

- (iii) persons wishing to adopt a child; and
- (iv) adopted persons, their parents, natural parents and former guardians.

(3) Subject to paragraph (4), the authority shall ensure that the adoption service is at all times conducted in a manner which is consistent with its statement of purpose.

(4) Nothing in paragraph (3) shall require or authorise the authority to contravene, or not comply with any other provision of these Regulations.

Children’s guide

3.—(1) Each local authority shall produce a written guide to the adoption service (in these Regulations referred to as “the children’s guide”) which shall consist of a statement as to the matters listed in Schedule 2.

- (2) The authority shall provide a copy of the children’s guide to—
 - (a) the Commission;
 - (b) every prospective adopter with whom the authority has placed a child for adoption; and
 - (c) every child (subject to his age and understanding), who may be, or has been placed for adoption by the authority.

Review of statement of purpose and children’s guide

- 4.** Each local authority shall—
 - (a) keep under review and, where appropriate, revise the statement of purpose and children’s guide; and
 - (b) notify the Commission of any such revision within 28 days.

PART II MANAGERS

Appointment of manager

5.—(1) Each local authority shall appoint one of its officers to manage the adoption service, and shall forthwith notify the Commission of—

- (a) the name of any person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

(2) The authority shall forthwith notify the Commission if the person appointed under paragraph (1) ceases to manage the adoption service.

Fitness of manager

- 6.—**(1) A person shall not manage an adoption service unless he is fit to do so.
- (2) A person is not fit to manage an adoption service unless—
 - (a) he is of integrity and good character;
 - (b) having regard to the size of the local authority and its statement of purpose—
 - (i) he has the qualifications, skills and experience necessary for managing the adoption service; and

- (a) the size of the authority and its statement of purpose; and
- (b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the authority,

a sufficient number of suitably qualified, competent, and experienced persons working for the purposes of the adoption service.

Fitness of workers

11.—(1) A local authority shall not—

- (a) employ a person to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service.

(2) This paragraph applies to any person who is employed by a person other than the authority, in a position in which he may in the course of his duties have regular contact with children who may be, or have been, placed for adoption by the authority.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an adoption service unless—

- (a) he is of integrity and good character;
- (b) he has the qualifications, skills and experience necessary for the work he is to perform;
- (c) he is physically and mentally fit for the work he is to perform; and
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 3.

(4) The authority shall take reasonable steps to ensure that any person working for the adoption service who is not employed by the authority and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

Employment of staff

12.—(1) Each local authority shall—

- (a) ensure that all permanent appointments made by the authority for the purposes of the adoption service are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees employed by the authority for the purposes of the adoption service with a job description outlining their responsibilities.

(2) The authority shall ensure that all persons employed by the authority for the purposes of the adoption service—

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

Staff disciplinary procedure

13.—(1) Each local authority shall operate a disciplinary procedure which, in particular—

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children who may be, or have been, placed for adoption by the authority;

- (b) provides that the failure on the part of an employee to report, to an appropriate person, an incident of abuse, or suspected abuse of a child placed for adoption by the authority is a ground on which disciplinary proceedings may be instituted.
- (2) For the purposes of paragraph 1(b), an appropriate person is—
 - (a) the manager of the adoption service;
 - (b) an officer of the Commission;
 - (c) a police officer;
 - (d) an officer of the National Society for the Prevention of Cruelty to Children; or
 - (e) where the child is placed for adoption in the area of another local authority, an officer of that authority.

Arrangements for absence of manager

14. Each local authority shall establish a system to ensure that where the manager proposes to be or is absent from the authority for a continuous period of 28 days or more, an identified person is responsible for the management of the adoption service until such time as the manager returns or (as the case may be) a new manager is appointed by the authority.

Records with respect to staff

15.—(1) Each local authority shall maintain and keep up to date the records specified in Schedule 4.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years from the date of the last entry.

Fitness of premises

16.—(1) The local authority shall not use premises for the purposes of the adoption service unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The authority shall ensure—

- (a) that there are adequate security arrangements at the premises, in particular that there are secure facilities for the storage of records; and
- (b) that any records which are, for any reason, not on the authority's premises are nevertheless kept in conditions of appropriate security.

Complaints

17. Each local authority shall—

- (a) ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and for that record to be retained for at least 3 years from the date that it is made; and
- (b) supply to the Commission at its request a statement containing a summary of any complaints made in respect of the adoption service during the preceding 12 months and any action taken in consequence.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

Signed by the authority of the Secretary of State for Health

Jaqui Smith
Minister of State,
Department of Health