

2017 No. 978

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Adoption and Children Act Register (Search and Inspection)
Regulations 2017**

<i>Made</i>	- - - -	<i>11th October 2017</i>
<i>Laid before Parliament</i>		<i>12th October 2017</i>
<i>Coming into force</i>	- -	<i>2nd November 2017</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 128A(1) to (4) and 140(7) and (8) of the Adoption and Children Act 2002(a).

Citation and commencement

1. These Regulations may be cited as the Adoption and Children Act Register (Search and Inspection) Regulations 2017 and come into force on 2nd November 2017.

Interpretation

2. In these Regulations—

“the Act” means the Adoption and Children Act 2002;

“C” means a child whose information is held on the register(b);

“P” means a prospective adopter that an adoption agency(c) is satisfied is suitable to adopt a child; and

“Part 1 of the register” and “Part 2 of the register” have the meaning given in regulation 3 of the Adoption and Children Act Register Regulations 2014(d).

Arrangements with a registration organisation

3. Where the Secretary of State has made arrangements with an organisation under section 126(1) of the Act(e) which require the registration organisation to make the register available for search and inspection by P, references in regulations 4 and 5 to “the Secretary of State” must be read as references to “the registration organisation”.

(a) 2002 c. 38. Section 128A was inserted by section 7(4) of the Children and Families Act 2014 (c. 6) (“the 2014 Act”). Section 140(7) was amended by section 7(6) of the 2014 Act. See section 144(1) for the definition of “regulations” and section 131(1)(b) for the definition of “prescribed”.

(b) See section 131(1)(c) of the Adoption and Children Act 2002 (“the 2002 Act”) for the definition of “the register”.

(c) See section 131(1)(za) of the 2002 Act for the definition of “adoption agency”.

(d) S.I. 2014/1492.

(e) Section 126(1) was amended by paragraphs 1 and 3 of Schedule 1 to the 2014 Act.

Search and inspection of the register by prospective adopters

4.—(1) This regulation applies where—

- (a) P has provided written confirmation to the Secretary of State that P undertakes to comply with the requirements set out in regulation 5; and
- (b) the Secretary of State is satisfied that P—
 - (i) has not on any occasion failed to comply with any of the requirements set out in regulation 5; and
 - (ii) had not on any occasion failed to comply with any of the requirements that were set out in regulation 5 of the Adoption and Children Act Register (Search and Inspection) (Pilot) Regulations 2014^(a).

(2) The Secretary of State must make available the information specified in paragraph (5) held in Part 1 of the register for search and inspection by P for the purpose of assisting P to find a child for whom P would be an appropriate adopter.

(3) The Secretary of State must make available the information specified in paragraph (5) held in Part 2 of the register for search and inspection by P for the purpose of assisting P to find a child for whom P would be an appropriate adopter where—

- (a) P has obtained written confirmation from the appropriate adoption agency that P is willing to have placed with them a child for whom a local authority in England is considering adoption; and
- (b) P has provided that written confirmation to the Secretary of State.

(4) In paragraph (3)(a)—

- (a) “appropriate adoption agency” means the adoption agency that approved P as suitable to adopt a child under regulation 30B of the Adoption Agencies Regulations 2005^(b); and
- (b) “placed” means placed under section 22C of the Children Act 1989^(c) with a local authority foster parent who is also an approved prospective adopter following consideration under section 22C(9B)(c) of that Act.

(5) The specified information is—

- (a) C’s date of birth;
- (b) C’s gender;
- (c) C’s nationality;
- (d) C’s racial origin;
- (e) the local authority area in which C lives;
- (f) C’s first language and details of any other languages spoken;
- (g) C’s religious persuasion, if any, (including details of any baptism, confirmation or equivalent ceremonies) and whether C practises their religion;
- (h) whether the adoption agency intends to place C for adoption with C’s siblings and if so how many and the date of birth of each sibling;

^(a) S.I. 2014/1957, which is revoked by these Regulations.

