

WELSH STATUTORY INSTRUMENTS

2019 No. 762

The Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019

PART 10

Other requirements on service providers

Records

- 30.**—(1) The service provider must keep and maintain the records specified in Schedule 2.
- (2) The service provider must—
- (a) ensure that records specified in Schedule 2 are accurate and up to date;
 - (b) keep the records securely;
 - (c) make suitable arrangements for the records to continue to be kept securely in the event the service closes;
 - (d) make the records available to the service regulator on request;
 - (e) where an adoption order has been made in relation to a child, retain records relating to the child and the child's adopter for at least 100 years from the date of the adoption order;
 - (f) where adoption support services are provided to an individual, retain records relating to the individual for at least 100 years from the date of the last entry;
 - (g) in a case which does not fall within sub-paragraph (e) or (f) retain—
 - (i) records relating to adults for 3 years from the date of the last entry;
 - (ii) records relating to children for 15 years from the date of the last entry;
 - (h) ensure that individuals who use the service—
 - (i) can have access to their records, and
 - (ii) are made aware they can access their records.

Commencement Information

II Reg. 30 in force at 29.4.2019, see [reg. 1\(2\)](#)

Notifications

- 31.**—(1) The service provider must notify the service regulator of the events specified in Part 1 of Schedule 3.
- (2) In the case of a service provided by an adoption society, the service provider must notify—
- (a) the Local Health Board, or [^{F1}integrated care board] and [^{F2}NHS England], of the events specified in Part 2 of Schedule 3;

- (b) the placing agency of the event specified in Part 4 of Schedule 3;
 - (c) the area authority of the events specified in Part 5 of Schedule 3;
 - (d) the placing authority of the events specified in Part 6 of Schedule 3;
 - (e) the police of the event specified in Part 9 of Schedule 3.
- (3) In the case of a service provided by an adoption support agency or an adoption society which provides adoption support services the service provider must notify—
- (a) the Local Health Board, or [^{F3}integrated care board] and the [^{F4}NHS England], of the event specified in Part 3 of Schedule 3;
 - (b) the placing authority of the events specified in Part 7 of Schedule 3;
 - (c) the relevant authority of the event specified in Part 8 of Schedule 3;
 - (d) the police of the event specified in Part 9 of Schedule 3.
- (4) The notifications required by this regulation must include details of the event.
- (5) Unless otherwise stated, notifications must be made without delay and in writing.
- (6) Notifications must be made in such manner and in such form as may be required by the service regulator.
- (7) In this regulation—
- (a) “Local Health Board”, “[^{F5}integrated care board]” and [^{F6}“NHS England”] means the Local Health Board, or the [^{F5}integrated care board] and [^{F7}NHS England] in whose area the child—
 - (i) is placed for adoption by the service, or
 - (ii) who has died or sustained serious accident or injury in the course of receiving adoption support services was living at the time of the incident;
 - (b) “area authority” means the local authority or local authority in England for the area in which a child is placed, or is to be placed, where this is different from the placing authority;
 - (c) “placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;
 - (d) “placing authority” means, in relation to a child who is or was looked after by a local authority or local authority in England, that local authority;
 - (e) “relevant authority” means the local authority in whose area the service is located and any other local authority on behalf of whom the service is providing adoption support services to that child by virtue of section 3(4)(a) of the 2002 Act.

Textual Amendments

- F1** Words in reg. 31(2)(a) substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **96(3)(a)**
- F2** Words in reg. 31(2)(a) substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), regs. 1(1), **100(3)(a)**
- F3** Words in reg. 31(3)(a) substituted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **96(3)(b)**
- F4** Words in reg. 31(3)(a) substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), regs. 1(1), **100(3)(b)**

- F5** Words in reg. 31(7)(a) substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **96(3)(c)**
- F6** Words in reg. 31(7)(a) substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), regs. 1(1), **100(3)(c)(i)**
- F7** Words in reg. 31(7)(a) substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), regs. 1(1), **100(3)(c)(ii)**

Commencement Information

- I2** Reg. 31 in force at 29.4.2019, see **reg. 1(2)**

Conflicts of interest

32. The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

Commencement Information

- I3** Reg. 32 in force at 29.4.2019, see **reg. 1(2)**

Complaints policy and procedure

33.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

- (a) identifying and investigating complaints,
- (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person,
- (c) ensuring that appropriate action is taken following an investigation, and
- (d) keeping records relating to the matters in sub-paragraphs (a) to (c).

(3) The service provider must provide a summary of complaints, responses and any subsequent action taken to the service regulator within 28 days of being requested to do so.

(4) The service provider must—

- (a) analyse information relating to complaints and concerns, and
- (b) having regard to that analysis, identify any areas for improvement.

Commencement Information

- I4** Reg. 33 in force at 29.4.2019, see **reg. 1(2)**

Whistleblowing

34.—(1) The service provider must have arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about matters that may adversely affect the health, safety or well-being of persons for whom the service is provided.

(2) These arrangements must include—

Changes to legislation: There are currently no known outstanding effects for the The Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, PART 10. (See end of Document for details)

- (a) having a whistleblowing policy in place and acting in accordance with that policy, and
 - (b) establishing arrangements to enable and support people working at the service to raise such concerns.
- (3) The service provider must ensure that the arrangements required under this regulation are operated effectively.
- (4) When a concern is raised, the service provider must ensure that—
- (a) the concern is investigated,
 - (b) appropriate steps are taken following an investigation, and
 - (c) a record is kept relating to the matters in sub-paragraphs (a) and (b).

Commencement Information

I5 [Reg. 34](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, PART 10.