
WELSH STATUTORY INSTRUMENTS

2019 No. 291

The Local Authority Adoption
Services (Wales) Regulations 2019

PART 1

General

Title and commencement

1.—(1) The title of these Regulations is the Local Authority Adoption Services (Wales) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Adoption and Children Act 2002;

“the 2016 Act” (“*Deddf 2016*”) means the Regulation and Inspection of Social Care (Wales) Act 2016(1);

“adoption support services” (“*gwasanaethau cymorth mabwysiadu*”) has the meaning given in section 2(6) of the Act and regulation 3 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005(2);

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 2;

“Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012(3);

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996(4);

“individual” (“*unigolyn*”) means, unless the context indicates otherwise—

- (a) a child who may be adopted, their parent or guardian,
- (b) a person wishing to adopt a child, or
- (c) an adopted person, their parent, birth parent or former guardian,

(1) 2016 anaw 2.
(2) S.I. 2005/1512 (W. 116).
(3) 2012 c. 9.
(4) 1996 c. 18.

who is receiving support of the type which a local authority adoption service is required to provide in accordance with the Adoption Agencies (Wales) Regulations 2005⁽⁵⁾ or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005⁽⁶⁾, or

(d) any person receiving adoption support services;

“local authority adoption service” (“*gwasanaeth mabwysiadu awdurdod lleol*”) means the discharge by a local authority of the functions under the Act of making or participating in arrangements for the adoption of children or the provision of adoption support services;

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010⁽⁷⁾;

“representative” (“*cynrychiolydd*”) means any person having legal authority, or the consent of the individual, to act on the individual’s behalf;

“the service” (“*y gwasanaeth*”) means the local authority adoption service;

“service provider” (“*darparwr gwasanaeth*”) means the local authority providing the local authority adoption service;

“service regulator” (“*y rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions as defined in section 3(1)(b) of the 2016 Act;

“social care manager” (“*rheolwr gofal cymdeithasol*”) has the meaning given in section 79(1)(b) of the 2016 Act;

“Social Care Wales” (“*Gofal Cymdeithasol Cymru*”) has the meaning given in section 67(3) of the 2016 Act;

“staff” (“*staff*”) includes—

- (a) persons employed by the service provider to work at the service as an employee or a worker, and
 - (b) persons engaged by the service provider under a contract for services,
- but does not include persons who are allowed to work as volunteers;

“statement of purpose” (“*datganiad o ddiben*”) means the document containing the information which must be provided in accordance with Schedule 1 for the place in relation to which the service is provided;

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996.

(2) In these Regulations, where used in relation to the support provided to an “individual” as defined in this regulation, “support” includes—

- (a) the support which a local authority adoption service is required to provide to individuals in the course of arranging an adoption or after an adoption has been arranged in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005, or

⁽⁵⁾ S.I. 2005/1313 (W. 95).

⁽⁶⁾ S.I. 2005/2689 (W. 189)

⁽⁷⁾ 2010 c. 15, section 20.

(b) the adoption support services which a local authority provides or arranges to provide⁽⁸⁾.

⁽⁸⁾ Section 3(4) of the Act provides that a local authority may provide any of the requisite facilities by securing their provision by (a) registered adoption societies, or (b) other persons who are within a description prescribed by regulations of persons who may provide the facilities in question. “Facilities” include making arrangements for the provision of adoption support services (section 3(2)(b)). Regulation 5 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005 prescribes, for the purposes of section 3(4)(b), persons other than registered adoption societies who may provide the requisite facilities.