

*Adoption*

National Minimum Standards

Regulations

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## **Regulations**

Voluntary Adoption Agencies  
Local Authorities  
England and Wales

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*Department of Health  
Welsh Assembly Government*

# Adoption

The Voluntary Adoption Agencies and the  
Adoption Agencies (Miscellaneous  
Amendments) Regulations 2003

The Local Authority Adoption Service  
(England) Regulations 2003

The Local Authority Adoption Service and  
Miscellaneous Amendments (Wales)  
Regulations 2003

National Minimum Standards

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Authority Adoption Services in England  
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# National Minimum Standards for Voluntary Adoption Agencies and Local Authority Adoption Services in England and Wales

## *Note*

This document contains a statement of national minimum standards published jointly by the Secretary of State and the Welsh Assembly Government under sections 23(1) and 49(1) of the Care Standards Act 2000. The statement is applicable to voluntary adoption agencies (as defined by section 4(7) of the Care Standards Act 2000) and the discharge by local authorities of relevant adoption functions (as defined by section 43(3)(a) of that Act).

The statement is accompanied, for explanatory purposes only, by an introduction to the statement as a whole, and a further introduction to each group of standards.

Each individual standard is numbered and consists of the numbered heading and numbered paragraphs. Each standard is, for explanatory purposes only, preceded by a title and an indication of the intended outcome in relation to that standard.

Department of Health  
Welsh Assembly Government  
March 2003



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# General Introduction

This document contains the regulations and national minimum standards (standards) applicable to local authority adoption services and voluntary adoption agencies (VAAs) in England and Wales. The regulations and standards apply also to bodies in England and Wales who wish to be registered as a VAA under Part II of the Care Standards Act 2000 (the 2000 Act). In this document VAAs and local authority adoption services are referred to as 'adoption agencies'.

These regulations and standards form the basis of the new regulatory framework under the 2000 Act for the regulation of adoption agencies in England and Wales, by the National Care Standards Commission (NCSC) in England and by the National Assembly for Wales (the Assembly) in Wales.

## Regulatory Context

These standards are published by the Secretary of State for Health and the Welsh Assembly Government in accordance with sections 23(1) and 49(1) of the 2000 Act. They will apply from 30 April 2003.

The 2000 Act established the NCSC and the Assembly as the registration authorities. The NCSC is an independent and non-departmental public body. The registration authorities took over the regulation of social and health care services previously regulated by local councils and health authorities in April 2002. In addition, the 2000 Act extended the scope of regulation significantly to other services who were not required to register, such as domiciliary care agencies, fostering agencies and residential family centres. From 30 April 2003 the registration authorities assume responsibility for the inspection and registration of VAAs and the inspection of local authority adoption services in England and Wales.

The 2000 Act sets out a broad range of regulation making powers covering, amongst other matters, the management, staff, premises and conduct of social and independent healthcare establishments and agencies. The powers to regulate the functions and conduct of adoption agencies have been retained in the Adoption Act 1976, but the 2000 Act amended the Adoption Act 1976 to enable such provision to also be made in respect of adoption agencies.



The main regulations which set out the functions of adoption agencies in England and Wales are the Adoption Agencies Regulations 1983 as amended and the Intercountry Adoption (Hague Convention) Regulations 2003 (which come into force on 1 June 2003).

In addition to these regulations, voluntary adoption agencies will need to comply with:

1. The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – England and Wales
2. National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003 – England
3. National Care Standards Commission (Registration) Regulations 2003, as amended – England,

and local authorities will need to comply with:

1. The Local Authority Adoption Service (England) Regulations 2003
2. National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003 – England
3. The Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 – these regulations also make amendments to:

The Registration of Social Care and Independent Health Care (Wales) Regulations 2002

The Registration of Social Care and Independent Healthcare (Fees)(Wales) Regulations 2002.

The regulations are made under the Adoption Act 1976 and the 2000 Act. The regulations and standards will be reviewed when the Adoption and Children Act 2002 is implemented to determine whether any revisions are needed.

In assessing whether an adoption agency conforms to the regulations, which are mandatory, the registration authorities must take the standards issued by the Secretary of State and the Assembly into account. However, the registration authorities may also take into account any other factors it considers reasonable or relevant to do so.

Compliance with the standards is not itself enforceable, but compliance with regulations is enforceable subject to the standards being taken into account.

## Impact on VAAs

The registration authority may conclude that a VAA has been in breach of the regulations even though it largely meets the standards. The registration authority also have discretion to conclude that the regulations have been complied with by means other than those set out in the standards. Section

9(4) of the Adoption Act 1976 makes a breach of regulations made under section 9(2) of that Act in respect of VAAs a criminal offence.

### *Role of the NCSC and the Assembly*

When the registration authority makes a decision about a breach of regulations (or any decision to do with registration, cancellation, variation or imposition of conditions) it **must** take the standards into account. It **may** also take into account any other factors it considers reasonable or relevant to do so.

The registration authority could decide there has been a breach of regulations even though standards have been largely complied with. But it must still decide what action, if any, to take. In practice, if the regulations were not being met in a few respects, it is likely the registration authority would note this in its inspection report and send a written warning. If the regulations are persistently flouted and/or they were substantially or seriously disregarded, the registration authority may decide to take enforcement action either in terms of cancelling registration or in terms of a criminal prosecution.

## **Impact on local authority adoption service**

Section 49 of the 2000 Act provides that the standards must be taken into account by the registration authority in determining whether a local authority adoption service is meeting the relevant regulatory requirements (as defined in section 46(7)). It may also take into account any other factors it considers reasonable or relevant to do so.

Under section 47 of the 2000 Act, the NCSC must notify the Secretary of State when it considers a local authority:

- a. satisfies the regulatory requirement;
- b. has failed to satisfy the regulatory requirements and that failure is substantial.

If the NCSC considers a local authority has failed to satisfy the regulatory requirement and that failure is not substantial, it must either report that fact to the Secretary of State or, if it considers that it is not appropriate to make such a report at that stage, give the local authority a notice which specifies why the NCSC considers the local authority has failed to satisfy the regulatory requirements. The notice must set out the action which needs to be taken and the time by which the failure should be remedied. The NCSC will notify the Secretary of State that a notice has been issued and after the expiry of the time limit must notify the Secretary of State whether or not the local authority has remedied the failure.

These provisions do not apply to Wales as the Assembly will both undertake regulatory responsibility and have enforcement powers in respect of the local authority in Wales.

## Local authority adoption services

Under Part III of the 2000 Act the registration authority will inspect the discharge by local authorities of their functions under the Adoption Act 1976 of making or participating in arrangements for the adoption of children. When considering whether a local authority meets regulatory requirements the registration authority will take into account equivalent standards for local authorities as for VAAs. The registration authority's inspections will cover the same areas of activity for local authorities and VAAs. This means that functions in relation to making arrangements for the adoption of children including the recruitment, training, assessment, approval and support of adopters will be covered. The care planning process is not part of the remit. Wider adoption support services will be brought within the 2000 Act regulatory framework when adoption support agencies are introduced by the Adoption and Children Act 2002.

# **National Minimum Standards for Voluntary Adoption Agencies and Local Authority Adoption Services in England and Wales**



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# Introduction

The values statement below explains the important principles which underpin these standards and the National Adoption Standards.

## Values

- Children are entitled to grow up as part of a loving family which can meet their needs during childhood and beyond.
- It is best for children where possible to be brought up by their own birth family.
- The child's welfare, safety and needs will be at the centre of the adoption process.
- The child's wishes and feelings will be actively sought and fully taken into account at all stages.
- Delays in adoption can have a severe impact on the health and development of children and should be avoided wherever possible.
- Children's ethnic origin, cultural background, religion and language will be fully recognised and positively valued and promoted when decisions are made.
- The particular needs of disabled children will be fully recognised and taken into account when decisions are made.
- The role of adoptive parents in offering a permanent family to a child who cannot live with their birth family will be valued and respected.
- Adoption has lifelong implications for all involved and requires lifelong commitment from many different organisations, professions and individuals who have to work together to meet the needs for services of those affected by adoption.
- Government will work in partnership with local government, other statutory agencies and voluntary adoption agencies to ensure that these standards are delivered.



## National Adoption Standards and National Minimum Standards

The two sets of National Adoption Standards for England<sup>1</sup> and for Wales<sup>2</sup> were written to ensure that looked after children, birth families, prospective/approved adopters and the general public understand what they can expect from the adoption services. Many of the National Adoption Standards restate what is already required either by primary legislation or regulations in which case both local authorities and VAAs must comply with them, or they are otherwise set out in statutory guidance<sup>3</sup>. The remaining National Adoption Standards will become statutory guidance for local authorities from 1 April 2003.

The national minimum standards play a different role in that they help the registration authorities in determining whether the adoption agency is meeting the relevant regulatory requirements (this is set out in more detail on page viii *et seq*). In addition, they will also have other important practical uses. Adoption agencies and their staff may use the standards in the self-assessment of their services, to provide a basis for the induction and training of staff and to provide guidance on what is required when setting up an adoption agency. Those involved with adoption services in any way are encouraged to make full use of these standards.

In inspecting against these standards, the registration authorities will follow a consistent inspection methodology and reporting format across England and Wales.

## Structure and approach

The standards for adoption focus on achievable outcomes for children and young people, prospective/approved adopters and birth families – that is, the impact on the individual of the services provided.

The standards are grouped under a series of key topics:

- statement of purpose
- securing and promoting welfare
- prospective and approved adopters
- birth parents and birth families
- adoption panels and agency decisions
- fitness to provide or manage an adoption agency
- provision and management of an adoption agency
- employment and management of staff
- records

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1 Published August 2001.

2 Issued for consultation November 2001.

3 Statutory guidance issued under section 7 of the Local Authority Social Services Act 1970 applies to local authorities in the course of their social services functions. Section 7 does not apply to VAAs but they should nevertheless consider statutory guidance as good practice.

- fitness of premises
- financial requirements (VAAs only).

Each standard or group of standards is preceded by a statement of the outcome which is to be achieved by the adoption agency. The standards themselves are numbered and the full set of numbered paragraphs must be met in order to achieve compliance with the standards. The standards are intended to be qualitative, in that they provide a tool for judging the quality of life experienced by services users, but they are also designed to be measurable.

Wherever possible, the appropriate regulations<sup>1</sup> associated with a set of standards have been listed under the standards. However, other regulations and/or primary legislation may also be relevant. The note should be taken as a general guide and is not an exhaustive legal reference.

## Context and purpose

These standards, and the regulatory framework within which they operate, are part of a broader Government policy to improve the quality of care received by children and young people looked after by local authorities. A variety of initiatives, for example, the Quality Protects and Choice Protects programmes in England and the Children First programme in Wales, have been launched to promote improvements in children's services.

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<sup>1</sup> The Adoption Agencies Regulations 1983, the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003, the Local Authority Service (England) Regulations 2003 and the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003.



# 1

## Statement of Purpose

### OUTCOME

There is a clear written statement of the aims and objectives of the adoption agency and the adoption agency ensures that it meets those aims and objectives.

## Statement of Purpose

### STANDARD 1

- 1.1 **There is a clear written statement of the aims and objectives of the adoption agency which describes accurately what facilities and services they provide.**
- 1.2 The adoption agency<sup>1</sup> formally approves the statement of purpose, and reviews, updates and modifies it where necessary at least annually.
- 1.3 The statement includes details in respect of the adoption agency of:
  - its status and constitution [**this bullet applies to VAAs only**]
  - its organisation and control of its operation
  - its functions [**this bullet applies to local authorities only**].
- 1.4 The children's guide to adoption is suitable for all children for whom adoption is the plan and is given to the child as soon as that decision has been taken. It includes a summary of what happens at each stage (including at court), and how long each stage is likely to take. If necessary the guide is to be in different formats to meet the needs of different groups of children. The children's guide contains information on how a child can secure access to an independent advocate, how to make a complaint and how to contact the Children's Rights Director or the Children's Commissioner for Wales, as appropriate.

**[Standard 1.4 applies to local authorities only]**

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<sup>1</sup> In the case of a local authority, the Executive side of the council. In the case of a VAA the trustees or management committee members.

- 1.5 (1.4 of NMS for VAAs) Oral or written communications are to be available, when necessary, in a format which is appropriate to the physical, sensory and learning impairments, communication difficulties and language of children, birth parents/guardians, prospective/adoptive parents and staff. Arrangements must be made for those who are unable to understand the document to have it read, translated or explained to them.
- 1.6 (1.5 of NMS for VAAs) The adoption agency's policies, procedures and any written guidance to staff accurately reflect the statement of purpose.
- 1.7 (1.6 of NMS for VAAs) All those working in the adoption agency are aware of the contents of the statement of purpose and a copy is readily available.

[Regulation: The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – *Statement of purpose; Review of statement of purpose*

The Local Authority Adoption Service (England) Regulations 2003 – *Statement of purpose; Children's guide; Review of statement of purpose and children's guide*

The Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 – *Statement of purpose; Children's guide; Review of statement of purpose and children's guide*]

# 2

## Securing and promoting children's welfare

### OUTCOME

The needs and wishes, welfare and safety of the child are at the centre of the adoption process.

### Matching

#### STANDARD 2

- 2.1 **The adoption agency has a written plan for the implementation and evaluation of effective strategies to recruit sufficient adopters to meet the needs of the range of children waiting for adoption locally.**
- 2.2 Children are matched with adopters who best meet their assessed needs. Wherever possible this will be with a family which:
  - a. reflects their ethnic origin, cultural background, religion and language; and
  - b. allows them to live with brothers and sisters unless this will not meet their individually assessed needs.

Where the child cannot be matched with a family which reflects their ethnic origin, cultural background, religion and language, the adoption agency makes every effort to find an alternative suitable family within a realistic timescale to ensure the child is not left waiting indefinitely in the care system. Where children cannot live with a family as set out in (a) and (b) above, a clear explanation will be given to them, having regard to their age and understanding, and be recorded.

- 2.3 In matching children with approved adopters, the adoption agency takes into account the views and feelings of the child as far as these can be ascertained based on his age and understanding, the child's care plan and recent written assessments of the child and his birth family, potential adoptive parents and their children.

[Regulations: Adoption Agencies Regulations 1983 – *Adoption agency's duties in respect of a child and his parents or guardian; Adoption agency's duties in respect of a prospective adopter; Adoption agency's duties in respect of proposed placement*]



# 3

## Prospective and approved adopters

### OUTCOME

The adoption agency recruits and supports sufficient adopters from diverse backgrounds, who can offer children a stable and permanent home to achieve a successful and lasting placement.

### Information

#### STANDARD 3

- 3.1 Plans for recruitment will specify that people who are interested in becoming adoptive parents will be welcomed without prejudice, will be given clear written information about the preparation, assessment and approval procedure and that they will be treated fairly, openly and with respect throughout the adoption process.**
- 3.2 A copy of the written eligibility criteria, information on becoming an adoptive parent and what is expected of adopters is provided on request. Those wishing to adopt from another country are also given information about any law or criteria for adoption which the overseas country has in place that they must operate within. They are informed of the processes that they must follow, the countries they may adopt from, and the eligibility criteria of those countries.
- 3.3 The adoption agency has systems in place to prioritise prospective adopters who are most likely to meet the needs of children waiting for adoptive parents.
- 3.4 Where the adoption agency has a specific eligibility criteria, eg because it has particular religious beliefs, or the prospective adopters do not meet the needs of local children waiting for an adoptive family, the prospective adopter is told what these are at the beginning of the process and, if necessary, is referred to another adoption agency.  
**[Standard 3.4 applies to VAAs only]**
- 3.5 (3.4 of NMS for LA Adoption Services for Wales) Applicants are given information about the preparation and support services available to adopters, and given the opportunity to talk to others who have adopted children.



- 3.6 (3.5 of NMS for LA Adoption Services for Wales) Clear and accurate information is given about children who need families locally, and to the extent that information is available across the country, to help prospective adopters decide whether to proceed further.

## Assessment and preparation

### STANDARD 4

- 4.1 Prospective adopters are involved in a formal, thorough and comprehensive assessment, preparation and approval process.**
- 4.2 There is a clearly set out preparation programme made available to all prospective adopters. Where applicable this also takes into account the particular needs of those who intend to adopt from another country.
- 4.3 All preparation fits within a framework of equal opportunities, anti-discriminatory practice and is organised to encourage and facilitate attendance by prospective adoptive parents, for example by including convenient times and venues.
- 4.4 The effectiveness of preparation received is evaluated and reviewed annually.
- 4.5 Where the prospective adopters are already foster carers of the child they wish to adopt, they are entitled to the same information and preparation as other prospective adopters.
- 4.6 Applicants are considered in terms of their capacity to look after children in a safe and responsible way that meets their development needs.
- 4.7 Prospective adopters are prepared to become adoptive parent/s in a sensitive way which addresses the issues they are likely to encounter and identifies the competencies and strengths they have or will need to develop.
- 4.8 Status, health and enhanced Criminal Record Bureau (CRB) checks, personal references and enquiries are undertaken about prospective adopters and enhanced CRB checks are undertaken on members of their household aged 18 or over and an explanation is given to prospective adopters as to why the checks are undertaken.
- 4.9 Prospective adopters are kept informed of progress throughout.

## Matching

### STANDARD 5

- 5.1 Approved adopters are given clear written information about the matching, introduction and placement process, as well as any support to facilitate this that they may need. This will include the role of the Adoption Register for England and Wales.**

- 5.2 Before a match is agreed, adopters are given accurate, up-to-date and full written information to help them understand the needs and background of the child and an opportunity to discuss this and the implications for them and their family.
- 5.3 The adoption agency has a system in place to:
- ask adoptive parents whether they are prepared to agree to notify the adoption agency if their adopted child dies during childhood or soon afterwards;
  - explain the importance for the birth family of having this information; and
  - pass on the information to the birth parents if they wish to have it.
- Written records are kept of the adoptive parents' decision and subsequent action.
- 5.4 Clear and appropriate information is obtained for the child from the prospective adopters about themselves and their home and when applicable, their children, family and pets.

## Adoptive Parents – support

### STANDARD 6

- 6.1 Adoptive parents are helped and supported to provide stable and permanent homes for the children placed with them.**
- 6.2 The adoption agency has a clear strategy for working with and supporting adopters. This includes preparing them in advance of the child coming to live with them.
- 6.3 The adoption agency has arrangements in place to offer information, support and advice to prospective adopters who receive a proposed match with a child from an overseas authority.
- 6.4 The adoption agency clearly explains to the adoptive parents the importance of keeping safe any information provided by birth families via agencies and encourages them to provide this to the adopted child on request, or as they feel appropriate.
- 6.5 The adoption agency helps the adopters to understand the need for, and to develop, strategies to help the child address racism or other forms of discrimination.
- 6.6 The adoption agency clearly explains to the adoptive parents that to help the child develop and maintain a positive self-identity, they need to help and encourage the child to reflect on and understand her/his history, according to the child's age and ability, and to keep appropriate memorabilia.
- 6.7 Where there are difficulties in the placement or the adoption disrupts the adoption agencies involved co-operate to provide information and support to the adopters and to the child.

