

**2014 No. 1563**

**CHILDREN AND YOUNG PERSONS, ENGLAND**

**SOCIAL CARE, ENGLAND**

**The Adoption Support Services (Amendment) Regulations 2014**

|                               |                       |
|-------------------------------|-----------------------|
| <i>Made</i> - - - -           | <i>9th June 2014</i>  |
| <i>Laid before Parliament</i> | <i>18th June 2014</i> |
| <i>Coming into force</i> - -  | <i>25th July 2014</i> |

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 4B and 140(7) and (8) of the Adoption and Children Act 2002(a).

**Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Adoption Support Services (Amendment) Regulations 2014 and come into force on 25th July 2014.

(2) In these Regulations, “the Act” means the Adoption and Children Act 2002.

**Amendment of the Adoption Support Services Regulations 2005**

2. The Adoption Support Services Regulations 2005(b) are amended as follows.

3. In regulation 2(1) (interpretation) insert at the appropriate places—

““looked after child” means a child referred to in section 22(1) of the Children Act 1989(c);”;

““statutory adoption leave” has the meaning given in regulation 2(1) of the Paternity and Adoption Leave Regulations 2002(d);”;

““statutory adoption pay” means payments payable in accordance with Part 12ZB of the Social Security Contributions and Benefits Act 1992(e);”.

4. After regulation 2 insert—

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(a) 2002 c.38. Section 4B was inserted by section 6 of the Children and Families Act 2014 (c.6). See section 144(1) for the definition of “regulations”.

(b) S.I. 2005/691, amended by S.I. 2005/3482, S.I. 2010/465, S.I. 2010/1172, S.I. 2013/630 and S.I. 2013/985.

(c) 1989 c.41. Section 22(1) was amended by Schedule 5 to the Local Government Act 2000 (c.22), section 2 (2) of the Children (Leaving Care) Act 2000 (c.35) and section 116(2) of the Adoption and Children Act 2002.

(d) S.I. 2002/2788. The definition of “statutory adoption leave” was inserted by S.I. 2006/2014.

(e) 1992 c.4. Part 12ZB was inserted by section 4 of the Employment Act 2002 (c.22) and amended by Schedule 6 to the Income Tax (Earnings and Pensions) Act 2003 (c.1), sections 2 and 11(1) of, and Schedule 1 to, the Work and Families Act 2006 (c.18), Schedules 1 and 14 to the National Health Service (Consequential Provisions) Act 2006 (c. 43), Schedule 8 to the Welfare Reform Act 2007 (c.5), section 63(8)(a) to (c) of the Welfare Reform Act 2012 (c.5), S.I. 2003/499, S.I. 2006/1031, S.I. 2006/2012 and S.I. 2011/1740.

## “Part 1A

### Provision of Information

#### **Provision of information**

**2A.**—(1) In addition to the information specified in section 4B(2)(a) to (c) of the Act, a local authority must provide the following information to the persons listed in section 4B(1) of that Act:

- (a) the address and phone number of the local authority’s adoption support services adviser appointed under regulation 6;
- (b) the address and phone number of the web based information service supported and funded by the Department for Education to provide information to the public about adoption and the adoption process in England;
- (c) information about the availability of assessments for adoption support services for persons who are outside the area of the local authority;
- (d) where appropriate, information about priority in school admissions for looked after children (including those placed for adoption) and adopted children as set out in the School Admissions Code issued under section 84 of the School Standards and Framework Act 1998(a);
- (e) information about the right to make a representation (including a complaint) under the Children Act 1989 Representations Procedure (England) Regulations 2006(b);
- (f) information about the procedure under section 26B of the Local Government Act 1974(c), for making a complaint to the Local Government Ombudsman; and
- (g) information about any other relevant services provided by the local authority.

(2) A local authority must also provide the following information to the persons listed in section 4B(1)(a) and (b) of the Act—

- (a) details of where to find information about statutory adoption pay and statutory adoption leave; and
- (b) information about a prospective adopter’s right to receive the child’s permanence report (prepared in accordance with regulation 17 of the Adoption Agencies Regulations 2005(d)), including a summary of the medical adviser’s report on the health of the child, in accordance with regulation 31 those Regulations.

#### **Circumstances in which information need not be provided**

**2B.**—(1) A local authority are not required to provide information specified in, or prescribed under, section 4B(2) of the Act to a person who—

- (a) has already received that information from the local authority within the preceding twelve months and the information has not changed substantively in that time, or
- (b) has informed the local authority that they do not want to receive that information,

unless the local authority are satisfied that there are valid reasons for providing the information.

(2) Where—

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(a) 1998 c.31. Section 84 was amended by Schedule 4 and 22 to the Education Act 2002 (c.32), section 40(1) to (7) of the Education and Inspections Act 2006 (c.40), section 43(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009 c.22 and S.I. 2010/1158.

(b) S.I. 2006/1738, amended by S.I. 2013/985.

(c) 1974 c.7 Section 26B was inserted by section 174(1) of the Local Government and Public Involvement in Health Act 2007 (c.28).

(d) S.I. 2005/389; amended by S.I. 2005/3482, 2007/603, 2009/1892, 2009/1895, 2010/1172, 2011/589, 2012/1410, 2013/235, 2013/985 and 2014/852.

- (a) a person listed in section 4B(1)(a) of the Act makes a request for information about adopting a child, or
- (b) a person listed in section 4B(1)(d) of the Act makes a request for any of the information listed in section 4B(2) of the Act,

and the local authority refuses that request, the local authority must give that person reasons for their refusal.

(3) Where a person within the local authority's area who is a parent of an adopted child requests any information listed in section 4B(2) of the Act and that information is about a particular adoption support service, the local authority must—

- (a) ask that person if they would like any of the other information listed in section 4B(2) of the Act and regulation 2A, and
- (b) if appropriate, only provide information about the particular adoption support service requested.”.

*Edward Timpson*  
Parliamentary Under Secretary of State  
Department for Education

9th June 2014

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision about the duty of a local authority to provide information about adoption support services and come into force on 25th July 2014.

Regulation 4 inserts new regulations 2A and 2B into the Adoption Support Services Regulations 2005 ('the 2005 Regulations').

Regulation 2A prescribes for the purposes of section 4B(2)(d) of the Adoption and Children Act 2002 ('the Act'), the information that a local authority must provide. Regulation 2A(2) sets out the information that must be provided to any person mentioned in section 4B(1) of the Act and regulation 2A(2) to any person mentioned in sections 4B(1)(a) and (b) of the Act.

Regulation 2B sets out the circumstances in which a local authority is not required to provide information. Where a person requests information about a particular adoption support service the local authority may, after having ascertained whether that person would like any of the other information, only provide information about that particular service.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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£4.25

UK2014061212 06/2014 19585

<http://www.legislation.gov.uk/id/uksi/2014/1563>

ISBN 978-0-11-111662-3



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