WELSH STATUTORY INSTRUMENTS

2005 No. 1819 (W.147)

SOCIAL CARE, WALES
CHILDREN AND YOUNG PERSONS, WALES

The Independent Review of Determinations (Adoption) (Wales) Regulations 2005

Made - - - -	*5 July 2005*
Coming into force - -	*30 December 2005*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 9(1), (2) and (4) and 12(1) to (3) of the Adoption and Children Act 2002(**1**), having consulted such persons as it considers appropriate, hereby makes the following regulations:—

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Independent Review of Determinations (Adoption) (Wales) Regulations 2005 and come into force on 30 December 2005.

(2) These Regulations apply in relation to Wales.

(3) These Regulations will apply to cases where the prospective adopter's suitability to be an adoptive parent is considered by an adoption panel for the first time or is being reviewed by an adoption panel on or after 1 April 2006 only.

Interpretation

2.—(1) In these Regulations —

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

(**1**) Minister, who is defined in section 144 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.

"the 2005 Regulations" ("*Rheoliadau 2005*") means the Adoption Agencies (Wales) Regulations 2005(**2**);

"adoption agency" ("*asiantaeth fabwysiadu*") means an appropriate voluntary organisation or local authority;

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

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

"prospective adopter" ("*darpar fabwysiadwr*") means a person who proposes to adopt a child;

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(**3**).

(2) In these Regulations, unless the context requires otherwise, a reference —

(a) to a numbered regulation is to the regulation in these Regulations bearing that number;

(b) in a regulation to a numbered paragraph is to the paragraph in that regulation 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.

Qualifying determinations

3. For the purposes of section 12(2) of the Act, a qualifying determination is a determination that has been made by an adoption agency in accordance with the 2005 Regulations as follows:

(a) where under regulation 28(4) of the 2005 Regulations the agency do not propose to approve a prospective adopter as suitable to be an adoptive parent;

(b) where the agency consider that a prospective adopter is no longer suitable to be an adoptive parent following a review under regulation 30 of the 2005 Regulations.

PART 2

PANELS

Constitution and functions of panels

4.—(1) The National Assembly must, at the request of a prospective adopter, constitute a panel for the purpose of reviewing a qualifying determination in relation to the prospective adopter.

(2) The members of the panel must be drawn from a list of persons appointed and serving as members of adoption agency panels in Wales (in these Regulations referred to as "the central list"), kept by the National Assembly who are considered by the National Assembly to be suitable, by virtue of their skills, qualifications or experience to be members of a panel.

(3) A panel established under paragraph (1) must —

(a) review the qualifying determination; and

(b) make a recommendation to the adoption agency which made the qualifying determination as to whether or not a prospective adopter is suitable to be an adoptive parent.

(**2**) S.I 2005/1313 (W.95).
(**3**) 1971 c. 80.

Membership of panels

5.—(1) Subject to paragraphs (2) and (3), the National Assembly must appoint no more than five persons as members of the panel, who must (where reasonably practicable) include:

(a) an adoptive parent; and

(b) an adopted person who has attained the age of 18 years.

(2) The panel must be advised by:

(a) a social worker within the meaning of Part IV of the Care Standards Act 2000(**4**) and has at least 5 years post qualifying experience in adoption and family placement work;

(b) a registered medical practitioner with expertise in adoption work; and

(c) where the panel considers it appropriate, a legal advisor with knowledge and expertise in adoption legislation.

(3) No person will be appointed, either as a member or an advisor, to a panel which is convened to review a qualifying determination made by an adoption agency by which he or she was employed at any time in the two years before the date on which the case is referred to the panel.

(4) In this regulation reference to having been employed includes being employed by an adoption agency whether or not for payment and whether under a contract of services or a contract for services or as a volunteer.

Chair and vice chair

6. When constituting a panel in accordance with regulation 4, the National Assembly will appoint:

(a) to chair the panel a person who has —

(i) expertise in adoption work; and

(ii) the skills and experience necessary for chairing a panel; and

(b) one of the members of the panel as vice chair to act as chair if the person appointed to chair the panel is absent or his or her office is vacant.

Administration of Panels

7. The panel will be administered by the National Assembly, who will make suitable provision for clerking services to the panel.

Expenses of panel members

8. The National Assembly may at its discretion pay to any member of a panel such fees as the National Assembly considers to be reasonable.

Meetings of panels

9. A panel must not conduct any business unless at least four of its members including the chair or vice chair meet as a panel.

Records

10. A panel must —

(**4**) 2000 c. 14. By virtue of section 55(2)(a) and (4) of the Care Standards Act 2000, a social worker for the purposes of Part IV of that Act, is a person who engages in social work that is required in connection with any health, education or social services provided by any person.