[Regulations: Adoption Agencies Regulations 1983 – *Adoption agency's duties in respect of a prospective adopter; Criminal convictions of a prospective adopter; Adoption agency's duties in respect of proposed placement; Placement for adoption*]



# 4

## Birth Parents and Birth families

### OUTCOME

Birth parents are entitled to services that recognise the lifelong implications of adoption. They will be treated fairly, openly and with respect throughout the adoption process.

### Involvement in adoption plans

#### STANDARD 7

- 7.1 **The service to birth parents recognises the lifelong implications of adoption.**
- 7.2 The adoption agency works with birth parents to enable effective plans to be made and implemented for their child(ren).
- 7.3 Birth parents' views about adoption and contact are clearly recorded.
- 7.4 Birth parents will have access to a support worker independent of the child's social worker from the time adoption is identified as the plan for the child.  
**[Standard 7.4 applies to local authorities only]**
- 7.5 **(7.4 of NMS for VAAs)** Birth parents see and have the opportunity to comment on what is written about them or their circumstances before information is passed to the adoption panel or to adopters.

### Maintaining the child's heritage

#### STANDARD 8

- 8.1 **Birth parents and birth families are enabled to contribute to the maintenance of their child's heritage.**
- 8.2 Efforts are made to obtain for the child clear and appropriate information from the birth parents and birth families about themselves and life before the child's adoption. This will include information about the child's birth and early life, the birth family's view about adoption and contact and provide up-to-date information about themselves and their situation.

## Support

### STANDARD 9

- 9.1 The adoption agency has a clear strategy for working with and supporting birth parents and birth families (including siblings) both before and after adoption. This includes providing information about local and national support groups and services and helping birth parents to fulfil agreed plans for contact.**

[Regulations: Adoption Agencies Regulations 1983 – *Adoption agency's duties in respect of a child and his parents or guardian*]

# 5

## Adoption Panels and Agency decisions

### OUTCOME

1. Each adoption agency has an adoption panel which is organised efficiently and is effective in making quality and appropriate recommendations about children suitable for adoption, the suitability of prospective adopters and the matching of children and approved adopters.
2. The adoption agency's decisions are made to promote and safeguard the welfare of children.

### Functions of Adoption Panels

#### STANDARD 10

- 10.1 **Adoption panels have clear written policies and procedures about the handling of their functions and ensure that they are implemented.**
- 10.2 The policies and procedures should include the following though this is not an exhaustive list:
  - the appointment of the chair and vice-chair of the panel
  - dealing with ineffective or disruptive behaviour and attitudes
  - declaring an interest in a case under consideration
  - the rules for ensuring the panel is quorate
  - decision-making when members of the panel are not in agreement
  - emergency procedures for the adoption panel to meet before the next planned meeting to deal with urgent placements
  - the method of providing feedback to the agency on the quality of cases being presented to the panel
  - promotion of good practice and consistency of approach and fairness by panel members in assessing cases and
  - for receiving progress reports on individual cases.
- 10.3 Prospective adopters are given the opportunity to attend the adoption panel and be heard.

## Constitution and membership

### STANDARD 11

- 11.1 The adoption agency shall ensure that each adoption panel is properly constituted, that panel members have suitable qualities and experience to be a panel member and have regular training to allow them to keep up to date with changes in legislation, guidance and practice. Where the adoption agency is involved in intercountry adoption, each member of the adoption panel understands the implications of a child being adopted from overseas and seeks advice, when necessary, on the laws and eligibility criteria for the overseas country.**
- 11.2 The adoption agency will provide each new panel member with an opportunity of observing an adoption panel.
- 11.3 (VAAs and local authorities in England only) No panel member is allowed to begin work until any relevant CRB and all status checks have been satisfactorily completed and they have signed a confidentiality agreement.
- 11.3 (local authorities in Wales only) No panel member is allowed to begin work until they have signed a confidentiality agreement.
- 11.4 The adoption agency has systems in place to ensure:
- each panel member is given induction training which is completed within 10 weeks of becoming a panel member
  - there is an annual joint training day with the agency's adoption staff
  - members have access to appropriate training and skills development
  - members are kept abreast of relevant changes to legislation, regulation and guidance and
  - members receive training in the basic principles of the law and eligibility criteria for overseas adoption, where the voluntary adoption agency provides an intercountry adoption service.

## Timeliness

### STANDARD 12

- 12.1 Adoption panels are efficiently organised and conducted and are convened regularly to avoid any delays in the consideration of prospective adopters and matching children and adopters.**
- 12.2 Members of the adoption panel receive all the necessary information on the prospective/approved adopters and children in advance of the date the adoption panel will consider the cases.

- 12.3 The minutes of panel meetings are accurate and informative, and clearly state the panel's discussion, reasons for conclusions reached, and all recommendations made.

## Agency's decision

### STANDARD 13

- 13.1 The adoption agency's decision is made without delay after taking into account the recommendation of the adoption panel and promotes and safeguards the welfare of the child.**
- 13.2 The decision-maker takes into account all the information surrounding the case and the panel's recommendation before making a considered and professional decision.
- 13.3 The adoption agency has arrangements to convey its decision, orally to the child, and in writing to the parents or guardian of the child and prospective/approved adopters, as appropriate.

*[Regulation: Adoption Agencies Regulations 1983 – Establishment of adoption panel and appointment of members; Tenure of office of members; Adoption agency arrangements for adoption work; Adoption panel functions; Adoption agency decisions and notifications; Adoption agency decisions and notifications – prospective adopters]*





# 6

## Fitness to provide or manage an adoption agency

### OUTCOME

The adoption agency is provided and managed by those with the appropriate skills and experience to do so efficiently and effectively and by those who are suitable to work with children.

### Skills to carry on or manage

#### STANDARD 14

##### 14.1 The people involved in carrying on and managing the adoption agency:

- **possess the necessary knowledge and experience of child care and adoption law and practice;**
- **have management skills and financial expertise to manage the work efficiently and effectively; and**
- **ensure that it is run on a sound financial basis and in a professional manner.**

##### 14.2 The manager has:

- a professional qualification relevant to working in a child care setting, which must be either Care NVQ level 4, DipSW or professional social work equivalent;
- by 1 April 2005, a qualification at level 4 NVQ in management or another qualification which matches the competencies required by the NVQ Level 4; and
- by 1 April 2005 at least two years' experience of working in a child care setting, which may include managing a voluntary adoption agency or a local authority adoption service, within the past five years.

##### 14.3 For the transitional period in relation to management qualifications, appointees to the post of manager who have no such qualifications begin appropriate management training within six months of appointment.

##### 14.4 The manager of a branch has:

- a professional qualification relevant to working with children, which must be either Care NVQ level 4, DipSW or professional equivalent; and
- by 1 April 2005 at least two years' experience of working in a child care setting,

which may include managing a branch of a voluntary adoption agency or a local authority adoption service, within the past five years.

**[Standard 14.4 applies to VAAs only]**

- 14.5 (14.4 of NMS for LA Adoption Services for Wales) The manager exercises effective leadership of the staff and operation, such that the adoption agency is organised, managed and staffed in a manner that delivers the best possible child care.
- 14.6 (14.5 of NMS for LA Adoption Services for Wales) The manager has a clear written job description which sets out the duties, responsibilities and level of delegation of the manager in managing the adoption agency, and states the person to whom the manager is accountable and who is responsible for ensuring that the manager carries out their duties and responsibilities. Any change in the person to whom they are accountable must be notified in writing to the manager.

## Suitability to carry on or manage

### STANDARD 15

- 15.1 Any persons carrying on or managing the adoption agency are suitable people to run a voluntary organisation or business concerned with safeguarding and promoting the welfare of children.**
- 15.2 For the references set out in the regulations<sup>1</sup>, telephone enquiries are made to each referee to verify the written references.
- 15.3 The manager must have a satisfactory enhanced disclosure from the CRB.
- 15.4 CRB checks are renewed every three years.

[Regulations: The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – *Fitness of registered provider; Appointment of manager and branch manager; Fitness of manager and branch manager; Registered provider, manager and branch manager – general requirements; Notification of offences; Notice of absence; Notice of changes*

The Local Authority Adoption Service (England) Regulations 2003 – *Appointment of manager; Fitness of manager; General Requirements; Notification of offences; Arrangements for absence of manager*

The Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 – *Appointment of manager; Fitness of manager; General Requirements; Notification of offences]*

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<sup>1</sup> Schedule 2 of the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003; Schedule 3 of the Local Authority Adoption Service (England) Regulations 2003; Schedule 3 of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003

# 7

## Provision and management of the adoption agency

### OUTCOME

The adoption agency is organised and managed efficiently, delivering a good quality service and avoiding confusion and conflicts of role.

### Managing effectively and efficiently

#### STANDARD 16

- 16.1 The adoption agency is managed effectively and efficiently.**
- 16.2 The adoption agency ensures that it is run in accordance with its Statement of Purpose.
- 16.3 Clear arrangements are in place to identify the person in charge when the manager is absent.
- 16.4 There are clear roles for managers and staff and well established lines of communication and of accountability between manager and staff.
- 16.5 The adoption agency informs managers and staff of their responsibility to declare any possible conflicts of interest.
- 16.6 The adoption agency ensures that systems are in place which ensure that staff who work with children, prospective/approved adopters and birth parents, take into account and respect their racial origin, religion, culture, language, sexuality, gender and disability; for prospective adopters, their familiarity with adoption; and for birth parents their experience and understanding of adoption.
- 16.7 The adoption agency has clear and concise written procedures that cover arrangements for the use of services provided by the Adoption Register for England and Wales. This includes the provision of full and accurate information to the Register about:
- children who have a best interest decision in favour of adoption and, where care proceedings, where applicable, have been completed; and
  - approved prospective adopters waiting for the identification of a child/ren.

## Monitoring and controlling

### STANDARD 17

- 17.1 There are clear written procedures for monitoring and controlling the activities of the adoption agency and ensuring quality performance.**
- 17.2 Information is provided to purchasers of services and others with a legitimate interest. This includes:
- charges for each of its services;
  - statement of any amounts paid to adopters; and
  - itemised amounts paid for services.
- 17.3 The executive side of the council and the voluntary adoption agency's trustees or management committee members:
- satisfy themselves that the adoption agency is effective and achieves good outcomes for children;
  - receive written reports on the management and outcomes of the services of the adoption agency frequently to be able to monitor progress. For local authorities in England and VAAs in England and Wales the reports should be received every six months; and
  - for the VAA, all conditions of registration imposed on the adoption agency are met.

## Specialist Advisers

### STANDARD 18

- 18.1 The adoption agency has access to specialist advisers and services appropriate to its needs.**
- 18.2 There is a medical adviser available for consultation by staff and as a member of the adoption panel. The medical adviser can access specialist medical advice on behalf of the adoption agency.
- 18.3 There is a legal adviser available for consultation by staff and the adoption panel.
- 18.4 The adoption agency has procedures in place to access other specialisms according to its needs. This includes issues of race and culture, and specialist advice associated with adopting from another country.
- 18.5 There is a written protocol governing the role of specialist advisers, who should be suitably qualified and where applicable registered by the appropriate professional body.

[Regulations: The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – *Statement of Purpose; Fitness of registered provider; Appointment of manager and branch manager; Fitness of manager and branch manager; Registered provider, manager and branch manager – general requirements*

The Local Authority Adoption Service (England) Regulations 2003 – *Statement of Purpose; Appointment of manager; Fitness of manager; General Requirements*

The Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 – *Statement of Purpose; Appointment of manager; Fitness of manager; General Requirements; Arrangements for the protection of children]*



# 8

## Employment and management of staff

### OUTCOME

The people who work in the adoption agency are suitable to work with children and young people and they are managed, trained and supported in such a way as to ensure the best possible outcomes for children waiting to be adopted or who have been adopted. The number of staff and their range of qualifications and experience are sufficient to achieve the purposes and functions of the adoption agency.

### Suitability to work with children

#### STANDARD 19

- 19.1 Any one working in or for the adoption agency are suitable to work with children and young people and to safeguard and promote their welfare.**
- 19.2 There are clear written recruitment and selection procedures for appointing staff which follow good practice in safeguarding children and young people. All personnel responsible for recruitment and selection of staff are trained in, understand and operate these.
- 19.3 All people working in or for the adoption agency are interviewed as part of the selection process and have written references checked to assess suitability before taking up their duties. Telephone enquiries are made to each referee to verify the written references.
- 19.4 All people working for the adoption agency, including those who wish to work on a temporary, sessional or voluntary basis have a satisfactory standard or enhanced disclosure, as appropriate, from the CRB.
- 19.5 No person is allowed to begin work until written confirmation has been received that the outcomes of all status, CRB and reference checks are satisfactory.
- 19.6 CRB checks for current staff which need to be updated because it is 3 years or more since the check was last carried out, remain effective for a further 12 months from the date the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 and the Local Authority Adoption Service (England) Regulations 2003 came into force.



## Qualifications

### Social Workers

- 19.7 All social workers have a DipSW or equivalent professional social work qualification and have a good understanding of adoption.
- 19.8 By 1 April 2006 at least 20% of the adoption agency's social workers should have or be in the course of obtaining the Post Qualifying Child Care Award.
- 19.9 Social workers have appropriate knowledge and skills. These include:
- an understanding of: the Adoption Act 1976, the Adoption and Children Act 2002, the Adoption (Intercountry Aspects) Act 1999 and adoption regulations and guidance, relevant national policies and procedures, the Children Act 1989, the Children Act regulations and guidance, Working Together to Safeguard Children and associated child protection guidance, the Framework for the Assessment of Children in Need and their Families, the Integrated Children's System; the regulatory requirements under the Care Standards Act 2000, the UN Convention of the Rights of the Child and the Human Rights Act 1998;
  - capacity to assess prospective adopters;
  - knowledge of the growth and development of children and the effect of neglect, abuse and loss;
  - an ability to communicate with children and young people;
  - understanding the importance of a complaint procedure;
  - an ability to promote equality, diversity and the rights of individuals and groups; and
  - knowledge of the roles of other agencies, in particular health and education.
- 19.10 Social workers undertaking the assessment of adoptive parents for children, have experience of adoption and family placement work and are trained and experienced in assessment. Students and others who do not meet this requirement may carry out assessments under the supervision of someone who does, and who takes responsibility for the assessments.
- 19.11 Birth records counselling under section 51 of the Adoption Act 1976 is provided by workers who are trained and experienced in this type of counselling and have a thorough understanding of the legislation surrounding access to birth records and the impact of reunion on all parties.

### Other Professional staff

- 19.12 All medical advisers, educationalists, psychologists, therapists and other professional staff are professionally qualified and appropriately trained to work with children and young people, their families and adoptive parents, and have a good understanding of adoption.

## Other staff

- 19.13 Where unqualified staff carry out social work functions they do so under the direct supervision of qualified social workers, who are accountable for, and check, all their work.
- 19.14 Any support workers involved with birth parents have knowledge and understanding of the adoption process and whose work is supervised by a social worker.

## Organisation and management of staff

### STANDARD 20

- 20.1 Staff are organised and managed in a way which delivers an efficient and effective service.**
- 20.2 Staff are managed and monitored by people who have appropriate skills and qualifications.
- 20.3 The level of management delegation and responsibility are clearly defined and are appropriate for the skills, qualifications and experience of the relevant members of staff.
- 20.4 The adoption agency has systems in place to determine, prioritise and monitor workloads and assign tasks to appropriate staff.
- 20.5 There are structures and systems in place to ensure assessments and approvals of prospective adopters are managed and implemented effectively.
- 20.6 Professional supervision and consultation are provided regularly for social workers by appropriately qualified and experienced staff.
- 20.7 Staff are supported to undertake on-going training and appropriate professional and skills development.
- 20.8 The adoption agency has an adequate level of clerical and administrative support, office equipment, and infrastructure to enable staff to carry out their duties in an efficient and effective manner.
- 20.9 Administrative procedures are appropriate for dealing promptly and courteously with enquiries from prospective adopters.
- 20.10 There is access to the range of advice needed to provide a full service for children and young people and to support prospective/approved adopters. This includes appropriate childcare, medical, educational and other professional and legal advice.
- 20.11 All employees, sessional workers and consultants are provided with appropriate written contracts, job descriptions and conditions of service which comply with the General Social Care Council (England) (GSCC) or Care Council for Wales (CCW) code of practice.

- 20.12 Staff have a copy of the:
- statement of purpose;
  - policies and working practices in respect of grievances and disciplinary matters;
  - services offered;
  - equal opportunities policy;
  - health and safety procedures;
  - complaint procedure;
  - GSCC's or CCW's Code of Practice.

## Sufficient staff with the right skills/experience

### STANDARD 21

- 21.1 There is an adequate number of sufficiently experienced and qualified staff to meet the needs of the adoption agency and they are appropriately supported and assisted in providing a service.**
- 21.2 The full time equivalent staffing complement, in terms of numbers, grades, experience and qualifications, is adequate to meet, at all times, the needs of the adoption agency and is in line with the Statement of Purpose.
- 21.3 Where a shortfall in staffing levels occurs, there are contingency plans to resolve the situation in the short and long term.
- 21.4 Staff policies encourage retention of salaried staff – including flexible working conditions, training, regular supervision, study leave, clear workloads and terms and conditions – by providing support, training and services.

## Fair and competent employer

### STANDARD 22

- 22.1 The adoption agency is a fair and competent employer, with sound employment practices and good support for its staff.**
- 22.2 The adoption agency has a public liability and professional indemnity insurance for all staff. The insurance policy covers costs arising as a result of child abuse claims against any staff.
- [Standard 22.2 applies to VAAs only]**
- 22.3 (22.2 of NMS for LA Adoption Services for Wales) There is a written whistleblowing policy which is made known to all staff.

