

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Adoption

Chapter 2 – The Adoption Service

Section 10: Management etc. of agencies

46. *Section 10* amplifies the general regulation-making power in *section 9* in relation to the management and general operation of adoption agencies and adoption support agencies. *Subsection (1)* provides for regulations to be made in respect of local authorities, voluntary adoption agencies and adoption support agencies to ensure that they are suitably managed and staffed, that their premises are fit for the purpose and that adequate arrangements are made for the keeping of information.
47. *Subsection (2)* provides that regulations may be made under *subsection (1)* prohibiting a person's appointment to a prescribed post at an adoption agency or an adoption support agency unless they are on a register of social care workers maintained under section 58 of the Care Standards Act 2000.
48. The powers in *subsection (3)* apply only to voluntary adoption agencies and adoption support agencies. In the case of local authorities such powers are either inappropriate or unnecessary because any child placed, or authorised to be placed, for adoption by a local authority is to be treated as a looked after child. Regulations may be made to ensure that voluntary adoption agencies are managed, and that adoption support agencies are carried on, by persons who are fit to do so, and for the health and welfare of children placed by voluntary adoption agencies (for example children waiting to be adopted who are placed with private foster parents) to be adequately protected. *Subsection (3)* also provides that regulations may be made imposing requirements regarding the financial position of the agency and the appointment of a manager.
49. *Subsection (4)* sets out that regulations may be made concerning the conduct of voluntary adoption agencies and adoption support agencies, including the provision of facilities and services, the keeping of accounts, notification of events occurring in the agency's premises, changes in the person managing the agency and changes in its ownership, arrangements for running the agency during periods when the manager is absent, and arrangements for dealing with complaints.