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WELSH STATUTORY INSTRUMENTS

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**2005 No. 1313**

**The Adoption Agencies (Wales) Regulations 2005**

**PART 4**

**DUTIES OF ADOPTION AGENCY IN  
RESPECT OF A PROSPECTIVE ADOPTER**

**Adoption agency decision and notification**

**28.**—(1) The adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the prospective adopter is suitable to adopt a child.

(2) No member of the adoption panel is to take part in any decision made by the adoption agency under paragraph (1).

(3) Where the adoption agency decides to approve the prospective adopter as suitable to adopt a child it must notify the prospective adopter in writing of its decision.

(4) Where the adoption agency considers that the prospective adopter is not suitable to adopt a child, it must —

- (a) notify the prospective adopter in writing that it proposes not to approve the prospective adopter as suitable to adopt a child (“qualifying determination”);
- (b) send with that notification its reasons together with a copy of the recommendation of the adoption panel, if different;
- (c) advise the prospective adopter that within 20 working days beginning with the date on which the notification was sent the prospective adopter may —
  - (i) submit any representations to the agency, or
  - (ii) apply to the independent review panel for a review of the qualifying determination.

(5) If, within the period of 20 working days referred to in paragraph (4), the prospective adopter has not made any representations or applied to the independent review panel, the adoption agency must proceed to make its decision and must notify the prospective adopter in writing of its decision together with the reasons for that decision.

(6) If, within the period of 20 working days referred to in paragraph (4), the adoption agency receive further representations from the prospective adopter, it may refer the case together with all the relevant information back to their adoption panel for further consideration.

(7) The adoption panel must consider any case referred to it under paragraph (6) and make a fresh recommendation to the adoption agency as to whether the prospective adopter is suitable to adopt a child.

(8) The adoption agency must make a decision on the case but if the case has been referred to the adoption panel under paragraph (6) or the prospective adopter has applied to the independent review panel for a review of the qualifying determination it must make the decision only after taking into account any recommendation of the adoption panel made under paragraph (7) and regulation 27 or, as the case may be, of the independent review panel.

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

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(9) As soon as possible after making its decision under paragraph (8), the adoption agency must notify the prospective adopter in writing of its decision, stating its reasons for that decision if it does not consider the prospective adopter to be suitable to adopt a child, and of the adoption panel's recommendation under paragraph (7), if this is different from the adoption agency's decision.