## Training

### STANDARD 23

- 23.1 There is a good quality training programme to enhance individual skills and to keep staff up-to-date with professional and legal developments.**
- 23.2 There is a clear plan for the on-going training and appropriate professional and skills development of all staff involved in child care and adoption work through induction, NVQ training for non-social workers, post-qualifying and in-service training. All new staff are given induction training commencing within seven days of starting their employment and being completed within six weeks linked to TOPSS Induction Standards in England and, in Wales, within ten weeks in line with the induction framework produced by the CCW.
- 23.3 There is an appraisal or joint review scheme which identifies the training and development needs of all staff involved in adoption work. Individual programmes of training are available, outcomes are monitored and linked to assessment of staff needs, and relate to the tasks assigned to them.
- 23.4 The adoption agency keeps all staff abreast of any changes in legislation, guidance and case law relevant to their job and gives them the opportunity to attend regular staff and team meetings and discuss current practice.
- 23.5 The effectiveness of training programmes for staff is routinely evaluated and training programmes are reviewed and updated at least annually.
- 23.6 Training programmes reflect the policies and legal obligations of the adoption agency.

## Right to make a complaint

[Standard 24 applies to VAAs only]

### STANDARD 24

- 24.1 Complaints are resolved quickly and handled in a sensitive, thorough and non-biased manner.**
- 24.2 The adoption agency will advise staff, others involved with the adoption agency, those in receipt of a service or those who have been refused a service, about their right to make a complaint. Procedures are in place to help children to make a complaint if this is required.
- 24.3 The written complaint procedure is provided to all staff and is readily available on request.
- 24.4 The complaints procedure:
- includes information on how to make a complaint;
  - does not restrict the issues that may be complained about;

- specifies how complaints will be handled;
  - provides information on other avenues for complaint, where appropriate, the right and means for all concerned to access the complaints procedure of local authorities, the NCSC's Children's Rights Director, the Care Standards Inspectorate for Wales, the National Commissioner for Local Administration and the Children's Commissioner for Wales;
  - is accessible to the disabled and to those with sensory and learning impairments and to those whose first language is not English.
- 24.5 Any complaint is addressed seriously and without delay.
- 24.6 All staff receive training in the complaints procedures covering the following areas:
- what constitutes a complaint;
  - the procedure for dealing with a complaint and how this is recorded;
  - to whom a complaint may be made outside the adoption agency;
  - the procedure to be followed should a complaint not be resolved promptly by informal means, including who should be notified and the keeping of records; and
  - how a child can be assisted in making a complaint.
- 24.7 The adoption agency maintains a complete record of all complaints made and how they are dealt with, including the outcome.
- 24.8 The adoption agency reviews the records at least annually to check satisfactory operation of the complaint procedure, to identify any patterns of complaint and action taken on individual complaints.
- 24.9 The adoption agency takes appropriate action from such review in relation to its policies and practices, as well as taking any necessary further follow up action in relation to individual cases. A written record is made of action taken.

[Regulations: The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – *Staffing of agency; Fitness of workers; Employment of staff; Staff disciplinary procedure; Complaints; Complaints – further requirements*

The Local Authority Adoption Service (England) Regulations 2003 – *Staffing of agency; Fitness of workers; Employment of staff; Staff disciplinary procedure*

The Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 – *Staffing; Fitness of workers; Employment of staff; Staff disciplinary procedure*]

# 9

## Records

In meeting these standards in relation to record keeping, it may well be that the local authority's adoption services maintain some of the records elsewhere within the social services department, eg personnel records for members of staff. Nothing in these standards require two separate parts of the social services department to maintain duplicate sets of records as long as all appropriate personnel have access to the records.

### OUTCOME

All appropriate records are maintained securely, kept and are accessible when required.

## Case records for children and prospective/approved adopters

### STANDARD 25

- 25.1 (24.1 of NMS for LA Adoption Services for Wales) **The adoption agency ensures comprehensive and accurate case records are maintained for each child, prospective and approved adopters with whom the adoption agency has worked.**
- 25.2 (24.2 of NMS for LA Adoption Services for Wales) The adoption agency has written policy and procedural instructions to:
- cover arrangements for maintaining the confidentiality of adoption information and the adoption case records and their indexes; and
  - ensure manual/computerised indexes and case records for children and prospective/approved adopters are securely stored to minimise the risk of damage from fire or water.

Staff, panel members and specialist advisers understand the instructions and compliance is monitored.

- 25.3 (24.3 of NMS for LA Adoption Services for Wales) Records are kept of status, health and CRB checks, enquiries and written references that have been obtained for adopters and CRB checks that have been obtained for adults aged 18 or over living in their household, and their outcomes.

- 25.4 (24.4 of NMS for LA Adoption Services for Wales) The system for keeping records is congruent with the Looking After Children System/Integrated Children's System.
- 25.5 (24.5 of NMS for LA Adoption Services for Wales) Decisions by supervisors are recorded on case files and are legible, clearly expressed, signed and dated.

## Access to records

### STANDARD 26

- 26.1 **(25.1 of NMS for LA Adoption Services for Wales) The adoption agency provides all relevant information from its case files, in a timely way, to other adoption agencies and local authorities with whom it is working to effect the placement of a child.**
- 26.2 (25.2 of NMS for LA Adoption Services for Wales) The adoption agency has a written policy and procedural instructions which takes into account the requirements of the Data Protection Act 1998 and the Human Rights Act 1998 and covers:
- arrangements for authorising access to the adoption case records and their indexes, and for authorising the disclosure of adoption information;
  - the circumstances where it might wish to make records or information available under the Adoption Agencies Regulations 1983, both within and outside the agency, for the purposes of its functions as an adoption agency;
  - how staff should deal with requests for such access or disclosure and who are empowered to authorise them;
  - the requirement that before the adoption agency may make case records or information available, a written agreement must be obtained from the person to whom the adoption agency wishes to disclose the case records or information that they will keep them confidential. This requirement does not cover the child or adopter but does cover anyone else within or outside the adoption agency, including the adoption agency's own members and employees, and members of its adoption panel.

## Administrative records

### STANDARD 27

- 27.1 **(26.1 of NMS for LA Adoption Services for Wales) There is a written policy on case recording which establishes the purpose, format, confidentiality and contents of files, including secure storage and access to case files in line with regulations.**
- 27.2 (26.2 of NMS for LA Adoption Services for Wales) Separate records are kept for:
- staff, employed and independent/sessional, and students;
  - complaints
  - allegations.

- 27.3 (26.3 of NMS for LA Adoption Services for Wales) There is a system to monitor the quality and adequacy of records, and remedial action is taken when necessary.
- 27.4 (26.4 of NMS for LA Adoption Services for Wales) Confidential records are stored securely at all times and there is a clear written policy on access.
- 27.5 (26.5 of NMS for LA Adoption Services for Wales) Written entries in records are legible, clearly expressed, non-stigmatising, distinguish between fact, opinion and third party information and are signed and dated.
- 27.6 There is a system for keeping records of all complaints made and for handling these confidentially and securely. Records of complaints and allegations are clearly recorded on the relevant files for staff, prospective/approved adopters, birth parents, birth family and children – including details of the investigation, conclusion reached and action taken. Separate records are also kept which bring together data on allegations and on complaints.

**[Standard 27.6 applies to VAAs only]**

## Personnel files for members of staff and members of adoption panels

### STANDARD 28

- 28.1 (27.1 of NMS for LA Adoption Services for Wales) **Up-to-date, comprehensive personnel files are maintained for each member of staff and member of the adoption panel.**
- 28.2 (27.2 of NMS for LA Adoption Services for Wales) Records are kept of:
- qualifications;
  - status and CRB checks (where required), enquiries and references that have been obtained and their outcomes;
  - experience of working in a child care setting;
  - training undertaken;
  - complaints made against a member of staff or a member of the adoption panel;
  - disciplinary action.

CRB checks are renewed every three years.

[Regulations: Adoption Agencies Regulations 1983 – *Adoption agency's duties in respect of a child and his parents or guardian; Adoption agency's duties in respect of a prospective adopter; Confidentiality and preservation of case records; Access to case records and disclosure of information; Transfer of case records*

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – *Records with respect to staff.*



The Local Authority Adoption Service (England) Regulations 2003 – *Records with respect to staff*

The Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 – *Records with respect to staff*]

# 10

## Fitness of Premises

### OUTCOME

The premises used by the adoption agency are suitable for the purpose.

### Premises

#### STANDARD 29

- 29.1 (28.1 of NMS for LA Adoption Services for Wales) Premises used by the adoption agency are appropriate for the purpose.**
- 29.2 (28.2 of NMS for LA Adoption Services for Wales) There are identifiable office premises to which staff and others with a legitimate interest have access during normal office hours.
- 29.3 (28.3 of NMS for LA Adoption Services for Wales) There are efficient and robust administrative systems, including IT and communication systems. Premises have:
- facilities for the secure retention of records in a lockable room
  - appropriate measures to safeguard IT systems and
  - an appropriate security system.
- 29.4 (28.4 of NMS for LA Adoption Services for Wales) The premises and its contents are adequately insured (or there are alternative prompt methods of replacing lost items).
- 29.5 (28.5 of NMS for LA Adoption Services for Wales) The adoption agency has a Disaster Recovery Plan which will include both provision of premises and safeguarding/back-up of records.

[Regulation: The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – *Fitness of premises*

The Local Authority Adoption Service (England) Regulations 2003 – *Fitness of premises*

The Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 – *Fitness of premises*]



# 11

## Financial Requirements

[Standards 30 and 31 apply to VAAs only]

### OUTCOME

The Voluntary Adoption Agency is non-profit making and is financially viable.

### Financial viability

#### STANDARD 30

- 30.1 The adoption agency ensures it is financially viable at all times and has sufficient financial resources to fulfil its obligations.**
- 30.2 Procedures exist to deal with situations of financial crisis. This may include disclosing information to purchasers and liaising with them to safeguard the welfare of children receiving services through the adoption agency.

### Financial processes

#### STANDARD 31

- 31.1 The financial processes/systems are properly operated and maintained in accordance with sound and appropriate accounting standards and practice.**
- 31.2 The adoption agency has clearly documented financial arrangements for control and supervision of its financial affairs and powers.
- 31.3 The adoption agency has a clearly written set of principles and standards:
- governing its financial management; and
  - describing the financial procedures and responsibilities to be followed by the manager, staff, consultants, professional experts, directors and trustees;
- which are communicated to its managers and accountants.
- 31.4 The adoption agency's accounts are maintained and properly audited.

31.5 The adoption agency's trustees or management committee members regularly receive written information on the financial state of the adoption agency.

[Regulations: The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – *Financial position; Appointment of liquidators etc; Notice of changes*]

# Appendices



## Appendix A

# Glossary

This glossary is intended to be of general assistance to the reader in interpreting this document. The definitions provided do not affect any meaning that a term may have under any relevant legislation.

### **Advocate**

A person assisting a child in putting forward their views or making their case on their behalf.

### **Adoption agency**

A voluntary adoption agency registered by the National Care Standards Commission or the National Assembly for Wales. See below for full definition of a VAA. A local authority's adoption service may also be referred to as an adoption agency.

### **Care plan**

An agreed plan for looking after a child and meeting that child's current and future needs, made by the placing authority under the Children Act 1989.

### **CRB – Criminal Records Bureau**

A national organisation conducting police checks. This assists assessments to be made of the suitability of a person to work with children. Different levels of check are available depending on the amount of contact and supervisory responsibility for children.

### **Induction**

Initial training or guidance given at the start of involvement with an adoption agency.

### **Job Description**

A written, agreed and up to date statement of the main tasks and responsibilities of a staff member's job within the adoption service, including overall definition of their role and the person to whom they are accountable.



### **Local authority adoption service**

The service that each local authority is required to establish and maintain within their area under section 1(1) of the Adoption Act 1976.

### **Placement**

The placing of a child to live with particular adoptive parents.

### **Preparation**

Preparation of prospective adopters – used to cover all elements of education and training in advance of the adoption agency’s decision regarding suitability to adopt.

### **Policy**

An operational statement of intent which helps staff make sound decisions and take actions which are legal, consistent with the aims of the adoption agency, and in the best interests of children and young people.

### **Procedure**

The steps taken to fulfil a policy.

### **Staff**

Person working in the local authority or VAA or on behalf of the local authority or VAA, whether paid or voluntary, full-time or part-time, casual, agency or contract.

### **VAA – voluntary adoption agency**

A VAA:

- is an incorporated body;
- does not operate for profit;
- has its principal office in England or Wales;
- has its branches in England and/or Wales;
- is registered as a VAA by either the NCSC or the Assembly, depending on the location of its principal office; and
- once registered as an adoption agency, may make arrangements for the purposes of adoption of children subject to its conditions of registration.

### **Welfare**

Meeting each individual child’s reasonable physical, security, personal, emotional, and spiritual needs, providing support and guidance as needed, and enabling the child’s development for the future and fulfilment in the present, taking into account the child’s age, characteristics and wishes.

## Appendix B

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**The Local Authority Adoption  
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2003**

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Service and Miscellaneous  
Amendments (Wales)  
Regulations 2003**



**2003 No. 367**

**CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES**

**SOCIAL CARE, ENGLAND AND WALES**

**The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003**

*Made - - - - 25th February 2003*

*Laid before Parliament 28th February 2003*

*Coming into force 30th April 2003*

**ARRANGEMENT OF REGULATIONS**

**PART I**

**GENERAL**

1. Citation, commencement and interpretation
2. Application for registration under Part II of the Act
3. Statement of purpose
4. Review of statement of purpose

**PART II**

**REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS**

5. Fitness of registered provider
6. Appointment of manager and branch manager
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**PART III**

**CONDUCT OF AGENCIES**

10. Arrangements for the protection of children
11. Complaints
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#### PART IV

#### MISCELLANEOUS — AGENCIES

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#### SCHEDULES

1. Information to be included in the statement of purpose
2. Information required in respect of the responsible individual or persons seeking to manage or work for the purposes of an agency
3. Records to be kept in relation to each person working for the purposes of the agency
4. Events and notifications

The Secretary of State, and the National Assembly for Wales, acting jointly, in the exercise of the powers conferred on them by sections 9(2) and (2A) and 67(5) of the Adoption Act 1976(a) and sections 16(2), 34(1) and 118(5) and (6) of the Care Standards Act 2000(b) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

#### PART I

#### GENERAL

#### **Citation, commencement and interpretation**

1.—(1) These Regulations may be cited as the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 and shall come into force on 30th April 2003.

(2) In these Regulations—

“the Act” means the Care Standards Act 2000;

“agency” means an appropriate voluntary organisation(c);

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- (a) 1976 c.36. Section 9(2) of the Adoption Act 1976 (“the 1976 Act”) was amended by section 116 of, and paragraph 5(6)(a) of Schedule 4 to, the Care Standards Act 2000 (“the Act”). Section 9(2A) of the 1976 Act was inserted by section 116 of, and paragraph 5(6)(b) of Schedule 4 to, the Act. These powers are exercisable by the appropriate Minister, who is defined in section 9(5) of the 1976 Act, in relation to England, as the Secretary of State and in relation to Wales as the National Assembly for Wales and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. Section 9(5) of the 1976 Act was inserted by section 139(2) of, and paragraph 4(1)(b) of Schedule 4 to, the Adoption and Children Act 2002 c.38 (“the 2002 Act”).
- (b) 2000 c.14. These powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the Act, in relation to England, Scotland or Northern Ireland, as the Secretary of State, in relation to Wales as the National Assembly for Wales and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. “Prescribed” and “regulations” are defined in section 121(1) of the Act.
- (c) By virtue of section 1(5) of the 1976 Act, inserted by section 116 of, and paragraph 5(2)(b) of Schedule 4 to, the Act, “appropriate voluntary organisation” is defined as a voluntary organisation which is an adoption society in respect of which a person is registered under Part II of the Act. Part II of the Act makes provision for registration of certain establishments and agencies, including voluntary adoption agencies. By section 4(7) of the Act, “voluntary adoption agency” is defined as an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act.

“branch manager” shall be construed in accordance with regulation 6(1)(b);  
“complaints procedure” shall be construed in accordance with regulation 11(1);  
“guardian” has the meaning given to it in section 5 of the Children Act 1989(a);  
“manager” shall be construed in accordance with regulation 6(1)(a);  
“organisation” means a body corporate other than a public or local authority the activities of which are not carried on for profit;  
“registered provider” means, in relation to an agency, a person who is registered under Part II of the Act as the person carrying on the agency(b);  
“registration authority” means, in relation to an agency, the registration authority which may exercise, in relation to that agency, functions to which section 36A of the Act applies(c);  
“responsible individual” shall be construed in accordance with regulation 5(2);  
“statement of purpose” means the written statement compiled in accordance with regulation 3(1).

(3) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

#### **Application for registration under Part II of the Act**

2. No application for registration under Part II of the Act shall be made in respect of a voluntary adoption agency which is an unincorporated body.

#### **Statement of purpose**

3.—(1) The registered provider and the manager shall compile in relation to the agency a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered provider and the manager shall provide a copy of the statement of purpose to the registration authority and—

- (a) if the registration authority is the Commission and the agency has a branch in Wales, to the Assembly;
- (b) if the registration authority is the Assembly and the agency has a branch in England, to the Commission.

(3) The registered provider and the manager shall make a copy of the statement of purpose available, upon request, for inspection by—

- (a) any person working for the purposes of the agency;
- (b) children who may be adopted, their parents and guardians;
- (c) persons wishing to adopt a child;
- (d) adopted persons, their parents, natural parents and former guardians;
- (e) any local authority.

(4) Subject to paragraph (5), the registered provider and the manager shall ensure that the agency is at all times conducted in a manner which is consistent with its statement of purpose.

(5) Nothing in paragraph (4) shall require or authorise the registered provider, the manager or the branch manager (if any), to contravene, or not comply with—

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(a) 1989 c.41.

(b) By virtue of section 121(4) of the Act the person who carries on the agency is the voluntary organisation itself.

(c) By virtue of sections 5 and 36A of the Act (inserted by section 16 of the 2002 Act) where the principal office of the agency is in England, the registration authority will be the National Care Standards Commission and where the principal office of the agency is in Wales, the registration authority will be the National Assembly for Wales. By section 5(b) of the Act, the National Assembly for Wales is referred to as “the Assembly”. By section 6(1) of the Act the National Care Standards Commission is referred to as “the Commission”.



- (a) any other provision of these Regulations;
- (b) any conditions for the time being in force in relation to the registration of the registered provider under Part II of the Act.

#### **Review of statement of purpose**

4. The registered provider and the manager shall—
- (a) keep under review and, where appropriate, revise the statement of purpose; and
  - (b) notify the registration authority and—
    - (i) if the registration authority is the Commission and the agency has a branch in Wales, the Assembly;
    - (ii) if the registration authority is the Assembly and the agency has a branch in England, the Commission,
- of any such revision within 28 days.

