WELSH STATUTORY INSTRUMENTS

2007 No. 1357 (W.128)

SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES

The Local Authority Adoption Service (Wales) Regulations 2007

Made - - - -	*27 March 2007*
Coming into force - -	*2 April2007*

The National Assembly for Wales in exercise of the powers conferred upon it by sections 9(1) and (3), 10 and 140(1) of the Adoption and Children Act 2002(**1**) and sections 50 and 118(1) and (5) to (7) of the Care Standards Act 2000(**2**) hereby makes the following Regulations:—

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Local Authority Adoption Service (Wales) Regulations 2007 and they come into force on 2 April 2007.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"adoption agency" ("*asiantaeth fabwysiadu*") has the meaning given in section 2(1) of the Adoption and Children Act 2002;

"adoption panel" ("*panel mabwysiadu*") means a panel established in accordance with regulation 3 of the Adoption Agencies (Wales) Regulations 2005(**3**)

(**1**) 2002 c. 38
(**2**) 2000 c. 14
(**3**) S.I.2005/1313 (W.95)

"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;

"adoption support services advisor" ("*cynghorydd gwasanaethau cymorth mabwsyiadu*") means the person appointed pursuant to regulation 6 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005(**4**).

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

(a) if an office controlled by the National Assembly has been specified by it as the appropriate office in relation to that local authority, that office;

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

"child's case record" ("*cofnod achos plentyn*") has the meaning given to it in regulation 6;

"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;

"Local Safeguarding Children Board" means the board established under s31 of the Children Act 2004;

"manager" ("*rheolwr*") is to be construed in accordance with regulation 10;

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

"social worker" ("*gweithiwr cymdeithasol*") means a person who is registered in the register for social workers maintained in accordance with section 56 of the 2000 Act;

"statement of purpose" ("*datganiad o ddiben*") means the written statement compiled in accordance with regulation 3(1);

"the 2000 Act" ("*Deddf 2000*") means the Care Standards Act 2000(**5**);

"the 2002 Act" ("*Deddf 2002*")means the Adoption and Children Act 2002(**6**);

"the 2005 Adoption Agencies Regulations" ("*Rheoliadau Asiantaethau Mabwysiadu 2005*") means the Adoption Agencies (Wales) Regulations 2005(**7**)

"working days" ("*dyddiau gwaith*") means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(**8**)

(2) 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.

(3) in these Regulations, unless the contrary intention appears, references to employing a person include—

(a) employing a person whether or not for payment;

(**4**) S.I. 2005/1512 (W.116)
(**5**) 2000c.14
(**6**) 2002 c. 38
(**7**) O.S. 2005/1512 (Cy.116)
(**8**) 1971 c. 80

(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 are to 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 must 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 must 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) persons who are seeking an assessment of their needs for the provision of adoption support services by the authority;

(e) every person working for the purposes of the adoption service.

(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) requires or authorises the authority to contravene, or not to 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 must consist of a statement as to the matters listed in Schedule 2.

(2) The authority must 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 the age and understanding of that child), who may be or has been placed for adoption by the authority.

Review of statement of purpose and children's guide

5.—(1) 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.

Requirement to open a child's case record

6.—(1) Each local authority must set up a case record ("the child's case record") in respect of each child and place on it —

(a) any information and reports obtained by the local authority in respect of the child;

(b) the child's permanence report;

(c) any written record of any proceedings of an adoption panel under regulation 18 of the 2005 Adoption Agencies Regulations, its recommendation as to whether or not a child should be placed for adoption and the reasons for its recommendation and any advice given by the panel to an adoption agency;

(d) any record of an adoption agency's decision and any notification of that decision under regulation 19 of the 2005 Adoption Agencies Regulations;

(e) details of any consent by a parent or guardian of a child to placement for adoption under section 19 of the 2002 Act (placing children with parental consent);

(f) details of any consent by a parent or guardian of a child to the making of a future adoption order under section 20 of the 2002 Act (advance consent to adoption);

(g) any form or notice withdrawing consent under section 19 or 20 of the 2002 Act or notice given under section 20(4)(a) or (b) of the 2002 Act;

(h) a copy of any placement order in respect of the child; and

(i) any other documents or information obtained by the local authority which it considers should be included in the case record.