^(b) S.I. 2005/389. Regulation 30B was inserted by regulation 5 of the Adoption Agencies (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/985).

^(c) 1989 c. 41. Section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c. 23) and amended by section 2 of, and paragraph 29 of Schedule 2 to, the 2014 Act and S.I. 2016/413.

- (i) C’s state of health including C’s physical, emotional and mental health and any anticipated future problems;
 - (j) details of any adoption support needs that C has been assessed as having under section 4 of the Act^(a) (including those relating to C’s health) and any adoption support services^(b) being provided by the local authority or that the local authority has agreed to provide; and
 - (k) where available—
 - (i) any photographs or video recordings of C; and
 - (ii) any letters written by C provided that—
 - (aa) any identifying information about C or C’s siblings not specified in paragraphs (a) to (j) above is removed; and
 - (bb) any identifying information about any other person is removed.
- (6) In paragraph (5)—
- (a) “identifying information” about a person means information which, whether taken on its own or together with other information disclosed by the Secretary of State, identifies the person or enables the person to be identified; and
 - (b) “video recording” means a recording, in any form, from which a moving image may be reproduced and includes data stored on a computer disc or by other electronic means which is capable of conversion into a moving image.

Steps to be taken by prospective adopters in respect of information received as a result of searching or inspecting the register

5.—(1) For the purposes of section 128A(4) of the Act, P is required to take the following steps in respect of information received as a result of searching or inspecting the register—

- (a) P must take reasonable steps to ensure that there is no unauthorised disclosure of the information received by P as a result of searching or inspecting the register; and
- (b) P must inform the Secretary of State about the theft, unauthorised disclosure or loss of a document or any other item which contains information received as a result of searching or inspecting the register.

(2) In this regulation “unauthorised disclosure” means disclosure other than to an adoption agency and otherwise than for the purposes of assisting P to find a child for whom P would be an appropriate adopter.

Revocation

6. The Adoption and Children Act Register (Search and Inspection) (Pilot) Regulations 2014^(c) are revoked.

11th October 2017

Robert Goodwill
Minister of State
Department of Education

(a) Section 4 was amended by paragraphs 104 and 105 of Schedule 5 to the Health and Social Care Act 2012 (c. 7) and S.I. 2010/1158.
 (b) See section 2(6) of the 2002 Act for the definition of “adoption support services”.
 (c) S.I. 2014/1957.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the search and inspection of the Adoption and Children Act Register (“the register”) by prospective adopters that an adoption agency is satisfied are suitable to adopt a child. Adoption agencies decide whether prospective adopters are suitable to adopt a child in accordance with Part 4 of the Adoption Agency Regulations 2005 (S.I. 2005/389).

Regulation 3 provides that, where the Secretary of State has made arrangements with an organisation to perform the Secretary of State’s functions to establish and/or maintain the register, and disclose information from the register, references to the Secretary of State in regulations 4 and 5 must be read as references to that organisation.

Regulation 4 provides for the search and inspection of the register by a prospective adopter (“P”) who has undertaken to comply with provisions relating to the protection of information received as a result of searching or inspecting the register and who has not previously breached those provisions. In all circumstances, P may search and inspect the information specified in regulation 4(5) that is held in part Part 1 of the register (regulation 4(2)). Part 1 of the register contains information about children who an adoption agency is satisfied are suitable for adoption. Where P is willing to have a child for whom a local authority is considering adoption placed with them, and the appropriate written confirmation is provided, P may search and inspect the information specified in regulation 4(5) that is held in Part 2 of the register (regulation 4(3)). Part 2 of the register contains information about children for whom a local authority in England is considering adoption.

Regulation 5 prescribes the steps to be taken by P in respect of information received as a result of searching or inspecting the register.

Regulation 6 revokes the Adoption and Children Act Register (Search and Inspection) (Pilot) Regulations 2014 (S.I. 2014/1957) which made provision to pilot the search and inspection of the register by prospective adopters approved by a limited number of adoption agencies.

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

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