## **PART II**

### **REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS**

#### **Fitness of registered provider**

- 5.—(1) An organisation shall not carry on an agency unless it is fit to do so.
- (2) An organisation is not fit to carry on an agency unless—
- (a) it has given notice to the registration authority of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the agency; and
  - (b) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
  - (b) he is physically and mentally fit to carry on the agency; and
  - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

#### **Appointment of manager and branch manager**

- 6.—(1) The registered provider shall appoint—
- (a) an individual to manage the agency (in these Regulations referred to as “the manager”); and
  - (b) where the agency has a branch, an individual to manage that branch (in these Regulations referred to as “the branch manager”).
- (2) The registered provider shall forthwith notify the registration authority of—
- (a) the name of any person appointed in accordance with this regulation; and
  - (b) the date on which the appointment is to take effect.

#### **Fitness of manager and branch manager**

- 7.—(1) The registered provider shall not allow a person to manage the agency or any branch of the agency unless he is fit to do so.
- (2) A person is not fit to manage an agency or (as the case may be) branch unless—
- (a) he is of integrity and good character;
  - (b) having regard to the size of the agency or branch and the agency’s statement of purpose—

- (i) he has the qualifications, skills and experience necessary for managing the agency or branch; and
  - (ii) he is physically and mentally fit to manage the agency or branch; and
- (c) full and satisfactory information is available in relation to him in respect of each of the matters listed in Schedule 2.

**Registered provider, manager and branch manager — general requirements**

**8.**—(1) The registered provider, the manager, and the branch manager (if any) shall, having regard to—

- (a) the size of the agency or (as the case may be) branch and the agency’s statement of purpose; and
- (b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the agency,

carry on or manage the agency or (as the case may be) branch, with sufficient care, competence and skill.

(2) The registered provider shall ensure that the responsible individual undertakes from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the agency.

(3) The registered provider shall ensure that the manager and branch manager (if any), undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the agency or (as the case may be) branch.

**Notification of offences**

**9.** Where the registered provider, responsible individual, manager or branch manager (if any) is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith give notice in writing to the registration authority of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.

PART III

CONDUCT OF AGENCIES

**Arrangements for the protection of children**

**10.**—(1) The registered provider and the manager shall prepare and implement a written policy which—

- (a) is intended to safeguard from abuse or neglect children placed for adoption—
  - (i) by the agency; or
  - (ii) by another adoption agency but with prospective adopters approved by the agency as suitable to be adoptive parents in accordance with the Adoption Agencies Regulations 1983(a); and

(b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) shall provide in particular for—

- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in respect of the child;
- (b) where the child is placed with prospective adopters, the prompt referral to the local authority in whose area the child is placed of any allegation of abuse or neglect;
- (c) where the child is not placed with prospective adopters, the prompt referral to the local authority in whose area the principal office of the agency is located of any allegation of abuse or neglect;

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(a) S.I. 1983/1964, amended by S.I. 1997/649, 1997/2308, 1999/2768, 2001/2237, 2001/2992, 2001/3443, 2002/808 and 2002/3220.

- (d) notification to the registration authority of the instigation and outcome of any child protection enquiries;
- (e) written records to be kept of any allegation of abuse or neglect and the action taken in response;
- (f) consideration to be given to the measures that may be necessary to protect children placed with prospective adopters following an allegation of abuse or neglect;
- (g) arrangements to be made for persons working for the purposes of the agency, prospective adopters and children who have been placed for adoption by the agency, to have access to information that would enable them to contact—
  - (i) the local authority referred to in sub-paragraph (b) or (c) (as the case may be); and
  - (ii) the registration authority,
 regarding any concern about child welfare or safety.

(3) In this regulation “child protection enquiries” means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the Children Act 1989 relating to the protection of children.

### **Complaints**

**11.—**(1) The registered provider and the manager shall establish a written procedure for considering complaints (referred to in these Regulations as “the complaints procedure”) made by or on behalf of—

- (a) children who may be adopted, their parents and guardians;
- (b) persons wishing to adopt a child;
- (c) adopted persons, their parents, natural parents and former guardians.

(2) The complaints procedure shall, in particular, provide—

- (a) for an opportunity for informal resolution of a complaint at an early stage;
- (b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered provider or the manager considers it appropriate, at the informal resolution stage only;
- (c) for dealing with complaints about the registered provider, the responsible individual, the manager and branch manager (if any); and
- (d) for complaints to be made by a person acting on behalf of a child.

(3) The registered provider and the manager shall provide a copy of the complaints procedure to every person working for the purposes of the agency and shall provide, upon request, a copy of the procedure to any person mentioned in paragraph (1)(a) to (c).

(4) The copy of the complaints procedure supplied under paragraph (3) shall include—

- (a) the name, address and telephone number of the registration authority; and
- (b) details of the procedure (if any) which has been notified to the registered provider by the registration authority for the making of complaints to the registration authority that relate to the agency.

### **Complaints — further requirements**

**12.—**(1) The registered provider and the manager shall ensure that any complaint made under the complaints procedure is fully investigated.

(2) The registered provider and the manager shall, so far as is reasonably practicable, within a period of 28 days beginning on the date on which the complaint is received by the agency, inform the complainant of the outcome of the investigation and the action (if any) that is to be taken in consequence.

(3) The registered provider and the manager shall ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and for that record to be retained for at least 3 years from the date that it is made.

- (4) The registered provider and the manager shall take all reasonable steps to ensure that—
- (a) children are enabled to make a complaint; and
  - (b) no person is subject to any reprisal by the agency for making a complaint.

(5) The registered provider shall supply to the registration authority at its request a statement containing a summary of any complaints made in accordance with the complaints procedure during the preceding 12 months and any action taken in consequence.

### **Staffing of agency**

**13.** The registered provider, the manager and, in relation to any branch, the branch manager, shall ensure that there is, having regard to—

- (a) the size of the agency or (as the case may be) branch and the agency's statement of purpose; and
- (b) the need to safeguard and promote the health and welfare of children placed for adoption—
  - (i) by the agency; or
  - (ii) by another adoption agency but with prospective adopters approved by the agency as suitable to be adoptive parents in accordance with the Adoption Agencies Regulations 1983,

a sufficient number of suitably qualified, competent, and experienced persons working for the purposes of the agency or (as the case may be) branch.

### **Fitness of workers**

**14.—(1)** The registered provider, the manager and, in relation to any branch, the branch manager, shall not—

- (a) employ a person to work for the purposes of the agency unless that person is fit to work for the purposes of an agency; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the agency unless that person is fit to work for the purposes of an agency.

(2) This paragraph applies to any person who is employed by a person other than the registered provider, in a position in which he may in the course of his duties have regular contact with children who may be, or have been, placed for adoption by the agency.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an agency unless—

- (a) he is of integrity and good character;
- (b) he has the qualifications, skills and experience necessary for the work he is to perform;
- (c) he is physically and mentally fit for the work he is to perform; and
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

(4) The registered provider, the manager and, in relation to any branch, the branch manager, shall take reasonable steps to ensure that any person working for the agency who is not employed by the agency and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

### **Employment of staff**

**15.—(1)** The registered provider, the manager and, in relation to any branch, the branch manager, shall—

- (a) ensure that all permanent appointments of staff are subject to the satisfactory completion of a period of probation; and

- (b) provide all employees with a job description outlining their responsibilities.
- (2) The registered provider, the manager and, in relation to any branch, the branch manager, shall ensure that all persons employed by the agency—
  - (a) receive appropriate training, supervision and appraisal; and
  - (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

#### **Staff disciplinary procedure**

**16.**—(1) The registered provider and the manager shall operate a disciplinary procedure which, in particular—

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children placed for adoption by the agency;
  - (b) provides that the failure on the part of an employee to report, to an appropriate person, an incident of abuse, or suspected abuse of a child placed for adoption by the agency is a ground on which disciplinary proceedings may be instituted.
- (2) For the purposes of paragraph (1)(b), an appropriate person is—
- (a) the registered provider, the manager, or in relation to any person working at any branch of the agency, the branch manager;
  - (b) an officer of the registration authority;
  - (c) a police officer;
  - (d) an officer of the National Society for the Prevention of Cruelty to Children;
  - (e) an officer of a local authority in whose area the agency or (as the case may be) branch is situated; or
  - (f) an officer of a local authority in whose area the child is placed for adoption.

#### **Records with respect to staff**

**17.**—(1) The registered provider, the manager and, in relation to any person working at any branch of the agency, the branch manager, shall maintain and keep up to date the records specified in Schedule 3.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years from the date of the last entry.

#### **Fitness of premises**

**18.**—(1) The registered provider shall not use premises for the purposes of the agency unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered provider, the manager and, in relation to any branch, the branch manager, shall ensure—

- (a) that there are adequate security arrangements at the premises, in particular that there are secure facilities for the storage of records; and
- (b) that any records which are, for any reason, not on the premises are nevertheless kept in conditions of appropriate security.

### **PART IV**

#### **MISCELLANEOUS — AGENCIES**

#### **Notifiable events**

**19.**—(1) If, in relation to an agency, any of the events listed in column 1 of the table in Schedule 4 takes place, the registered provider and the manager shall without delay notify the person indicated in respect of the event in column 2 of that table.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing within 14 days.

(3) In the table—

“approved by the agency” means approved by the agency as suitable to be an adoptive parent in accordance with the Adoption Agencies Regulations 1983;

“area authority” means the local authority in whose area the child is placed for adoption;

“placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;

“Primary Care Trust” means the Primary Care Trust in whose area the child is placed for adoption by the agency; and

“Local Health Board” means the Local Health Board in whose area the child is placed for adoption by the agency.

### **Financial position**

**20.**—(1) The registered provider shall carry on the agency in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered provider shall, if the registration authority so requests, provide the authority with such information and documents as it may require for the purpose of considering the financial viability of the agency, including—

- (a) the annual accounts of the agency certified by an accountant; and
- (b) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the agency in respect of death, injury, public liability, damage or other loss.

### **Notice of absence**

**21.**—(1) Where—

- (a) the manager proposes to be absent from the agency; or
- (b) the branch manager proposes to be absent from the branch of the agency,

for a continuous period of 28 days or more, the registered provider and the manager shall give notice in writing to the registration authority of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the registration authority, and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the agency or (as the case may be) branch during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the management of the agency or (as the case may be) branch during the absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the agency or (as the case may be) branch during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered provider and the manager shall give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2)(a) to (e).

(4) Where the manager or branch manager has been absent from the agency or (as the case may be) branch for a continuous period of 28 days or more, and the registration authority has not been given notice of the absence, the registered provider and the manager shall without delay give notice in writing to the authority specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered provider and the manager shall notify the registration authority of the return to duty of the manager or branch manager not later than 7 days after the date of his return.

### **Notice of changes**

**22.**—(1) The registered provider and the manager shall give notice in writing to the registration authority as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

- (a) a person other than the registered provider carries on the agency;
- (b) a person ceases to manage the agency;
- (c) the name or address of the registered provider is changed;
- (d) there is any change of trustee, or director, manager, secretary, or other similar officer, of the registered provider;
- (e) there is to be any change in the identity of the responsible individual;
- (f) a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (g) the agency intends to cease to act or exist as such.

(2) The registered provider shall notify the registration authority in writing and without delay of the death of the responsible individual, the manager or branch manager (if any).

### **Appointment of liquidators etc.**

**23.**—(1) Any person to whom paragraph (2) applies shall—

- (a) forthwith notify the registration authority of his appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day to day control of the agency in any case where there is no manager; and
- (c) not more than 28 days after his appointment notify the registration authority of his intentions regarding the future operation of the agency.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of a registered provider;
- (b) the liquidator or provisional liquidator of a registered provider.

### **Compliance with regulations**

**24.** Where anything is required under these Regulations to be done by more than one person, it shall, if done by one of those persons, not be required to be done by the other person or, as the case may be, persons.

## **PART V**

### **MISCELLANEOUS**

#### **Amendments to the Adoption Agencies Regulations 1983**

**25.**—(1) The Adoption Agencies Regulations 1983 shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(3) (interpretation)—

- (a) at the appropriate place there shall be inserted the following definition—

““the 2000 Act” means the Care Standards Act 2000;”;
- (b) in the definition of “adoption agency” for the words “an approved adoption society” there shall be substituted the words “an appropriate voluntary organisation”(a); and
- (c) at the appropriate place there shall be inserted the following definition—

““registration authority” means, in relation to an agency, the registration authority which may exercise, in relation to that agency, functions to which section 36A of the Act applies;”.

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(a) See section 1(5) of the 1976 Act inserted by section 116 of, and paragraph 5(3) of Schedule 4 to, the Act.

- (3) Regulations 2 and 3 shall be omitted.
- (4) In regulation 6 (adoption agency arrangements for adoption work)—
- (a) in paragraph (1) for the words “reviewed by the agency not less than once every three years” there shall be substituted the words “kept under review and, where appropriate, revised by the agency”; and
  - (b) paragraph (3) shall be omitted.
- (5) In regulation 15 (access to case records and disclosure of information) in paragraph (1) after sub-paragraph (b) there shall be inserted the following sub-paragraph—
- “(bb) the registration authority.”
- (6) In regulation 16 (transfer of case records)—
- (a) for paragraph (2) there shall be substituted the following paragraph—
    - “(2) An appropriate voluntary organisation which intends to cease to act or exist as such shall forthwith either transfer its case records to another adoption agency having first obtained the registration authority’s approval for such transfer, or transfer its case records—
      - (a) to the local authority in whose area the organisation’s principal office is situated; or
      - (b) in the case of an organisation that amalgamates with another approved voluntary organisation to form a new approved voluntary organisation, to the new organisation.”;
- and
- (b) in paragraph (3) for the words “Secretary of State” there shall be substituted the words “registration authority”.

Signed by the authority of the  
Secretary of State for Health

*Jacqui Smith*  
Minister of State,  
Department of Health

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government  
of Wales Act 1998

*Daffyd Elis-Thomas*  
Presiding Officer,  
National Assembly for Wales



## SCHEDULE 1

Regulation 3(1)

### INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

1. The aims and objectives of the agency.
2. The name and address of the registered provider, the responsible individual, the manager and branch manager (if any).
3. Any conditions for the time being in force in relation to the registration of the registered provider under Part II of the Act.
4. The relevant qualifications and experience of the manager and branch manager (if any).
5. The number, relevant qualifications and experience of the staff working for the purposes of the agency.
6. The organisational structure of the agency.
7. The system in place to monitor and evaluate the provision of services to ensure that the services provided by the agency are effective and the quality of those services is of an appropriate standard.
8. The procedures for recruiting, preparing, assessing, approving and supporting prospective adopters.
9. A summary of the complaints procedure.
10. The name, address and telephone number of the registration authority.

## SCHEDULE 2

Regulations 5(3)(c), 7(2)(c)  
and 14(3)(d)

### INFORMATION REQUIRED IN RESPECT OF THE RESPONSIBLE INDIVIDUAL OR PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF AN AGENCY

1. Proof of identity including a recent photograph.
2. Either—
  - (a) where the position falls within section 115(3) of the Police Act 1997(a), an enhanced criminal record certificate issued under section 115 of that Act; or
  - (b) in any other case, a criminal record certificate issued under section 113 of that Act, including, where applicable, the matters specified in section 113(3A) or 115(6A) of that Act(b).
3. Two written references, including a reference from the person's most recent employer, if any.
4. Where a person has previously worked in a position whose duties included work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.
5. Documentary evidence of any relevant qualification.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

## SCHEDULE 3

Regulation 17(1)

### RECORDS TO BE KEPT IN RELATION TO EACH PERSON WORKING FOR THE PURPOSES OF THE AGENCY

A record indicating in respect of each person working for the purposes of the agency—

1. Full name.

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(a) 1997 c.50. A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.

(b) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c.14) and amended by sections 104 and 116 of, and paragraph 25 of Schedule 4 to, the Act.

2. Sex.
3. Date of birth.
4. Home address.
5. Qualifications relevant to, and experience of, work involving children.
6. The dates on which he commences and ceases to be so employed.
7. Whether he is employed by the registered provider under a contract of service or a contract for services, or is employed by someone other than the registered provider.
8. His job description and whether he works full-time or part-time and the number of hours for which he is employed by or contracted to work for, the registered provider each week.
9. Training undertaken by him, supervision, appraisal, disciplinary action (if any) taken against him, complaints (if any) made against or concerning him and the outcome of such complaints and any other matters in relation to his employment for the purposes of the agency.

#### SCHEDULE 4

Regulation 19(1)

#### EVENTS AND NOTIFICATIONS

Column 1 <i>Event:</i>	Column 2 <i>To be notified to:</i>					
	Registration Authority	Secretary of State	Placing Agency	Area Authority	Primary Care Trust	Local Health Board
Death of child placed for adoption by the agency	Yes	Yes, if the registration authority is the Commission		Yes	Yes	Yes
Referral to the Secretary of State pursuant to section 2(1)(a) of the Protection of Children Act 1999 of an individual working for the agency	Yes					
Serious illness of, or serious accident sustained by, a child placed for adoption by the agency	Yes			Yes	Yes	Yes

Column 1 <i>Event:</i>	Column 2 <i>To be notified to:</i>					
	Registration Authority	Secretary of State	Placing Agency	Area Authority	Primary Care Trust	Local Health Board
Any serious complaint about a prospective adopter approved by the agency where no child is placed for adoption with that prospective adopter	Yes					
Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by the agency	Yes			Yes		
Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by another agency	Yes		Yes	Yes, if not notified as the placing agency		
Instigation and outcome of any child protection enquiry involving a child placed for adoption by the agency	Yes			Yes		

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Adoption Act 1976, and the Care Standards Act 2000 (“the 2000 Act”), and apply to voluntary adoption agencies in England and Wales. The amendments made to the Adoption Agencies Regulations (“the 1983 Regulations”) also apply to local authorities in England and Wales.

Part II of the 2000 Act provides for the registration and inspection of establishments and agencies, including voluntary adoption agencies, by the registration authority. Part II of the 2000 Act (so far as not already in force) will be brought into force in relation to voluntary adoption agencies on 30th April 2003. By virtue of an amendment to the 2000 Act by the Adoption and Children Act 2002, functions relating to voluntary adoption agencies conferred on the registration authority are exercisable where the principal office is in England, by the National Care Standards Commission and where the principal office is in Wales, by the National Assembly for Wales.

Regulation 2 provides that only a corporate body can apply for registration under the 2000 Act in respect of a voluntary adoption agency.

Regulations 3 and 4 make provision for the statement of purpose. Each voluntary adoption agency must have a statement of purpose setting out the aims and objectives of the agency. The statement of purpose must be kept under review and revised when necessary. The agency must be carried on in a manner that is consistent with the statement of purpose.

