
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 9 of the Adoption and Children Act 2002 Act provides that regulations may make provision for any purpose relating to (a) the exercise by local authorities or voluntary adoption agencies of their functions in relation to adoption, or (b) the exercise by adoption support agencies of their functions in relation to adoption. The power to make regulations under section 9 is not limited by the specific powers in sections 10 to 12, 45, 54 and 56 to 65 and 98 nor by any other powers exercisable in respect of local authorities.

These Regulations impose requirements on local authority adoption service providers, referred to in these Regulations as “service providers”. A local authority adoption service is referred to in these Regulations as a “service”.

Part 1 of these Regulations contains definitions of certain terms used in the Regulations. “Support” includes the support which a service is required to provide in the course of making arrangements for adoption or after adoptions have been arranged, as well as the adoption support services which the service provides or arranges to provide.

Part 2 outlines the general requirements which apply to service providers as to the way in which the service is provided, including requirements in relation to the statement of purpose (Schedule 1 sets out the information to be included in the statement of purpose), the arrangements for monitoring and improvement and the requirement to appoint a manager to be responsible for the management of the service. Part 2 also sets out the policies and procedures which must be in place.

Part 3 deals with the requirements as to the information to be provided to individuals on the commencement of the provision of support. Regulation 12 requires that this information must be in the form of a written guide and sets out detailed requirements about the guide, including its contents and format.

Part 4 contains requirements as to the standards of support to be provided. These include overarching requirements as well as more detailed requirements relating to the provision of information, meeting individuals’ language and communication needs and treating individuals with respect and sensitivity.

Part 5 contains specific requirements in relation to ensuring individuals are safe and protected from abuse, neglect and improper treatment. As well as requiring policies and procedures to be in place in relation to safeguarding, the regulations in this Part place specific requirements as to the action to be taken in the event of an allegation or evidence of abuse.

Part 6 contains requirements as to staffing, which include general requirements as to the deployment of sufficient numbers of staff.

Part 6 also contains specific requirements as to the fitness of individuals working at the service. These requirements apply not just to employees but extend also to volunteers and to other persons working at the service. The fitness requirements include a requirement for specific information and documentation to be available in respect of persons working in services, as set out in Schedule 2.

Other requirements contained in Part 6 include requirements relating to supporting and developing staff, providing information to staff and the operation of a suitable disciplinary procedure. To ensure that employees report incidents of abuse to an appropriate person, the regulations in this Part require the provider’s disciplinary procedure to provide that a failure to report would itself be grounds for disciplinary proceedings.

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

Part 7 ensures that premises to be used in relation to services are adequate for the supervision of staff and secure storage of records.

Part 8 sets out the requirement to keep records in respect of the service and Schedule 3 sets out the records which are required to be kept. Part 8 also contains requirements on the service provider to have a complaints policy and a whistleblowing policy in place.

Parts 9 to 12 contain the requirements placed on the manager employed by the service.

Part 9 sets out the requirements on managers which related to the effective oversight of the adequacy of resources and making reports to the service provider on the adequacy of the resources and on other matters. The manager is required to make arrangements for engagement with individuals and others so that their views on the quality of support can be taken into account by the service provider.

Part 10 sets out the requirements on the manager for ensuring the compliance of the service with other requirements including the keeping of records. The manager must also put arrangements in place for ensuring that there are systems in place to record incidents and complaints and ensuring that policies and procedures are kept up to date.

Part 11 sets out the requirements in relation to monitoring, reviewing and improving the quality of support provided, including making a report to the service provider.

Part 12 sets out other requirements on the manager, including requirements to ensure that the whistleblowing policy is being complied with.

Part 13 covers other requirements on service providers and includes a requirement to have a strategy in place for the recruitment of sufficient numbers of adopters and to provide prospective adopters with information about the adoption process.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.