

*These notes refer to the Adoption and Children Act (Northern Ireland) 2022 (c.18) which received Royal Assent on 27 April 2022*

# Adoption and Children Act (Northern Ireland) 2022

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 - Adoption**

#### *Chapter 2 – The Adoption Service*

#### *Section 12: Independent review of qualifying determinations of adoption agencies*

Section 12 amplifies the powers in section 9 in relation to the establishment of a review procedure in respect of qualifying determinations made by adoption agencies. A person in respect of whom a qualifying determination, specified in regulations, has been made may apply to a panel established by the Department for a review of the relevant determination. It is intended to use this provision to provide prospective adopters with a right to request a referral to a panel where an adoption agency indicates that it is minded to turn down their application to adopt.

It is also intended that the independent review mechanism will review qualifying determinations made by adoption agencies concerning the disclosure of protected information (defined in section 56) held by the adoption agency where, under regulations made under the Act, the adoption agency has discretion as to whether to disclose such information.

Regulations may be made under *subsection (3)* dealing with the duties and powers of a panel, administration and procedures, appointment of panel members, payment of fees, the duties of adoption agencies in connection with reviews and the monitoring of reviews.

*Subsection (4)* provides that regulations made under subsection (3)(e) may enable the Department to request a contribution towards the cost of a review from the adoption agency that made the original determination. *Subsections (5) and (9)* provide that the sums payable to the Department must not, taking one financial year with another, exceed the costs incurred in performing the independent review functions.

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*Subsection (6)* enables the Department to make an arrangement for an organisation to carry out the functions in relation to the panel on its behalf. "Organisation" is defined in *subsection (10)* as including a public body and a private or voluntary organisation. *Subsection (8)* enables the Department to make payments to such an organisation and under *subsection (7)* the organisation must perform its functions in accordance with any directions which the Department may give.