Regulations 5 to 9 make provision about the persons carrying on and managing a voluntary adoption agency, and require a manager to be appointed for the agency and for any branch of the agency (regulation 6). Provision is made for the fitness of the manager and branch manager, in particular by the requirement that satisfactory information be obtained in relation to the matters specified in Schedule 2 (regulation 7). Regulation 5 requires the voluntary organisation that is carrying on the agency to nominate a responsible individual in respect of whom this information must also be available. Regulation 8 imposes general requirements in relation to the proper conduct of a voluntary adoption agency, and the need for appropriate training.

Part III of these Regulations makes further provision about the conduct of a voluntary adoption agency, in particular as to the protection of children (regulation 10), complaints (regulations 11 and 12), staffing, record keeping and fitness of premises (regulations 13 to 18).

Part IV of these Regulations deals with miscellaneous matters. Regulation 19 provides for the registered provider and the manager to give notice of the events listed in Schedule 4 to the persons mentioned in that Schedule. Regulation 20 imposes requirements relating to a voluntary adoption agency’s financial position. Regulations 21 to 23 provide for the giving of notices to the registration authority and the appointment of liquidators. Regulation 24 provides that where these Regulations place a requirement on more than one person, if one of those who is obliged to meet that requirement does so, the other person is not also obliged to meet that requirement.

Part V of these Regulations makes provision for amendment to the 1983 Regulations. The amendments to regulations 1(3), 15(1)(b) and 16 and the omission of regulations 2 and 3 of the 1983 Regulations are consequential on the new registration arrangements under Part II of the 2000 Act. The amendment to regulation 6 of the 1983 Regulations aligns the requirement to review the written arrangements that govern the agency’s functions and the functions of the agency’s adoption panel, with the requirement to review the statement of purpose in regulation 4 of these Regulations.

A Regulatory Impact Assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the Regulatory Impact Assessment can be obtained from the Department of Health’s website [www.doh.gov.uk/regulatoryimpact/index.htm](http://www.doh.gov.uk/regulatoryimpact/index.htm) or [www.doh.gov.uk/adoption/law.htm#ria](http://www.doh.gov.uk/adoption/law.htm#ria), or from the Adoption, Permanence and Children’s Trusts Branch, Area 121, Wellington House, 133–135 Waterloo Road, London, SE1 8UG.

**2003 No. 367**

**CHILDREN AND YOUNG PERSONS, ENGLAND AND  
WALES**

**SOCIAL CARE, ENGLAND AND WALES**

The Voluntary Adoption Agencies and the Adoption  
Agencies (Miscellaneous Amendments) Regulations 2003

**£3.00**

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**2003 No. 370**

**SOCIAL CARE, ENGLAND  
CHILDREN AND YOUNG PERSONS, ENGLAND**

**The Local Authority Adoption Service (England)  
Regulations 2003**

*Made - - - - - 25th February 2003*

*Laid before Parliament 28th February 2003*

*Coming into force - - 30th April 2003*

**ARRANGEMENT OF REGULATIONS**

**PART I**

**GENERAL**

1. Citation, commencement, application and interpretation
2. Statement of purpose
3. Children's guide
4. Review of statement of purpose and children's guide

**PART II**

**MANAGERS**

5. Appointment of manager
6. Fitness of manager
7. General requirements
8. Notification of offences

**PART III**

**CONDUCT OF LOCAL AUTHORITY ADOPTION SERVICE**

9. Arrangements for the protection of children
10. Staffing of agency
11. Fitness of workers
12. Employment of staff
13. Staff disciplinary procedure
14. Arrangements for absence of manager
15. Records with respect to staff
16. Fitness of premises
17. Complaints

## SCHEDULES

1. Information to be included in the statement of purpose
2. Information to be included in the children's guide
3. Information required in respect of persons seeking to manage or work for the purposes of the adoption service
4. Records to be kept in relation to each person working for the purposes of the adoption service

The Secretary of State in exercise of the powers conferred on him by sections 9(3) and (3A) and 67(5) of the Adoption Act 1976(a) and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

## PART I GENERAL

### Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Local Authority Adoption Service Regulations 2003 and shall come into force on 30th April 2003.

(2) These Regulations apply to England only.

(3) In these Regulations—

“adoption service” means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Care Standards Act 2000(b) and, in relation to a local authority, means the discharge by that authority of those functions;

“children's guide” means the written guide produced in accordance with regulation 3(1);

“guardian” has the meaning given to it in section 5 of the Children Act 1989(c);

“manager” shall be construed in accordance with regulation 5;

“statement of purpose” means the written statement compiled in accordance with regulation 2(1).

(4) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

### Statement of purpose

2.—(1) Each local authority shall compile in relation to the adoption service a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of a statement as to the matters listed in Schedule 1.

(2) The authority shall—

(a) provide a copy of the statement of purpose to the Commission(d); and

(b) make a copy of it available, upon request, for inspection by—

(i) any person working for the purposes of the adoption service;

(ii) children who may be adopted, their parents and guardians;

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(a) 1976 c. 36. Section 9(3A) of the Adoption Act 1976 (“the Act”), was inserted by section 116 of, and paragraph 5(6)(c) of Schedule 4 to, the Care Standards Act 2000 (c. 14) (“the 2000 Act”). These powers are exercisable by the appropriate Minister, who is defined in section 9(5) of the Act in relation to England, as the Secretary of State, in relation to Wales as the National Assembly for Wales and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. Section 9(5) of the Act was inserted by section 139(2) of, and paragraph 4(1)(b) of Schedule 4 to, the Adoption and Children Act 2002 (c. 38).

(b) 2000 c. 14.

(c) 1989 c. 41.

(d) By virtue of section 6(1) of the 2000 Act, the Commission means the National Care Standards Commission established under that Act.

- (iii) persons wishing to adopt a child; and
- (iv) adopted persons, their parents, natural parents and former guardians.

(3) Subject to paragraph (4), the authority shall ensure that the adoption service is at all times conducted in a manner which is consistent with its statement of purpose.

(4) Nothing in paragraph (3) shall require or authorise the authority to contravene, or not comply with any other provision of these Regulations.

#### **Children's guide**

3.—(1) Each local authority shall produce a written guide to the adoption service (in these Regulations referred to as “the children’s guide”) which shall consist of a statement as to the matters listed in Schedule 2.

- (2) The authority shall provide a copy of the children’s guide to—
  - (a) the Commission;
  - (b) every prospective adopter with whom the authority has placed a child for adoption; and
  - (c) every child (subject to his age and understanding), who may be, or has been placed for adoption by the authority.

#### **Review of statement of purpose and children's guide**

- 4. Each local authority shall—
  - (a) keep under review and, where appropriate, revise the statement of purpose and children’s guide; and
  - (b) notify the Commission of any such revision within 28 days.

## **PART II MANAGERS**

#### **Appointment of manager**

5.—(1) Each local authority shall appoint one of its officers to manage the adoption service, and shall forthwith notify the Commission of—

- (a) the name of any person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

(2) The authority shall forthwith notify the Commission if the person appointed under paragraph (1) ceases to manage the adoption service.

#### **Fitness of manager**

- 6.—(1) A person shall not manage an adoption service unless he is fit to do so.
- (2) A person is not fit to manage an adoption service unless—
  - (a) he is of integrity and good character;
  - (b) having regard to the size of the local authority and its statement of purpose—
    - (i) he has the qualifications, skills and experience necessary for managing the adoption service; and
    - (ii) he is physically and mentally fit to manage an adoption service; and
  - (c) full and satisfactory information is available in relation to him in respect of each of the matters listed in Schedule 3.

#### **General requirements**

- 7.—(1) The manager shall, having regard to—
  - (a) the size of the local authority and its statement of purpose; and



(b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the authority,  
manage the adoption service with sufficient care, competence and skill.

(2) The manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary to manage the adoption service.

#### **Notification of offences**

**8.** Where the manager is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith give notice in writing to the Commission of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.

## **PART III**

### **CONDUCT OF LOCAL AUTHORITY ADOPTION SERVICE**

#### **Arrangements for the protection of children**

**9.**—(1) Each local authority shall prepare and implement a written policy which—

- (a) is intended to safeguard from abuse or neglect children placed for adoption by the authority; and
- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The procedure under paragraph (1)(b) shall provide in particular for—

- (a) where the child is placed with prospective adopters in the area of another local authority, the prompt referral to that authority of any allegation of abuse or neglect;
- (b) written records to be kept of any allegation of abuse or neglect and the action taken in response;
- (c) consideration to be given to the measures that may be necessary to protect children placed with prospective adopters following an allegation of abuse or neglect;
- (d) arrangements to be made for persons working for the adoption service, prospective adopters and children who have been placed for adoption by the authority, to have access to information that would enable them to contact the Commission, regarding any concern about child welfare and safety.

#### **Staffing of agency**

**10.** Each local authority shall ensure that there is, having regard to—

- (a) the size of the authority and its statement of purpose; and
- (b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the authority,

a sufficient number of suitably qualified, competent, and experienced persons working for the purposes of the adoption service.

#### **Fitness of workers**

**11.**—(1) A local authority shall not—

- (a) employ a person to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service.

(2) This paragraph applies to any person who is employed by a person other than the authority, in a position in which he may in the course of his duties have regular contact with children who may be, or have been, placed for adoption by the authority.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an adoption service unless—

- (a) he is of integrity and good character;
- (b) he has the qualifications, skills and experience necessary for the work he is to perform;
- (c) he is physically and mentally fit for the work he is to perform; and
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 3.

(4) The authority shall take reasonable steps to ensure that any person working for the adoption service who is not employed by the authority and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

### **Employment of staff**

**12.**—(1) Each local authority shall—

- (a) ensure that all permanent appointments made by the authority for the purposes of the adoption service are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees employed by the authority for the purposes of the adoption service with a job description outlining their responsibilities.

(2) The authority shall ensure that all persons employed by the authority for the purposes of the adoption service—

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

### **Staff disciplinary procedure**

**13.**—(1) Each local authority shall operate a disciplinary procedure which, in particular—

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children who may be, or have been, placed for adoption by the authority;
- (b) provides that the failure on the part of an employee to report, to an appropriate person, an incident of abuse, or suspected abuse of a child placed for adoption by the authority is a ground on which disciplinary proceedings may be instituted.

(2) For the purposes of paragraph 1(b), an appropriate person is—

- (a) the manager of the adoption service;
- (b) an officer of the Commission;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children; or
- (e) where the child is placed for adoption in the area of another local authority, an officer of that authority.

### **Arrangements for absence of manager**

**14.** Each local authority shall establish a system to ensure that where the manager proposes to be or is absent from the authority for a continuous period of 28 days or more, an identified person is responsible for the management of the adoption service until such time as the manager returns or (as the case may be) a new manager is appointed by the authority.

### **Records with respect to staff**

**15.**—(1) Each local authority shall maintain and keep up to date the records specified in Schedule 4.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years from the date of the last entry.

### **Fitness of premises**

**16.**—(1) The local authority shall not use premises for the purposes of the adoption service unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The authority shall ensure—

- (a) that there are adequate security arrangements at the premises, in particular that there are secure facilities for the storage of records; and
- (b) that any records which are, for any reason, not on the authority's premises are nevertheless kept in conditions of appropriate security.

### **Complaints**

**17.** Each local authority shall—

- (a) ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and for that record to be retained for at least 3 years from the date that it is made; and
- (b) supply to the Commission at its request a statement containing a summary of any complaints made in respect of the adoption service during the preceding 12 months and any action taken in consequence.

Signed by the authority of the Secretary of State for Health

*Jaqui Smith*  
Minister of State  
Department of Health

## **SCHEDULE 1**

Regulation 2(1)

### **INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE**

1. The aims and objectives of the local authority in relation to the adoption service.
2. The name and address of the manager.
3. The relevant qualifications and experience of the manager.
4. The number, relevant qualifications and experience of the staff employed by the authority for the purposes of the adoption service.
5. The organisational structure of the adoption service.
6. The system in place to monitor and evaluate the provision of services to ensure that services provided by the adoption service are effective and the quality of those services is of an appropriate standard.
7. The procedures for recruiting, preparing, assessing, approving and supporting prospective adopters.
8. A summary of the complaints procedure established in accordance with section 26(3) of the Children Act 1989(a) and the Complaints Procedure Directions 1990(b).
9. The address and telephone number of the Commission.

## **SCHEDULE 2**

Regulation 3(1)

### **INFORMATION TO BE INCLUDED IN THE CHILDREN'S GUIDE**

1. A summary of the statement of purpose.
2. A summary of the procedures where adoption is identified as the appropriate plan for a child.
3. A summary of the complaints procedures established in accordance with section 26(3) of the Children Act 1989 and the Complaints Procedure Directions 1990.
4. Details of how a child may have access to the services of an advocate who is independent of the authority to assist him in bringing a complaint under the complaints procedures referred to in paragraph 3.
5. The address and telephone number of the Commission.
6. The name, address and telephone number of the children's rights director(c).

## **SCHEDULE 3**

Regulations 6(2)(c) and 11(3)(d)

### **INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF THE ADOPTION SERVICE**

1. Proof of identity including a recent photograph.
2. Either—
  - (a) where the position falls within section 115(3) of the Police Act 1997(d) an enhanced criminal record certificate issued under section 115 of that Act; or
  - (b) in any other case, a criminal record certificate issued under section 113 of the Police Act 1997 including, where applicable, the matters specified in section 113(3A) or 115(6A) of that Act(e).
3. Two written references, including a reference from the person's most recent employer, (if any).

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(a) The Representations Procedure (Children) Regulations 1991 (S.I. 1991/894) as amended by S.I. 1991/2033, S.I. 1993/3069, S.I. 2001/2874 and S.I. 2002/546.

(b) Made by the Secretary of State, in the exercise of powers conferred by section 7B(3) of the Local Authority Social Services Act 1970.

(c) The children's rights director is established by section 6 of, and paragraph 10 of Schedule 1 to, the 2000 Act. His functions are prescribed in the National Care Standards Commission (Children's Rights Director) Regulations 2002 (S.I. 2002/1250).

(d) 1997 c. 50. A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.

(e) Sections 113(3A) and 115(6A) are inserted into the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c. 14) and amended by sections 104 and 116 of, and paragraph 25 of Schedule 4 to, the 2000 Act.

4. Where a person has previously worked in a position whose duties included work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualification.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

#### **SCHEDULE 4**

Regulation 15(1)

##### **RECORDS TO BE KEPT IN RELATION TO EACH PERSON WORKING FOR THE PURPOSES OF THE ADOPTION SERVICE**

A record indicating in respect of each person working for the purposes of the adoption service—

1. Full name.
2. Sex.
3. Date of birth.
4. Home address.
5. Qualifications relevant to, and experience of, work involving children.
6. The dates on which he commences and ceases to be so employed.
7. Whether he is employed by the local authority under a contract of service or a contract for services, or is employed by someone other than the authority.
8. His job description and whether he works full-time or part-time and the number of hours for which he is employed by, or contracted to work for, the adoption service each week.
9. Training undertaken by him, supervision, appraisal, disciplinary action (if any) taken against him, complaints (if any) made against or concerning him and the outcome of such complaints and any other matters in relation to his employment for the purposes of the adoption service.

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made under the Adoption Act 1976 as amended by the Care Standards Act 2000. They apply to local authorities in England only.

Regulations 3 and 4 provide that each local authority who provides an adoption service must have a statement of purpose setting out the aims and objectives of the service and a children's guide. The service must be carried on in a manner that is consistent with the statement of purpose.

Part II makes provision about the persons managing the service. Regulation 5 requires the appointment of a manager. Regulations 6 and 7 make provision about the fitness of the manager and in particular, regulation 6 requires satisfactory information about the manager to be available in relation to the matters specified in Schedule 3.

Part III makes provision about the conduct of the service, arrangements for the protection of children (regulation 9), staffing and fitness of workers and in particular the availability of satisfactory information in relation to the matters specified in Schedule 3 (regulations 10 to 13), the arrangements that are to be in place where the manager is absent (regulation 14), the keeping of the records about staff that are listed in Schedule 4 (regulation 15), fitness of premises (regulation 16) and complaints (regulation 17).



**CYNULLIAD CENEDLAETHOL CYMRU**

**NATIONAL ASSEMBLY FOR WALES**

**OFFERYNNAU STATUDOL**

**STATUTORY INSTRUMENTS**

**2003 Rhif 710 (Cy.86)**

**2003 No. 710 (W.86)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**PLANT A PHERSONAU  
IFANC, CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

Rheoliadau Gwasanaethau  
Mabwysiadu Awdurdodau Lleol a  
Diwygiadau Amrywiol (Cymru)  
2003

The Local Authority Adoption  
Service and Miscellaneous  
Amendments (Wales) Regulations  
2003

**NODYN ESBONIADOL**

**EXPLANATORY NOTE**

*(Nid yw'r nodyn hwn yn rhan o'r Rheoliadau)*

*(This note is not part of the Regulations)*

Mae'r Rheoliadau hyn yn cael eu gwneud o dan Ddeddf Fabwysiadu 1976 ("Deddf 1976") a Deddf Safonau Gofal 2000 ("Deddf 2000") ac maent yn gymwys i awdurdodau lleol Cymru. Maent yn darparu fframwaith rheoliadol newydd ar gyfer gwasanaethau mabwysiadu awdurdodau lleol. Mae Rhan II o Ddeddf 2000 yn darparu bod gwaith cofrestru ac arolygu sefydliadau ac asiantaethau, gan gynnwys gwasanaethau mabwysiadu awdurdodau lleol, yn cael ei wneud gan Gynulliad Cenedlaethol Cymru ("y Cynulliad Cenedlaethol"). Mae Rhan III o Ddeddf 2000 yn darparu bod gwaith arolygu gwasanaethau awdurdodau lleol yn cael ei wneud gan y Cynulliad Cenedlaethol. Caiff Rhannau II a III o Ddeddf 2000 (i'r graddau nad ydynt eisoes mewn grym) eu dwyn i rym mewn perthynas â gwasanaethau mabwysiadu awdurdodau lleol ar 30 Ebrill 2003.

Mae Rheoliadau 3 a 4 yn darparu bod rhaid i bob awdurdod lleol sy'n darparu gwasanaethau mabwysiadu fod â datganiad o ddiben, sy'n disgrifio nodau ac amcanion y gwasanaeth, ac arweiniad plant. Rhaid i'r gwasanaeth gael ei gyflawni mewn modd sy'n gyson â'r datganiad o ddiben.

