

2023 No. 1261

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Adoption Support Agencies (England) (Amendment)
Regulations 2023**

<i>Made</i> - - - -	<i>23rd November 2023</i>
<i>Laid before Parliament</i>	<i>27th November 2023</i>
<i>Coming into force</i> - -	<i>18th December 2023</i>

The Secretary of State makes the following Regulations in exercise of the powers conferred by sections 3(4)(b), 8(2)(f), and 140(7) and (8) of the Adoption and Children Act 2002(a).

Citation, commencement and extent

1.—(1) These Regulations may be cited as the Adoption Support Agencies (England) (Amendment) Regulations 2023 and come into force on 18th December 2023.

(2) These Regulations extend to England and Wales.

Amendment of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

2.—(1) The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(b) (exceptions) is amended as follows.

(2) In regulation 4(4)—

(a) for “an individual” substitute “a person”, and

(b) omit “(otherwise than in a partnership with others)”.

(3) After regulation 4(4) insert—

“(5) An undertaking is not an adoption support agency merely because it provides counselling in relation to adoption to a person who has attained the age of 18.”.

Amendment of the Adoption Support Services Regulations 2005

3. Regulation 5(1)(bb) of the Adoption Support Services Regulations 2005(c) (Arrangement for securing the provision of services) is amended as follows—

(a) for "an individual" substitute "a person", and

(b) after "regulation 4(4)" insert "or 4(5)".

(a) 2002 c. 38; section 140(7) was amended by section 7(6) of the Children and Families Act 2014 (c. 6).

(b) S.I. 2005/2720 amended by S.I. 2010/465; there are other amending instruments but none is relevant.

(c) S.I. 2005/691 as amended by S.I. 2010/465; there are other amending instruments but none is relevant.

23rd November 2023

David Johnston
Parliamentary Under-Secretary of State
Department for Education

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Adoption Support Services Regulations 2005 (S.I. 2005/691) (“ASSR”) and the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 (S.I. 2005/2720) (“ASA Amendment Regulations 2005”).

Regulation 2 amends regulation 4 of the ASA Amendment Regulations 2005, which provides exceptions from the definition of adoption support agencies (“ASAs”) under section 8 of the Adoption and Children Act 2002 (“2002 Act”). ASAs must register with His Majesty’s Chief Inspector of Education, Children’s Services and Skills (“HMCI”) under section 11 Care Standards Act 2000. Regulation 2(2) excepts any person working under a contract of services (including those working in a partnership) with a registered ASA or an Adoption Agency from being an ASA. Regulation 2(3) inserts a new exception to Regulation 4 of the ASA Amendment Regulations 2005 so that a person is not an ASA merely because they provide counselling in relation to adoption to persons who have attained the age of 18.

Section 3(4) of the 2002 Act permits a local authority to make arrangements for others to provide facilities on behalf of the authority in respect of adoption. Regulation 3 amends regulation 5 of the ASSR in consequence of the amendments made by regulation 2 of this Instrument and for the purposes of section 3(4) of the 2002 Act, so that anyone falling within the exceptions hereby set out in regulation 2 may provide adoption support services on behalf of a local authority.

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