

STATUTORY INSTRUMENTS

**2005 No. 392**

**The Adoptions with a Foreign Element Regulations 2005**

**PART 2**

**BRINGING CHILDREN INTO AND OUT OF THE UNITED KINGDOM**

**CHAPTER 1**

**BRINGING CHILDREN INTO THE UNITED KINGDOM**

**Functions imposed on the local authority**

**5.—(1)** Where notice of intention to adopt has been given to the local authority, that authority must—

- (a) if it has not already done so, set up a case record in respect of the child and place on it any information received from the—
  - (i) relevant foreign authority;
  - (ii) adoption agency, if it is not the local authority;
  - (iii) prospective adopter;
  - (iv) entry clearance officer; and
  - (v) Secretary of State, or as the case may be, the Assembly;

- (b) send the prospective adopter's general practitioner written notification of the arrival in England or Wales of the child and send with that notification a written report of the child's health history and current state of health, so far as is known;

- (c) send to the [<sup>F1</sup>integrated care board] or Local Health Board (Wales), in whose area the prospective adopter has his home, [<sup>F2</sup>and to [<sup>F3</sup>NHS England] if the prospective adopter's home is in England,] written notification of the arrival in England or Wales of the child;

<sup>F4</sup>(d) .....

- (e) ensure that the child and the prospective adopter are visited within one week of receipt of the notice of intention to adopt and thereafter not less than once a week until the review referred to in sub-paragraph (f) and thereafter at such frequency as the authority may decide;

- (f) carry out a review of the child's case not more than 4 weeks after receipt of the notice of intention to adopt and—

- (i) visit and, if necessary, review not more than 3 months after that initial review; and
  - (ii) thereafter not more than 6 months after the date of the previous visit,

unless the child no longer has his home with the prospective adopter or an adoption order is made;

- (g) when carrying out a review consider—

- (i) the child's needs, welfare and development, and whether any changes need to be made to meet his needs or assist his development;

- (ii) the arrangements for the provision of adoption support services and whether there should be any re-assessment of the need for those services; and
  - (iii) the need for further visits and reviews; and
- (h) ensure that—
- (i) advice is given as to the child’s needs, welfare and development;
  - (ii) written reports are made of all visits and reviews of the case and placed on the child’s case record; and
  - (iii) on such visits, where appropriate, advice is given as to the availability of adoption support services.
- (2) Part 7 of the Agencies Regulations or corresponding Welsh provision (case records) shall apply to the case record set up in respect of the child as a consequence of this regulation as if that record had been set up under the Agencies Regulations or corresponding Welsh provision.
- (3) In a case where the prospective adopter fails to make an application under section 50 or 51 of the Act within two years of the receipt by a local authority of the notice of intention to adopt the local authority must review the case.
- (4) For the purposes of the review referred to in paragraph (3), the local authority must consider—
- (a) the child’s needs, welfare and development, and whether any changes need to be made to meet his needs or assist his development;
  - (b) the arrangements, if any, in relation to the exercise of parental responsibility for the child;
  - (c) the terms upon which leave to enter the United Kingdom is granted and the immigration status of the child;
  - (d) the arrangements for the provision of adoption support services for the adoptive family and whether there should be any re-assessment of the need for those services; and
  - (e) in conjunction with the appropriate agencies, the arrangements for meeting the child’s health care and educational needs.
- (5) In a case where the local authority to which notice of intention to adopt is given (“the original authority”) is notified by the prospective adopter that he intends to move or has moved his home into the area of another local authority, the original authority must notify the local authority into whose area the prospective adopter intends to move or has moved, within 14 days of receiving information in respect of that move, of—
- (a) the name, sex, date and place of birth of child;
  - (b) the prospective adopter’s name, sex and date of birth;
  - (c) the date on which the child entered the United Kingdom;
  - (d) where the original authority received notification of intention to adopt, the date of receipt of such notification whether an application for an adoption order has been made and the stage of those proceedings; and
  - (e) any other relevant information.

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#### **Textual Amendments**

- F1** Words in Regulations substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), reg. 1(2), Sch. para. 1(1)(3) (with Sch. para. 1(2))
- F2** Words in reg. 5(1)(c) inserted (1.4.2013) by [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 80(2)(b)**

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**Changes to legislation:** *There are currently no known outstanding effects for the The Adoptions with a Foreign Element Regulations 2005, Section 5. (See end of Document for details)*

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- F3** Words in Regulations substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), reg. 1(1), **Sch. para. 1**
- F4** Reg. 5(1)(d) omitted (5.5.2010) by virtue of The Local Education Authorities and Children's Services Authorities (Integration of Functions) (Local and Subordinate Legislation) Order 2010 (S.I. 2010/1172), art. 1(1), **Sch. 3 para. 53(2)**
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**Commencement Information**

- I1** Reg. 5 in force at 30.12.2005, see **reg. 1(1)**

**Changes to legislation:**

There are currently no known outstanding effects for the The Adoptions with a Foreign Element Regulations 2005, Section 5.