Mae Rhan 2 yn gwneud darpariaeth ynglŷn â'r

These Regulations are made under the Adoption Act 1976 ("the 1976 Act") and the Care Standards Act 2000 ("the 2000 Act") and apply to Welsh local authorities. They provide a new regulatory framework for local authority adoption services. Part II of the 2000 Act provides for the registration and inspection of establishments and agencies, including local authority adoption services, by the National Assembly for Wales ("the National Assembly"). Part III of the 2000 Act provides for the inspection of local authority services by the National Assembly. Parts II and III of the 2000 Act (so far as not already in force) will be brought into force in relation to local authority adoption services on 30th April 2003.

Regulations 3 and 4 provide that each local authority who provides an adoption service must have a statement of purpose setting out the aims and objectives of the service and a children's guide. The service must be carried on in a manner which is consistent with the statement of purpose.

Part 2 makes provision about the persons managing

personau sy'n rheoli'r gwasanaeth, ac yn ei gwneud yn ofynnol i wybodaeth foddhaol fod ar gael mewn perthynas â'r materion a ragnodir yn Atodlen 3.

Mae Rhan 3 yn gwneud darpariaeth ynglŷn â rhedeg y gwasanaeth, staffio a ffitrwydd y gweithwyr, addasrwydd y safle ac ynglŷn â chwynion a chadw cofnodion.

Mae Rhan 4 yn ymdrin ag amryw o ddiwygiadau. Mae Rheoliadau 19 a 20 yn gwneud y diwygiadau angenrheidiol i'r darpariaethau mewn rheoliadau sy'n ymwneud â gofynion cofrestru a thalu ffioedd yn yr un modd â sefydliadau ac asiantaethau eraill sy'n cael eu rheoleiddio o dan Ddeddf 2000. Mae rheoliad 21 yn newid y gofyniad bod rhaid cael gafael ar wybodaeth am gollfarnau troseddol a rhybuddion a gafwyd gan bersonau 18 oed neu drosodd, yn hytrach na rhai dros 18 oed.

the service, and requires satisfactory information to be available in relation to the matters prescribed in Schedule 3.

Part 3 makes provision about the conduct of the service, staffing and fitness of workers, the suitability of the premises and about complaints and record keeping

Part 4 deals with various amendments. Regulations 19 and 20 make the necessary amendments to the provisions in regulations concerning registration requirements and payment of fees in line with other establishments and agencies regulated under the 2000 Act. Regulation 21 changes the requirement that information be obtained about criminal convictions and cautions committed at the age of 18 or over, as opposed to over 18.



**2003 Rhif 710 (Cy.86)**

**2003 No. 710 (W.86)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**SOCIAL CARE,  
WALES**

**PLANT A PHERSONAU  
IFANC, CYMRU**

**CHILDREN AND YOUNG  
PERSONS, WALES**

Rheoliadau Gwasanaethau  
Mabwysiadu Awdurdodau Lleol a  
Diwygiadau Amrywiol (Cymru)  
2003

The Local Authority Adoption  
Service and Miscellaneous  
Amendments (Wales) Regulations  
2003

*Wedi'u gwneud*                      *12 Mawrth 2003*  
*Yn dod i rym*                      *30 Ebrill 2003*

*Made*                                      *12th March 2003*  
*Coming into force*                      *30th April 2003*

TREFN Y RHEOLIADAU

ARRANGEMENT OF REGULATIONS

RHAN 1

PART 1

CYFFREDINOL

GENERAL

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3. Datganiad o ddiben
4. Arweiniad plant
5. Adolygu'r datganiad o ddiben a'r arweiniad plant

1. Citation, commencement and application
2. Interpretation
3. Statement of Purpose
4. Children's Guide
5. Review of statement of purpose and children's guide

RHAN 2

PART 2

RHEOLWYR

MANAGERS

6. Penodi rheolwr
7. Ffitrwydd y rheolwr
8. Gofynion cyffredinol
9. Hysbysu tramgwyddau

6. Appointment of manager
7. Fitness of manager
8. General requirements
9. Notification of offences

RHAN 3

RHEDEG GWASANAETH MABWYSIADU  
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10. Trefniadau ar gyfer amddiffyn plant
11. Staffio
12. Ffitrwydd y gweithwyr
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15. Y trefniadau ar gyfer absenoldeb y rheolwr
16. Cofnodion ynglŷn â staff
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19. Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002
20. Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002
21. Diwygiadau i Reoliadau Asiantaethau Mabwysiadu 1983

ATODLEN 1

Yr wybodaeth sydd i'w chynnwys yn y datganiad o ddiben

ATODLEN 2

Yr wybodaeth sydd i'w chynnwys yn yr arweiniad plant

ATODLEN 3

Yr wybodaeth sy'n ofynnol ar gyfer personau sy'n ceisio rheoli neu weithio at ddibenion gwasanaeth mabwysiadu

ATODLEN 4

Y cofnodion sydd i'w cadw mewn perthynas â phob person sy'n gweithio at ddibenion y gwasanaeth mabwysiadu

PART 3

CONDUCT OF LOCAL AUTHORITY  
ADOPTION SERVICE

10. Arrangements for the protection of children
11. Staffing
12. Fitness of workers
13. Employment of staff
14. Staff disciplinary procedure
15. Arrangements for absence of manager
16. Records with respect to staff
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PART 4

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19. Amendments to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002
20. Amendments to the Registration of Social Care and Independent Healthcare (Fees)(Wales) Regulations 2002
21. Amendments to the Adoption Agencies Regulations 1983.

SCHEDULE 1

Information to be included in the statement of purpose

SCHEDULE 2

Information to be included in the children's guide

SCHEDULE 3

Information required in respect of persons seeking to manage or work for the purposes of an adoption service

SCHEDULE 4

Records to be kept in relation to each person working for the purposes of the adoption service

Mae Cynulliad Cenedlaethol Cymru, drwy arfer y pwerau a roddwyd iddo gan adrannau 9(2), (3) a (3A) a 67(5) o Ddeddf Fabwysiadu 1976(a) ac adrannau 12(2), 15(3), 16(1), (2) a (3), 22(1), (2)(a) i (d), (f) i (j), (5)(a) a (c), (7)(a) i (h), (j) a (8)(c), 33, 34(1), 35 a 118(5) i (7) o Ddeddf Safonau Gofal 2000(b) a phob pŵer arall syn ei alluogi yn y cyswllt hwnnw, drwy hyn yn gwneud y Rheoliadau Canlynol:-

## RHAN 1

### CYFFREDINOL

#### Enwi, cychwyn a chymhwyso

1.-(1) Enw'r Rheoliadau hyn yw Rheoliadau Gwasanaethau Mabwysiadu Awdurdodau Lleol a Diwygiadau Amrywiol (Cymru) 2003 a deuant i rym ar 30 Ebrill 2003.

(2) Mae'r Rheoliadau hyn yn gymwys i Gymru yn unig.

#### Dehongli

2.-(1) Yn y Rheoliadau hyn -

ystyr "arweiniad plant" ("*children's guide*") yw'r arweiniad ysgrifenedig a luniwyd yn unol â rheoliad 4;

ystyr "Cynulliad Cenedlaethol" ("*National Assembly*") yw Cynulliad Cenedlaethol Cymru;

ystyr "datganiad o ddiben" ("*statement of purpose*") yw'r datganiad ysgrifenedig a luniwyd yn unol â rheoliad 3(1);

mae i "gwarcheidwad" yr ystyr a roddir i "guardian" yn adran 5 o Ddeddf Plant 1989(c);

ystyr "gwasanaeth mabwysiadu" ("*adoption service*") yw'r weithred o gyflawni swyddogaethau mabwysiadu perthnasol gan awdurdod lleol o fewn ystyr "discharge by that authority of relevant adoption functions" yn adran 43(3)(a) o Ddeddf Safonau Gofal 2000;

rhaid dehongli "rheolwr" ("*manager*") yn unol â rheoliad 6;

ystyr "swyddfa briodol" ("*appropriate office*")

The National Assembly for Wales in exercise of the powers conferred upon it by sections 9(2), (3), and (3A) and 67(5) of the Adoption Act 1976(a) and sections 12(2), 15(3), 16(1), (2) and (3), 22(1), (2)(a) to (d), (f) to (j), (5)(a) and (c), (7)(a) to (h), (j) and (8)(c), 33, 34(1), 35 and 118(5) to (7) of the Care Standards Act 2000(b) and of all the other powers enabling it on behalf, hereby makes the following regulations:-

## PART 1

### GENERAL

#### Citation, commencement and application

1.-(1) These Regulations may be cited as the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003 and shall come into force on 30th April 2003.

(2) These Regulations apply to Wales only.

#### Interpretation

2.-(1) In these Regulations-

"adoption service" ("*gwasanaeth mabwysiadu*") means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Care Standards Act 2000;

"appropriate office" ("*swyddfa briodol*") means in relation to a local authority adoption service -

(a) if an office has been specified under paragraph (2) for the area in which the adoption service is situated, that office;

(b) in any other case, any office of the National Assembly;

"children's guide" ("*arweiniad plant*") means the written guide produced in accordance with regulation 4;

"guardian" ("*gwarcheidwad*") has the meaning given to it in section 5 of the Children Act 1989(c);

(a) 1976 p.36 Yn adran 9 o Ddeddf 1976 diwygiwyd is-adran (2) a mewnosodwyd is-adran (3A) gan adran 116 a pharagraff 5 (6)(c) o Atodlen 4 i Ddeddf Safonau Gofal 2000 (p.14) ("Deddf 2000"). Mae'r pwerau hyn yn arferadwy gan y Gweinidog priodol, a ddiffinir yn adran 9(5) o Ddeddf 1976, mewn perthynas â Chymru fel Cynulliad Cenedlaethol Cymru ac mewn perthynas â Lloegr fel yr Ysgrifennydd Gwladol ac mewn perthynas â Lloegr a Chymru fel yr Ysgrifennydd Gwladol a Chynulliad Cenedlaethol Cymru yn gweithredu ar y cyd. Diwygiwyd is-adranau (2) a (3) a mewn osodwyd is-adran (5) gan adran 139(2) pharagraff 4(1)(b) o Atodlen 4 i Ddeddf Mabwysiadu a Phlant 2003 p.38.

(b) 2000 p.14.

(c) 1989 p.41.

(a) 1976 c.36 In section 9 of the 1976 Act subsection (2) was amended and subsection (3A) inserted by section 116 and paragraph 5(6)(c) of Schedule 4 to the Care Standards Act 2000 (c.14) ("the 2000 Act"). The powers are exercisable by the appropriate Minister, who is defined in section 9(5) of the 1976 Act, in relation to Wales as the National Assembly for Wales and in relation to England as the Secretary of State and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. Subsections (2) and (3) were amended and subsection (5) inserted by section 139(2) and paragraph 4(1)(b) of Schedule 4 to the Adoption and Children Act 2002 c.38.

(b) 2000 c.14

(c) 1989 c.41.

mewn perthynas â gwasanaeth mabwysiadu awdurdod lleol -

- (a) os oes swyddfa wedi'i phennu o dan baragraff (2) ar gyfer yr ardal y mae'r gwasanaeth mabwysiadu wedi'i leoli ynddi, yw'r swyddfa honno;
- (b) mewn unrhyw achos arall, yw unrhyw un o swyddfeydd y Cynulliad Cenedlaethol.

(2) Caiff y Cynulliad Cenedlaethol bennu swyddfa o dan ei reolaeth fel y swyddfa briodol mewn perthynas ag awdurdodau lleol.

(3) Yn y Rheoliadau hyn, mae cyfeiriad -

- (a) at reoliad neu Atodlen â rhif yn gyfeiriad at y rheoliad yn y Rheoliadau hyn, neu at yr Atodlen iddynt, sy'n dwyn y rhif hwnnw;
- (b) mewn rheoliad neu Atodlen at baragraff â rhif, yn gyfeiriad at y paragraff yn y rheoliad neu'r Atodlen sy'n dwyn y rhif hwnnw;
- (c) mewn paragraff at is-baragraff â llythyren neu rif yn gyfeiriad at yr is-baragraff yn y paragraff hwnnw sy'n dwyn y llythyren honno neu'r rhif hwnnw.

(4) Yn y Rheoliadau hyn, onid ymddengys bwriad fel arall, mae cyfeiriadau at gyflogi person yn cynnwys-

- (a) cyflogi person boed am dâl neu beidio;
- (b) cyflogi person o dan gontract gwasanaeth neu gontract ar gyfer gwasanaethau; ac
- (c) caniatáu i berson weithio fel gwirfoddolwr;

a rhaid dehongli cyfeiriadau at gyflogai neu at berson sy'n cael ei gyflogi yn unol â hynny.

### **Datganiad o Ddiben**

3.-(1) Rhaid i bob awdurdod lleol lunio mewn perthynas â gwasanaeth mabwysiadu ddatganiad ysgrifenedig (y cyfeirir ato yn y Rheoliadau hyn fel "y datganiad o ddiben") a rhaid iddo gynnwys datganiad ynglŷn â'r materion a restrir yn Atodlen 1.

(2) Rhaid i'r awdurdod ddarparu copi o'r datganiad o ddiben i'r Cynulliad Cenedlaethol a rhaid iddo drefnu bod copi ohono ar gael, os gofynnir amdano, i'w archwilio gan y canlynol -

- (a) plant y gellir eu mabwysiadu, eu rhieni a'u gwarcheidwaid;
- (b) personau sy'n dymuno mabwysiadu plentyn;
- (c) personau sydd wedi'u mabwysiadu, eu rhieni, eu rhieni naturiol a'u cyn warcheidwaid;
- (ch) pob person sydd yn gweithio at ddibenion y gwasanaeth mabwysiadu.

"manager" ("*rheolwr*") shall be construed in accordance with regulation 6;

"National Assembly" ("*Cynulliad Cenedlaethol*") means the National Assembly for Wales;

"statement of purpose" ("*datganiad oddiben*") means the written statement compiled in accordance with regulation 3(1).

(2) The National Assembly may specify an office controlled by it as the appropriate office in relation to local authorities.

(3) In these Regulations, a reference -

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(4) In these Regulations, unless the contrary intention appears, references to employing a person include -

- (a) employing a person whether or not for payment;
- (b) employing a person under a contract of service or a contract for services; and
- (c) allowing a person to work as a volunteer;

and references to an employee or to a person being employed shall be construed accordingly.

### **Statement of purpose**

3.-(1) Each local authority must compile in relation to the adoption service a written statement (in these Regulations referred to as "the statement of purpose") which shall consist of a statement as to the matters listed in Schedule 1.

(2) The authority must supply a copy of the statement of purpose to the National Assembly and shall make a copy of it available, upon request, for inspection by-

- (a) children who may be adopted, their parents and guardians;
- (b) persons wishing to adopt a child;
- (c) adopted persons, their parents, natural parents and former guardians;
- (d) every person working for the purposes of the adoption service.

(3) Yn ddarostyngedig i baragraff (4), rhaid i'r awdurdod sicrhau fod ei wasanaeth mabwysiadu yn cael ei redeg bob amser mewn modd sy'n gyson â'i ddatganiad o ddiben.

(4) Ni fydd dim ym mharagraff (3) yn ei gwneud yn ofynnol i'r awdurdod dorri unrhyw ddarpariaeth arall yn y Rheoliadau hyn, na pheidio â chydymffurfio â hi nac yn ei awdurdodi i wneud hynny.

### **Arweiniad Plant**

4.-(1) Rhaid i bob awdurdod lleol lunio arweiniad ysgrifenedig i'r gwasanaeth mabwysiadu (y cyfeirir ato yn y Rheoliadau hyn fel "yr arweiniad plant") a rhaid iddo gynnwys datganiad ynglŷn â'r materion a restrir yn Atodlen 2.

(2) Rhaid i'r awdurdod ddarparu copi o'r arweiniad plant i'r canlynol -

- (a) y Cynulliad Cenedlaethol;
- (b) pob darpar fabwysiadudd cymeradwy y mae'r awdurdod wedi lleoli plentyn i'w fabwysiadu gyda hwy; ac
- (c) pob plentyn (yn dibynnu ar ei oedran a'i ddealltwriaeth), y caniateir ei leoli neu sydd wedi'i leoli i'w fabwysiadu gan yr awdurdod.

### **Adolygu'r datganiad o ddiben a'r arweiniad plant**

5. Rhaid i bob awdurdod lleol -

- (a) cadw'r datganiad o ddiben a'r arweiniad plant o dan sylw ac, os yw'n briodol, eu hadolygu; a
- (b) hysbysu'r Cynulliad Cenedlaethol o unrhyw ddiwygiad o'r fath o fewn 28 diwrnod.

## **RHAN 2**

### **RHEOLWYR**

#### **Penodi rheolwr**

6.-(1) Rhaid i bob awdurdod lleol benodi un o'i swyddogion i reoli'r gwasanaeth mabwysiadu a rhaid iddo hysbysu'r Cynulliad Cenedlaethol yn ddi-oed o'r canlynol -

- (a) enw'r person a benodwyd yn unol â'r rheoliad hwn; a
- (b) y dyddiad y mae'r penodiad i ddod yn weithredol.

(2) Rhaid i'r awdurdod hysbysu'r Cynulliad Cenedlaethol yn ddi-oed os yw'r person a benodwyd o dan baragraff (1) yn rhoi'r gorau i reoli'r gwasanaeth mabwysiadu.

(3) Subject to paragraph (4), the authority must ensure that their adoption service is at all times conducted in a manner which is consistent with its statement of purpose.

(4) Nothing in paragraph (3) shall require or authorise the authority to contravene, or not comply with any other provision of these Regulations .

### **Children's guide**

4.-(1) Each local authority must produce a written guide to the adoption service (in these Regulations referred to as "the children's guide") which shall consist of a statement as to the matters listed in Schedule 2.

(2) The authority shall provide a copy of the children's guide to -

- (a) the National Assembly;
- (b) every prospective adopter with whom the authority has placed a child for adoption; and
- (c) every child (subject to his or her age and understanding), who may be or has been placed for adoption by the authority.

### **Review of statement of purpose and children's guide**

5.- Each local authority must-

- (a) keep under review and, where appropriate, revise the statement of purpose and children's guide; and
- (b) notify the National Assembly of any such revision within 28 days.

## **PART 2**

### **MANAGERS**

#### **Appointment of manager**

6.-(1) Each local authority must appoint one of their officers to manage the adoption service and shall forthwith notify the National Assembly of-

- (a) the name of the person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

(2) The authority must forthwith notify the National Assembly if the person appointed under paragraph (1) ceases to manage the adoption service.

