject to regulation 10, [^{F1}the amendments made by regulations 2, 3, 4, 6, 7 and 8 cease to have effect on 30 September 2021].

Changes to legislation: There are currently no known outstanding effects for the *The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020*. (See end of Document for details)

(2) This regulation does not affect the validity of anything done pursuant to the amendments made by these Regulations before they cease to have effect.

Textual Amendments

F1 Words in [reg. 9\(1\)](#) substituted (30.3.2021) by [The Adoption and Fostering \(Wales\) \(Miscellaneous Amendments\) \(Coronavirus\) \(Amendment\) Regulations 2021 \(S.I. 2021/251\)](#), regs. 1(2), **2(3)**

Commencement Information

I9 Reg. 9 in force at 1.11.2020, see [reg. 1\(2\)](#)

Savings: suitability assessments

10. In a case where, on [^{F2}30 September 2021], an adoption agency is in the process of assessing the suitability of a prospective adopter in accordance with Part 4 of the Adoption Agencies (Wales) Regulations 2005, that assessment must continue as if the amendments made by these Regulations remain in force.

Textual Amendments

F2 Words in [reg. 10](#) substituted (30.3.2021) by [The Adoption and Fostering \(Wales\) \(Miscellaneous Amendments\) \(Coronavirus\) \(Amendment\) Regulations 2021 \(S.I. 2021/251\)](#), regs. 1(2), **2(3)**

Commencement Information

I10 Reg. 10 in force at 1.11.2020, see [reg. 1\(2\)](#)

Julie Morgan
Deputy Minister for Health and Social Services
under the authority of the Minister for Health
and Social Services, one of the Welsh Ministers

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make amendments to two sets of Regulations to relax and amend requirements imposed under them. The amendments are being made in order to assist the children's social care sector in response to the outbreak and spread of severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) in Wales and cease to have effect on 31 March 2021.

Regulations 3 to 6 make amendments to the Adoption Agencies (Wales) Regulations 2005 (S.I. 2005/1313 (W. 95)), which set out the process for assessing the suitability of people to adopt a child and the suitability of children to be adopted. They make amendments to the approval process for prospective adopters to enable information that must currently be collected during stage 1 of the approval process to be collected during stage 2 and relax the timescale during which certain actions must be undertaken. **Regulation 5** corrects typographical errors.

Regulation 8 amends the Care Planning, Placement and Case Review (Wales) Regulations 2015 (S.I. 2015/1818 (W. 261)) to extend the period (from 16 to 24 weeks) during which a person related to or otherwise connected with a child may receive temporary approval to act as a local authority foster parent for that child.

Regulation 10 makes savings provision to ensure that some of the amendments made by these Regulations continue to apply in certain circumstances after the expiry of the amendments on 31 March 2021 in accordance with **regulation 9**.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.

Changes to legislation:

There are currently no known outstanding effects for the The Adoption and Fostering (Wales) (Miscellaneous Amendments) (Coronavirus) Regulations 2020.