
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations come into force on 1st July 2013.

These Regulations amend the Adoption Agencies Regulations 2005 (“the 2005 Regulations”) which make provision relating to the exercise by adoption agencies (local authorities and registered adoption societies) of their functions in relation to adoption under the Adoption and Children Act 2002 (“the 2002 Act”).

New regulation 19A requires adoption agencies to refer (within the required timescale) details of children for whom the decision has been made that they should be placed for adoption to the Adoption Register.

The Regulations substitute a new Part 4 (regulations 21 to 30G) to provide for a two stage approval process for prospective adopters (the pre-assessment process – stage 1 and the assessment decision – stage 2). Regulations 21 to 27 (stage 1) apply where a person has notified an adoption agency that they want to adopt a child and the agency has notified that person that it has decided to proceed with the pre-assessment process in respect of them. Regulations 28 to 30G (stage 2) apply where, following the adoption agency’s decision that the prospective adopter may be suitable to adopt, the prospective adopter has notified the adoption agency within six months of that decision that they wish to proceed to stage 2 of the approval process.

New regulation 22 requires the adoption agency to prepare a written plan in consultation with the prospective adopter (“the prospective adopter stage one plan”) which is to include information about the role of the adoption agency and the prospective adopter in the stage one process.

New regulation 26 sets out the pre-assessment information that an adoption agency must obtain and new regulation 27 provides that an adoption agency must decide in light of that information whether the prospective adopter may be suitable to adopt a child. That decision must be made within two months from the date on which the adoption agency notified the prospective adopter that they had decided to proceed with the pre-assessment process in accordance with regulation 21 but the agency may delay making that decision where it is satisfied that there are good reasons for doing so or upon the request of the prospective adopter.

New regulation 29 requires the adoption agency to prepare a written plan in consultation with the prospective adopter (“the prospective adopter assessment plan”) which is to include information about the procedure for assessing the prospective adopter’s suitability to adopt a child.

New regulation 30B provides that an adoption agency must decide whether a prospective adopter is suitable to adopt within four months of the date on which the agency received the prospective adopter’s notification that they wished to proceed with the assessment process. The agency may delay making that decision where the agency considers that there are exceptional circumstances which mean it cannot make that decision within that time or upon the request of the prospective adopter.

New regulation 30F and Schedule 4A provide that in certain cases Part 4 of the 2005 Regulations applies subject to the modifications set out in Schedule 4A. Those cases are where an adoption agency is satisfied that a prospective adopter is an approved foster parent or has, at any time, previously adopted a child in England or Wales or overseas (having been approved in accordance with the 2005 Regulations or the Adoption with a Foreign Element Regulations 2005 (or corresponding Welsh provision)). In those cases the adoption agency must decide whether the prospective adopter is suitable to adopt within four months from the date on which the adoption

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

agency notified the prospective adopter that they had decided to proceed with the pre-assessment process in accordance with regulation 21.

New regulation 30G requires adoption agencies to refer (within the required timescale) details of approved prospective adopters to the Adoption Register.

New regulation 30H provides that, except in a section 83 case, an adoption agency must prepare a written plan in consultation with an approved prospective adopter (“prospective adopter matching plan”) which is to include information about the duties of the agency in relation to placement and reviews.

The Regulations make other consequential amendments which are set out in the Schedule and include amendments to the Adoption with a Foreign Element Regulations 2005 and minor amendments to the Independent Review of Determinations (Adoption and Fostering) Regulations 2009 consequent on amendments made by the Adoption Agencies and Independent Review of Determinations (Amendment) Regulations 2011, which make provision for the review of certain determinations by adoption agencies and fostering service providers, to be carried out by an independent panel appointed by the Secretary of State.

A full regulatory impact assessment of the effect that this instrument will have on the costs of business and the voluntary sector is annexed to the Explanatory Memorandum which is available alongside the instrument at www.legislation.gov.uk