## **Ffitrwydd y rheolwr**

7.-(1) Rhaid i berson beidio â rheoli'r gwasanaeth mabwysiadu oni bai ei fod yn ffit i wneud hynny.

(2) Nid yw person yn ffit i reoli gwasanaeth mabwysiadu oni bai -

- (a) ei fod yn onest ac o gymeriad da;
- (b) o roi sylw i faint yr awdurdod a'i ddatganiad o ddiben -
  - (i) bod gan y person y cymwysterau, y medrau a'r profiad sy'n angenrheidiol i reoli'r gwasanaeth mabwysiadu; a
  - (ii) bod y person yn ffit yn gorfforol ac yn feddyliol i reoli'r gwasanaeth mabwysiadu; ac
- (c) bod gwybodaeth lawn a boddhaol mewn perthynas â phob un o'r materion a restrir yn Atodlen 3.

## **Gofynion cyffredinol**

8.-(1) Rhaid i'r rheolwr, o roi sylw -

- (a) i faint yr awdurdod lleol a'i ddatganiad o ddiben; a
- (b) i'r angen am ddiogelu a hybu lles y plant a allai gael eu lleoli, neu sydd wedi'u lleoli, gan yr awdurdod i'w mabwysiadu,

reoli'r gwasanaeth mabwysiadu â gofal, medrusrwydd a medr digonol.

(2) Rhaid i'r rheolwr ymgymryd o dro i dro ag unrhyw hyfforddiant sy'n briodol er mwyn sicrhau bod gan y rheolwr hwnnw y profiad a'r medrau y mae eu hangen i redeg y gwasanaeth mabwysiadu.

## **Hysbysu tramgwyddau**

9. Os yw'r rheolwr wedi'i gollfarnu o unrhyw dramgwydd troseddol, boed yng Nghymru a Lloegr neu yn rhywle arall, rhaid iddo hysbysu'r Cynulliad Cenedlaethol yn ysgrifenedig ar unwaith-

- (a) o ddyddiad a man y collfarniad;
- (b) o'r tramgwydd y'i collfarnwyd ohono; ac
- (c) o'r gosb a osodwyd arno mewn perthynas â'r tramgwydd.

RHAN 3

## **RHEDEG GWASANAETH MABWYSIADU AWDURDOD LLEOL**

### **Trefniadau ar gyfer amddiffyn plant**

10. Rhaid i bob awdurdod lleol baratoi a gweithredu polisi ysgrifenedig -

- (a) sydd wedi'i fwriadu i ddiogelu plant sydd

## **Fitness of manager**

7.-(1) A person must not manage the adoption service unless he or she is fit to do so.

(2) A person is not fit to manage an adoption service unless-

- (a) he or she is of integrity and good character;
- (b) having regard to the size of the authority and its statement of purpose-
  - (i) he or she has the qualifications, skills and experience necessary for managing the adoption service; and
  - (ii) he or she is physically and mentally fit to manage the adoption service; and
- (c) full and satisfactory information is available in relation to him or her in respect of each of the matters specified in Schedule 3.

## **General requirements**

8.-(1) The manager must, having regard to-

- (a) the size of the local authority and its statement of purpose; and
- (b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the authority,

manage the adoption service with sufficient care, competence and skill.

(2) The manager shall undertake from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary to manage the adoption service.

## **Notification of offences**

9. Where the manager is convicted of any criminal offence, whether in Wales and England or elsewhere, he or she shall forthwith give notice in writing to the National Assembly of-

- (a) the date and place of the conviction;
- (b) the offence of which he or she was convicted; and
- (c) the penalty imposed on him or her in respect of the offence.

PART 3

## **CONDUCT OF LOCAL AUTHORITY ADOPTION SERVICE**

### **Arrangements for the protection of children**

10. Each local authority must prepare and implement a written policy which-

- (a) is intended to safeguard from abuse or neglect

wedi'u lleoli gan yr awdurdod i'w mabwysiadu rhag cael eu cam-drin neu eu hesgeuluso; a

- (b) sy'n nodi'r weithdrefn i'w dilyn os bydd unrhyw honiad o gam-drin neu esgeuluso.

### **Staffio**

11. Rhaid i bob awdurdod lleol sicrhau, gan roi sylw-

- (a) i faint yr awdurdod a'i ddatganiad o ddiben; a
- (b) i'r angen am ddiogelu a hybu iechyd a lles y plant a allai gael eu lleoli neu sydd wedi'u lleoli gan yr awdurdod i'w mabwysiadu,

fod nifer digonol o bersonau hyfedr a phrofiadol â chymwysterau addas yn gweithio at ddibenion y gwasanaeth mabwysiadu.

### **Ffitrwydd y gweithwyr**

12.-(1) Rhaid i awdurdod lleol beidio â gwneud y canlynol -

- (a) cyflogi person i weithio at ddibenion eu gwasanaeth mabwysiadu oni bai bod y person hwnnw yn ffit i weithio at ddibenion gwasanaeth mabwysiadu; neu
- (b) caniatáu i berson y mae paragraff (2) yn gymwys iddo, weithio at ddibenion y gwasanaeth mabwysiadu oni bai bod y person hwnnw yn ffit i weithio at ddibenion gwasanaeth mabwysiadu.

(2) Mae'r paragraff hwn yn gymwys i unrhyw berson a gyflogir gan berson heblaw'r awdurdod mewn swydd lle y gallai wrth gyflawni ei ddyletswyddau gael cysylltiad rheolaidd â phlant a allai gael eu lleoli, neu sydd wedi'u lleoli, i'w mabwysiadu gan yr awdurdod.

(3) At ddibenion paragraff (1), nid yw person yn ffit i weithio at ddibenion gwasanaeth mabwysiadu awdurdod oni bai -

- (a) ei fod yn onest ac o gymeriad da;
- (b) bod ganddo y cymwysterau, y medrau a'r profiad sy'n angenrheidiol ar gyfer y gwaith y mae i'w gyflawni;
- (c) bod y person yn ffit yn gorfforol ac yn feddyliol i wneud y gwaith y mae i'w gyflawni; ac
- (ch) bod gwybodaeth lawn a boddhaol ar gael ynglyn â'r person mewn perthynas â phob un o'r materion a bennir yn Atodlen 3.

(4) Mae'r paragraff hwn yn gymwys pan fydd unigolyn wedi gwneud cais am dystysgrif y cyfeirir ati ym mharagraff 2 o Atodlen 3, ond nad yw'r dystysgrif wedi ei rhoi.

(5) Rhaid i'r awdurdod gymryd camau rhesymol i sicrhau bod unrhyw berson sy'n gweithio at ddibenion

every child placed for adoption by the authority; and

- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

### **Staffing**

11. Each local authority must ensure that there is, having regard to-

- (a) the size of the authority and its statement of purpose; and
- (b) the need to safeguard and promote the health and welfare of children who may be, or have been, placed for adoption by the authority,

a sufficient number of suitably qualified, competent, and experienced persons working for the purposes of the adoption service.

### **Fitness of workers**

12.-(1) A local authority must not-

- (a) employ a person to work for the purposes of their adoption service unless that person is fit to work for the purposes of an adoption service; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service.

(2) This paragraph applies to any person who is employed by a person other than the authority in a position in which he or she may in the course of his or her duties have regular contact with children who may be, or have been, placed for adoption by the authority.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an authority's adoption service unless-

- (a) he or she is of integrity and good character;
- (b) he or she has the qualifications, skills and experience necessary for the work he or she is to perform;
- (c) he or she is physically and mentally fit for the work he or she is to perform; and
- (d) full and satisfactory information is available in relation to him or her in respect of each of the matters specified in Schedule 3.

(4) The authority shall take reasonable steps to ensure that any person working for the purposes of the adoption service who is not employed by the authority and to whom paragraph (2) does not apply is appropriately supervised while carrying out his or her duties.

y gwasanaeth mabwysiadu nad yw'n cael ei gyflogi gan yr awdurdod ac nad yw paragraff (2) yn gymwys iddo yn cael ei oruchwylio'n briodol wrth gyflawni ei ddyletswyddau.

### **Cyflogi staff**

**13.**-(1) Rhaid i bob awdurdod lleol -

- (a) sicrhau bod bob penodiad parhaol sy'n cael ei wneud gan yr awdurdod at ddibenion y gwasanaeth mabwysiadu yn amodol ar gwblhau cyfnod prawf yn foddhaol; a
- (b) darparu disgrifiad swydd sy'n amlinellu eu cyfrifoldebau i bob cyflogai sy'n cael ei gyflogi gan yr awdurdod at ddibenion ei wasanaeth mabwysiadu.

(2) Rhaid i'r awdurdod sicrhau bod bob person sy'n cael ei gyflogi gan yr awdurdod at ddibenion y gwasanaeth mabwysiadu -

- (a) yn cael ei hyfforddi, ei oruchwylio a'i werthuso'n briodol; a
- (b) yn cael ei alluogi o dro i dro i ennill cymwysterau pellach sy'n briodol i'r gwaith y mae'n ei gyflawni.

### **Gweithdrefn disgyblu'r staff**

**14.**-(1) Rhaid i bob awdurdod lleol weithredu gweithdrefn disgyblu sydd, yn benodol -

- (a) yn darparu ar gyfer gwahardd dros dro cyflogai os bydd angen gwneud hynny o ystyried diogelwch neu les y plant y gellir eu lleoli, neu sydd wedi'u lleoli, gan yr awdurdod i'w mabwysiadu;
- (b) yn darparu bod y methiant ar ran cyflogai i hysbysu person priodol o ddigwyddiad cam-drin, neu achos lle mae amheuaeth o gam-drin plentyn sydd wedi'i lleoli gan yr awdurdod i'w fabwysiadu yn sail ar gyfer cychwyn achos disgyblu.

(2) At ddibenion paragraff (1)(b), mae person priodol yn un o'r canlynol -

- (a) rheolwr y gwasanaeth mabwysiadu;
- (b) un o swyddogion y Cynulliad Cenedlaethol;
- (c) un o swyddogion yr heddlu;
- (ch) un o swyddogion y Gymdeithas Genedlaethol er Atal Creulondeb i Blant;
- (d) swyddog o'r awdurdod lleol y mae'r plentyn wedi ei lleoli i'w fabwysiadu yn ardal yr awdurdod hwnnw pan fydd hwnnw yn awdurdod gwahanol.

### **Trefniadau ar gyfer absenoldeb y rheolwr**

**15.** Rhaid i bob awdurdod lleol sefydlu system i sicrhau bod person a nodir yn gyfrifol am reoli'r

### **Employment of staff**

**13.**-(1) Each local authority must-

- (a) ensure that all permanent appointments made by the authority for the purposes of the adoption service are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees employed by the authority for the purposes of their adoption service with a job description outlining their responsibilities.

(2) The authority must ensure that all persons employed by the authority for the purposes of the adoption service -

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

### **Staff disciplinary procedure**

**14.**-(1) Each local authority must operate a disciplinary procedure which, in particular-

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children who may be, or have been, placed for adoption by the authority ;
- (b) provides that the failure on the part of an employee to report to an appropriate person an incident of abuse, or suspected abuse of a child placed for adoption by the authority is a ground on which disciplinary proceedings may be instituted .

(2) For the purposes of paragraph (1)(b), an appropriate person is -

- (a) the manager of the adoption service;
- (b) an officer of the National Assembly;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children;
- (e) an officer of the local authority in whose area the child is placed for adoption where this is a different authority.

### **Arrangements for absence of manager**

**15.** Each local authority must establish a system to ensure that where the manager proposes to be or is



gwasanaeth mabwysiadu, pan fydd y rheolwr yn bwriadu bod yn absennol neu pan fydd yn absennol o'r awdurdod lleol am gyfnod parhaus o 28 diwrnod neu fwy, tan yr amser y bydd y rheolwr yn dychwelyd i'r gwasanaeth mabwysiadu neu (yn ôl fel y digwydd) fod rheolwr newydd yn cael ei benodi gan yr awdurdod.

### **Cofnodion mewn perthynas â staff**

**16.**-(1) Rhaid i bob awdurdod lleol gadw'r cofnodion a bennir yn Atodlen 4 a'u cadw'n gyfoes.

(2) Rhaid cadw'r cofnodion y cyfeiriwyd atynt am o leiaf 15 mlynedd o ddyddiad y cofnod diwethaf.

### **Ffitrwydd y safle**

**17.**-(1) Rhaid i'r awdurdod lleol beidio â defnyddio safle at ddibenion eu gwasanaeth mabwysiadu oni bai bod y safle yn addas ar gyfer cyflawni'r nodau a'r amcanion sydd wedi'u nodi yn y datganiad o ddiben.

(2) Rhaid i'r awdurdod sicrhau -

- (a) bod yna drefniadau gwarchod digonol ar y safle, ac, yn benodol fod cyfleusterau diogel ar gyfer storio cofnodion; a
- (b) bod unrhyw gofnodion nad ydynt, am unrhyw reswm, yn cael eu cadw ar safle'r awdurdod yn cael eu cadw o dan amodau priodol o ran diogelwch.

### **Cwynion**

**18.** Rhaid i bob awdurdod lleol

- (a) sicrhau y cedwir cofnod ysgrifenedig o unrhyw gŵyn, yn cynnwys manylion o'r ymchwiliad a wnaed, y canlyniad ac unrhyw gamau dilynol a gymerwyd a bod y cofnod yn cael ei gadw am o leiaf 3 mlynedd o'r dyddiad y'i gwneir; a
- (b) os bydd y Cynulliad Cenedlaethol yn gofyn amdano, rhaid i bob awdurdod lleol ddarparu iddo ddatganiad sy'n cynnwys crynodeb o unrhyw gwynion a wnaed mewn perthynas â'i gwasanaeth mabwysiadu yn ystod y 12 mis blaenorol ac ynglŷn â'r camau a gymerwyd (os o gwbl) o ganlyniad i'r ymchwiliad.

absent from the local authority for a continuous period of 28 days or more an identified person is responsible for the management of the adoption service until such time as the manager returns to the adoption service or (as the case may be) a new manager is appointed by the authority.

### **Records with respect to staff**

**16.**-(1) Each local authority must maintain and keep up to date the records specified in Schedule 4.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years from the date of the last entry.

### **Fitness of premises**

**17.**-(1) The local authority must not use premises for the purposes of their adoption service unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The authority must ensure -

- (a) that there are adequate security arrangements at the premises, and in particular, that there are secure facilities for the storage of records; and
- (b) that any records which are, for any reason, not on the authority's premises are kept in conditions of appropriate security.

### **Complaints**

**18.** Each local authority must

- (a) ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and that the record is retained for at least 3 years from the date it is made; and
- (b) supply to the National Assembly at its request a statement containing a summary of any complaints made in respect of their adoption service during the preceding 12 months and the action (if any) taken as a result of the outcome of the investigation.

RHAN 4

## **DIWYGIADAU AMRYWIOL**

### **Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Cymru) 2002**

**19.** Mae Rheoliadau Cofrestru Gofal Cymdeithasol

PART 4

## **MISCELLANEOUS AMENDMENTS**

### **Amendments to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002**

**19.** The Registration of Social Care and Independent

a Gofal Iechyd Annibynnol (Cymru) 2002(a) yn cael eu diwygio fel a ganlyn -

- (a) yn rheoliad 2 (1) mewnosodwch yn y man priodol -  
"the 1976 Act" means the Adoption Act 1976(b);  
"adoption service" means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Act and in relation to a local authority means the discharge by that authority of those functions";  
"voluntary adoption agency" means an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act;";
- (b) yn y diffiniad o "appropriate office", ar ôl is-adran (e) mewnosodwch -  
"(f) in relation to an adoption service -  
(i) if an office has been specified under regulation 2(2) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003, that office;  
(ii) in any other case, any office of the National Assembly.";
- (c) yn y diffiniad o "statement of purpose", ar ôl is-adran (e) mewnosodwch -  
"(f) in relation to a voluntary adoption agency, the written statement required to be compiled in accordance with regulation 3(1) of the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003;  
(g) in relation to an adoption service means the written statement required to be compiled in accordance with regulation 3(1) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003".

#### **Diwygiadau i Reoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002**

20. Mae Rheoliadau Cofrestru Gofal Cymdeithasol a Gofal Iechyd Annibynnol (Ffioedd) (Cymru) 2002(c) yn cael eu diwygio fel a ganlyn -

- (a) yn rheoliad 2 (1) mewnosodwch yn y manau priodol -  
"the 1976 Act" means the Adoption Act 1976(ch)"

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(a) O.S. 2002/919 (Cy. 107).  
(b) 1976 p.36.  
(c) O.S. 2002/921 (Cy.109).  
(ch) 1976 p.36.

Health Care (Wales) Regulations 2002 (a) are amended as follows -

- (a) in regulation 2 (1) at the appropriate place, insert -  
"the 1976" Act means the Adoption Act 1976(b);  
"adoption service" means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Act and in relation to a local authority means the discharge by that authority of those functions";  
"voluntary adoption agency" means an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act;";
- (b) in the definition of "appropriate office", after subsection (e) insert -  
"(f) in relation to an adoption service -  
(i) if an office has been specified under regulation 2(2) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003, that office;  
(ii) in any other case, any office of the National Assembly.";
- (c) In the definition of "statement of purpose", after subsection (e) insert -  
"(f) in relation to a voluntary adoption agency, the written statement required to be compiled in accordance with regulation 3(1) of the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003;  
(g) in relation to an adoption service means the written statement required to be compiled in accordance with regulation 3 (1) of the Local Authority Adoption Service and Miscellaneous Amendments (Wales) Regulations 2003".

#### **Amendments to the Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002**

20. The Registration of Social Care and Independent Healthcare (Fees) (Wales) Regulations 2002(c) are amended as follows -

- (a) in regulation 2 (1) at the appropriate places, insert -  
"the 1976 Act" means the Adoption Act 1976(d)";

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(a) S.I. 2002/919 (W.107).  
(b) 1976 c.36.  
(c) S.I. 2002/921 (W.109).  
(d) 1976 c.36.

"new agency provider" means a person who carries on a voluntary adoption agency for the first time after 30th April 2003;

"small agency" means an agency which has a small principal office;"

"small principal office" means a principal office where at any one time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker(a);

"small branch" means a branch of a voluntary adoption agency where at any time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker;

yn y diffiniad o "agency" ychwanegwch ar y diwedd y geiriau ", a voluntary adoption agency where the agency's principal office is in Wales or a local authority adoption service";

yn y diffiniad o "existing undertaking" ychwanegwch "(e) a voluntary adoption agency that is approved immediately before 30th April 2003 under Part 1 of the 1976 Act";

(b) ar ôl rheoliad 3 (3) mewnosodwch y canlynol-

"(3A) In the case of an application for registration in respect of a voluntary adoption agency which has a small principal office the registration fee shall be £300.