Natural Parents

7.—(1) Each local authority where it considers that adoption is the preferred option for a child, or where a child is relinquished, must provide natural parents with:—

(a) a counselling service;

(b) as much information in relation to the child as the natural parents may reasonably require, and which the local authority is able to give;

(c) an explanation and written information in respect of the following matters:—

(i) the procedure in respect of both placement for adoption and adoption, including the Adoption Register for England and Wales;

(ii) the legal implications of —

(aa) giving consent to placement for adoption under section 19 of the 2002 Act (placing children with parental consent);

(bb) giving consent to the making of a future adoption order under section 20 of the 2002 Act; (advance consent to adoption);

(cc) a placement order ;

(dd) adoption;

(2) Each local authority where it considers that adoption is the preferred option for a child, or where a child is relinquished, must ascertain the wishes and feelings of the natural parents and guardian of the child and of any other significant person the local authority considers relevant in relation to—

(a) the matters set out in section 1(4)(f)(ii) and (iii) of the 2002 Act (matters the agency must have regard to);

(b) the placement of the child for adoption and their adoption, including any wishes and feelings about the child's religious and cultural upbringing; and

(c) contact with the child if the agency is authorised to place the child for adoption or the child is adopted.

(3) This paragraph applies where the father of a child does not have parental responsibility for the child, and the father's identity is known to the local authority.

(4) Where paragraph (3) applies and the local authority is satisfied it is appropriate to do so the local authority must ascertain so far as possible whether the father—

(i) wishes to acquire parental responsibility for the child under section 4 of the Children Act 1989; or

(ii) intends to apply for a residence order or contact order with respect to the child under section 8 of the Children Act 1989, or where the child is subject to a care order, an order under section 34 of the Children Act 1989 (parental contact with children in care).

Prospective and approved Adopters

8. Each local authority must—

(a) have written plans on its strategy to recruit sufficient numbers of adopters,

(b) have comprehensive plans for preparation and approval processes for adopters contained within its policies and procedures,

(c) provide prospective adopters with written information about the adoption process including information about:—

(i) the policy and procedures in respect of the adoption process,

(ii) arrangements for the assessment of and the provision of Adoption Support Services,

(iii) the Adoption Register for England and Wales, and

(iv) local consortium arrangements.

(d) provide assistance where disruption of a placement has occurred or is in danger of occurring, including mediation and organising and holding meetings to discuss disruptions in adoption placements.

Adoption Panels

9.—(1) Each local authority must—

(a) establish an adoption panel in accordance with regulations 3 and 5 of the 2005 Adoption Agencies Regulations;

(b) have in place written policies that ensure that the panel is organised effectively and operates efficiently;

(c) ensure that adoption panels are properly advised by an appropriately qualified person in relation to adoptions with a foreign element if such a case is being considered;

(d) where it considers that adoption is the preferred method for permanence of the child, prepare a written report for the adoption panel which must include:—

(i) the information about the child, the child's family and others and the guardian, as specified in Parts 1, 3 and 4 of Schedule 1 of the 2005 Adoption Agencies Regulations;

(ii) a summary written by the local authority's medical adviser, of the child's state of health, the child's health history and any need for health care which might rise in the future;

(iii) the wishes and feeling of the child regarding the matters set out in regulation 13(1)(c) of the 2005 Adoption Agencies Regulations;

(iv) the wishes and feelings of the child's parent or guardian, and any other person the local authority considers relevant, regarding matters set out in regulation 14(1)(c) of the 2005 Adoption Agencies Regulations;