(3B) In a case where an agency has a branch, or as the case may be, a small branch an additional sum of-

- (i) £1,100 in respect of each branch; and
- (ii) £300 in respect of each small branch.

(3C) Where an application for registration is made by a voluntary adoption agency that is an existing undertaking, no registration fee shall be payable."

(c) Yn rheoliad 4 (1) -

- (i) ar ôl "paragraph (2)" mewnosodwch ", (2A), (2B)";
- (ii) ar ôl rheoliad 4(2) mewnosodwch "(2A) In the case of an application mentioned in paragraph (1) in respect of a small agency or a small branch the fee shall be £300.

(2B) In the case of an application for the establishment of a new branch or small branch the fee shall be

- (i) £1,100 in respect of each proposed new branch; and

"new agency provider" means a person who carries on a voluntary adoption agency for the first time after 30th April 2003;

"small agency" means an agency which has a small principal office;"

"small principal office" means a principal office where at any one time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker(a);

"small branch" means a branch of a voluntary adoption agency where at any time no more than eight members of full time staff (or the part time equivalents or combination of full time and part time staff) are employed in the capacity of a social worker;

in the definition of "agency" add to the end the words ", a voluntary adoption agency where the agency's principal office is in Wales or a local authority adoption service";

in the definition of "existing undertaking" add "(e) a voluntary adoption agency that is approved immediately before 30th April 2003 under Part 1 of the 1976 Act";

(b) after regulation 3 (3) insert the following -

"(3A) In the case of an application for registration in respect of a voluntary adoption agency which has a small principal office the registration fee shall be £300.

(3B) In a case where any agency has a branch, or as the case may be, a small branch an additional sum of-

- (i) £1,100 in respect of each branch; and
- (ii) £300 in respect of each small branch.

(3C) Where an application for registration is made by a voluntary adoption agency that is an existing undertaking, no registration fee shall be payable."

(c) In regulation 4 (1) -

- (i) after "paragraph (2)" insert ", (2A), (2B)";
- (ii) after regulation 4(2) insert "(2A) In the case of an application mentioned in paragraph (1) in respect of a small agency or a small branch the fee shall be £300.

(2B) In the case of an application for the establishment of a new branch or small branch the fee shall be

- (i) £1,100 in respect of each proposed new branch; and

(a) Am y diffiniad o "social worker" gweler a.55(2)(a) o Ddeddf 2000.

(a) For the definition of "social worker" see s.55(2)(a) of the 2000 Act.

- (ii) £300 in respect of each proposed new small branch.
- (ch) Yn rheoliad 4(3) ar ôl "the establishment" rhoddir "or agency".
- (d) Ar ôl rheoliad 12 ("Annual fee - fostering agencies and local authority fostering services") mewnosodwch -

**"Annual fee - voluntary adoption agencies**

**12.** -(1) Subject to paragraph (2) the annual fee in respect of a voluntary adoption agency is -

- (a) £500; and
- (b) in a case where an agency has a branch or as the case may be a small branch, an additional sum of
  - (i) £500 in respect of each branch; and
  - (ii) £250 in respect of each small branch.

(2) The annual fee in respect of a voluntary adoption agency which is a small agency is £250.

(3) The annual fee in respect of a voluntary adoption agency shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (4) ("the first date"), and thereafter on the anniversary of the first date.

(4) The specified date is -

- (a) in the case of an existing undertaking, on 30 April 2003, or on the date on which a certificate of registration is issued, whichever is the later;
- (b) in the case of a new agency provider, the date on which a certificate of registration is issued.

**Annual fee - local authorities**

**13.** -(1) The annual fee in respect of a local authority adoption service shall be £500.

(2) The annual fee shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (3) ("the first date"), and thereafter on the anniversary of the first date.

(3) The specified date is -

- (a) in the case of a local authority that is discharging relevant adoption functions on the date that these Regulations come into force on 30th April 2003; and
- (b) in all other cases on the date on which such functions are first discharged."

- (ii) £300 in respect of each proposed new small branch.
- (d) In regulation 4(3) after "the establishment" insert "or agency".
- (e) After regulation 12 (Annual fee - fostering agencies and local authority fostering services) insert -

**"Annual fee - voluntary adoption agencies**

**12.** -(1) Subject to paragraph (2) the annual fee in respect of a voluntary adoption agency is -

- (a) £500; and
- (b) in a case where an agency has a branch or as the case may be a small branch, an additional sum of
  - (i) £500 in respect of each branch,; and
  - (ii) £250 in respect of each small branch.

(2) The annual fee in respect of a voluntary adoption agency which is a small agency is £250.

(3) The annual fee in respect of a voluntary adoption agency shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (4) ("the first date"), and thereafter on the anniversary of the first date.

(4) The specified date is -

- (a) in the case of an existing undertaking, on 30 April 2003, or on the date on which a certificate of registration is issued, whichever is the later;
- (b) in the case of a new agency provider, the date on which a certificate of registration is issued.

**Annual fee - local authorities**

**13.** -(1) The annual fee in respect of a local authority adoption service shall be £500.

(2) The annual fee shall be first payable by the registered provider on the date specified in respect of him or her in paragraph (3) ("the first date"), and thereafter on the anniversary of the first date.

(3) The specified date is -

- (a) in the case of a local authority that is discharging relevant adoption functions on the date that these Regulations come into force on 30th April 2003; and
- (b) in all other cases on the date on which such functions are first discharged."

**Diwygiadau i Reoliadau Asiantaethau Mabwysiadu 1983**

**21.** Diwygir Rheoliad 8A o Reoliadau Asiantaethau Mabwysiadu 1983(a) fel a ganlyn -

- (a) ym mharagraffau (1) a (2), yn lle'r geiriau "over the age of 18" rhowch "aged 18 or over";
- (b) yn is-baragraff (2)(a) ar ôl y geiriau "specified offence" mewnosodwch y geiriau "committed at the age of 18 or over".

Llofnodwyd ar ran Cynulliad Cenedlaethol Cymru o dan adran 66(1) o Ddeddf Llywodraeth Cymru 1998(b)

12 Mawrth 2003

*John Marek*

Dirprwy Lywydd y Cynulliad Cenedlaethol

**Amendments to Adoption Agencies Regulations 1983**

**21.** Regulation 8A of the Adoption Agencies Regulations 1983(a) is amended as follows-

- (a) in paragraphs (1) and (2), for the words "over the age of 18" substitute "aged 18 or over";
- (b) in sub-paragraph (2)(a) after the words "specified offence" insert the words "committed at the age of 18 or over".

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(b)

12th March 2003

The Deputy Presiding Officer of the National Assembly

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(a) O.S.1983/1964 fel y'i diwygiwyd gan O.S. 1997/649, O.S. 1997/2308 ac O.S. 2001/3443 (Cy.278).

(b) 1998 p.38.

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(a) S.I.1983/1964 as amended by S.I.1997/649, S.I. 1997/2308 and S.I.2001/3443 (W.278).

(b) 1998 c.38.

ATODLEN 1

SCHEDULE 1

Rheoliad 3(1)

Regulation 3(1)

**YR WYBODAETH SYDD I'W CHYNNWYS  
YN Y DATGANIAD O DDIBEN**

**INFORMATION TO BE INCLUDED IN THE  
STATEMENT OF PURPOSE**

1. Nodau ac amcanion yr awdurdod lleol mewn perthynas â'r gwasanaeth mabwysiadu.
2. Enw a chyfeiriad y rheolwr.
3. Cymwysterau a phrofiad perthnasol y rheolwr.
4. Nifer y staff sy'n cael eu cyflogi gan yr awdurdod at ddibenion gwasanaeth mabwysiadu'r awdurdod, eu cymwysterau a'u profiad perthnasol.
5. Strwythur trefniadol y gwasanaeth mabwysiadu.
6. System sydd wedi'i sefydlu i fonitro a gwerthuso'r ddarpariaeth o ran gwasanaethau er mwyn sicrhau bod y gwasanaethau a ddarparwyd gan yr awdurdod yn effeithiol a bod ansawdd y gwasanaeth mabwysiadu o safon briodol.
7. Y gweithdrefnau ar gyfer recriwtio, paratoi, asesu, cymeradwyo a chefnogi darpar rieni mabwysiadol.
8. Crynodeb o'r weithdrefn gwyno a sefydlwyd yn unol ag adran 26 o Ddeddf Plant 1989 (a) a Gorchymyn Gwasanaethau Cymdeithasol Awdurdodau Lleol (Gweithdrefn Gwyno) 1990(b).
9. Cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol.

1. The aims and objectives of the local authority in relation to the adoption service.
2. The name and address of the manager.
3. The relevant qualifications and experience of the manager.
4. The number, relevant qualifications and experience of the staff employed by the authority for the purposes of the authority's adoption service.
5. The organisational structure of the adoption service.
6. The system in place to monitor and evaluate the provision of services to ensure that the services provided by the authority are effective and the quality of the adoption service is of an appropriate standard.
7. The procedures for recruiting, preparing, assessing, approving and supporting prospective adoptive parents.
8. A summary of the complaints procedure established in accordance with section 26 of the Children Act 1989(a) and the Local Authority Social Services (Complaints Procedure) Order 1990(b).
9. The address and telephone number of the appropriate office of the National Assembly.

ATODLEN 2

SCHEDULE 2

Rheoliad 4(1)

Regulation 4(1)

**YR WYBODAETH SYDD I'W CHYNNWYS  
YN YR ARWEINIAD PLANT**

**INFORMATION TO BE INCLUDED IN THE  
CHILDREN'S GUIDE**

1. Crynodeb o'r datganiad o ddiben.
2. Crynodeb o'r gweithdrefnau pan fydd mabwysiadu wedi'i nodi fel y cynllun priodol ar gyfer plentyn.
3. Crynodeb o'r gweithdrefnau cwyno a sefydlwyd yn unol ag adran 26 o Ddeddf Plant 1989 a Gorchymyn Gwasanaethau Cymdeithasol Awdurdodau Lleol (Gweithdrefn Gwyno) 1990.
4. Manylion ynghylch sut y gall plentyn gael gfael ar wasanaethau eiriolwr sy'n annibynnol ar yr

1. A summary of the statement of purpose.
2. A summary of the procedures where adoption is identified as the appropriate plan for a child.
3. A summary of the complaints procedures established in accordance with section 26 of the Children Act 1989 and the Local Authority Social Services (Complaints Procedure) Order 1990.
4. Details of how a child may have access to the services of an advocate who is independent of the

(a) 1989 p.41. Rheoliadau Gweithdrefn Sylwadau (Plant) 1991 (O.S.1991/894 fel y'u diwygiwyd gan O.S.1991/2033, O.S.1993/3069 ac O.S.2001/2874) yw'r rheoliadau cyfredol.

(b) O.S.1990/2244.

(a) 1989 c.41. The current regulations are the Representations Procedure (Children) Regulations 1991 (S.I.1991/894) as amended by S.I.1991/2033, S.I.1993/3069 and S.I.2001/2874.

(b) S.I.1990/2244.

awdurdod i'w gynorthwyo i ddwyn cwyn neu i gyflwyno sylwadau o dan y gweithdrefnau cwyno y cyfeiriwyd atynt ym mharagraff 3.

5. Cyfeiriad a rhif ffôn swyddfa briodol y Cynulliad Cenedlaethol.

6. Enw, cyfeiriad a rhif ffôn Comisiynydd Plant Cymru(a).

### ATODLEN 3

Rheoliad 7(2)(c) a 12(3)(ch)

#### **YR WYBODAETH Y MAE EI HANGEN MEWN PERTHYNAS Â PHERSONAU SY'N CEISIO RHEOLI'R GWASANAETH MABWYSIADU NEU WEITHIO AT DDIBENION Y GWASANAETH HWNNW**

1. Prawf adnabod gan gynnwys ffotograff diweddar.

2. Naill ai -

(a) os yw'r swydd yn dod o fewn adran 115(3) o Ddeddf yr Heddlu 1997(b), tystysgrif fanwl a roddwyd o dan adran 115 o'r Ddeddf honno; neu

(b) mewn unrhyw achos arall, tystysgrif record troseddol a roddwyd o dan adran 113 o Ddeddf yr Heddlu 1997,

gan gynnwys, i'r graddau y mae Deddf yr Heddlu 1997 yn caniatáu hynny, y materion a bennir yn adran 113(3A) neu 115(6A) o'r Ddeddf honno(c).

3. Dau dystlythyr ysgrifenedig, gan gynnwys tystlythyr oddi wrth gyflogwr mwyaf diweddar y person, os oes un.

4. Os yw berson wedi gweithio o'r blaen mewn swydd yr oedd ei ddyletswyddau'n golygu gweithio gyda phlant neu gydag oedolion hawdd eu niweidio, i'r graddau y bo'n rhesymol ymarferol, cadarnhad o'r rheswm pam y daeth y gyflogaeth neu'r swydd i ben.

5. Tystiolaeth ddogfennol o unrhyw gymhwyster perthnasol.

6. Hanes cyflogaeth llawn, ynghyd ag esboniad ysgrifenedig boddhaol am unrhyw fylchau mewn cyflogaeth.

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(a) *Gweler* adran 72 o Ddeddf 2000.

(b) 1997 p.50. Mae swydd o fewn adran 115(3) os yw'n golygu bod y person wrthi'n rheolaidd yn gofalu am bersonau o dan 18 oed, yn eu hyfforddi, yn eu goruchwylio neu os yw'r personau hynny o dan ei ofal ef yn unig.

(c) Mae adran 113(3A) a 115(6A) wedi'u mewnosod yn Neddf yr Heddlu 1997 gan adran 8 o Ddeddf Amddiffyn Plant 1999(p.14) ac wedi'i diwygio gan adrannau 104, 106 a 116 o Ddeddf Safonau Gofal 2000 a pharagraff 25 o Atodlen 4 iddi.

authority to assist him in bringing a complaint or making a representation under the complaints procedures referred to in paragraph 3.

5. The address and telephone number of the appropriate office of the National Assembly.

6. The name, address and telephone number of the Children's Commissioner for Wales(a).

### SCHEDULE 3

Regulation 7(2)(c) and 12(3)(d)

#### **INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF THE ADOPTION SERVICE**

1. Proof of identity including a recent photograph.

2. Either-

(a) where the position falls within section 115(3) of the Police Act 1997(b), an enhanced certificate issued under section 115 of that Act; or

(b) in any other case, a criminal record certificate issued under section 113 of the Police Act 1997,

including, to the extent permitted under the Police Act 1997, the matters specified in section 113(3A) or 115(6A) of that Act(c).

3. Two written references, including a reference from the person's most recent employer, if any.

4. Where a person has previously worked in a position whose duties included work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualification.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

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(a) *See* section 72 of the 2000 Act.

(b) 1997 c.50. A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge, of persons aged under 18.

(c) Section 113(3A) and 115(6A) are inserted into the Police Act 1997 by section 8 of the Protection of Children Act 1999(c.14) and amended by sections 104, 106 and 116 of, and paragraph 25 of Schedule 4 to the Care Standards Act 2000.

Rheoliad 16(1)

Regulation 16(1)

**Y COFNODION SYDD I'W CADW MEWN  
PERTHYNAS Â PHOB PERSON SY'N  
GWEITHIO AT DDIBENION GWASANAETH  
MABWYSIADU AWDURDOD LLEOL**

Cofnod ar gyfer pob person sy'n gweithio ar gyfer yr awdurdod gan gynnwys -

1. Enw llawn.
2. Rhyw.
3. Dyddiad geni.
4. Cyfeiriad cartref.
5. Cymwysterau sy'n berthnasol i waith sy'n cynnwys plant, a phrofiad o waith o'r fath.
6. Y dyddiadau pan fydd y person yn dechrau cael ei gyflogi felly a phan fydd ei gyflogaeth yn dod i ben.
7. A yw'r person yn cael ei gyflogi gan yr awdurdod lleol o dan contract gwasanaeth neu contract ar gyfer gwasanaethau, neu a yw'n cael ei gyflogi gan rywun heblaw'r awdurdod.
8. Disgrifiad swydd y person ac a yw'n gweithio'n amser llawn neu'n rhan amser a nifer yr oriau y mae'n cael ei gyflogi bob wythnos gan wasanaeth mabwysiadu'r awdurdod neu'n cael ei contractio bob wythnos i'r gwasanaeth.
9. Yr hyfforddiant y mae'r person yn ymgymryd ag ef, y gwaith o'i oruchwylio a'i werthuso, y camau disgyblu (os o gwbl) a gymerwyd yn ei erbyn a chanlyniad y camau hynny, cofnodion o gwynion (os o gwbl) a gyflwynwyd yn ei erbyn neu ynglŷn ag ef a chanlyniad y gŵyn honno ac unrhyw gofnodion eraill mewn perthynas â'i gyflogaeth.

**RECORDS TO BE KEPT IN RELATION TO  
EACH PERSON WORKING FOR THE  
PURPOSES OF A LOCAL AUTHORITY'S  
ADOPTION SERVICE**

A record including in respect of each person working for the authority-

1. Full name.
2. Sex.
3. Date of birth.
4. Home address.
5. Qualifications relevant to, and experience of work involving children.
6. The dates on which he or she commences and ceases to be so employed.
7. Whether he or she is employed by the local authority under a contract of service or a contract for services, or is employed by someone other than the authority.
8. His or her job description and whether he or she works full-time or part-time and the number of hours for which he or she is employed by or contracted to work for, the authority's adoption service each week.
9. Training undertaken by him or her, supervision, appraisal, disciplinary action (if any) taken against him or her and the outcome of that action, records of complaints (if any) made against or concerning him or her and the outcome of that complaint and any other records in relation to his or her employment.



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OFFERYNNAU STATUDOL

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**2003 Rhif 710 (Cy86)**

**GOFAL CYMDEITHASOL,  
CYMRU**

**PLANT A PHERSONAU  
IFANC, CYMRU**

Rheoliadau Gwasanaethau  
Mabwysiadu Awdurdodau Lleol a  
Diwygiadau Amrywiol (Cymru)  
2003

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STATUTORY INSTRUMENTS

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**2003 No. 710 (W.86)**

**SOCIAL CARE,  
WALES**

**CHILDREN AND YOUNG  
PERSONS, WALES**

The Local Authority Adoption  
Service and Miscellaneous  
Amendments (Wales) Regulations  
2003

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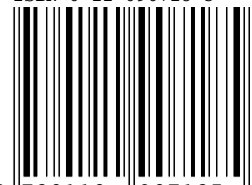
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