WELSH STATUTORY INSTRUMENTS

2005 No. 1514 (W.118)

CHILDREN AND YOUNG PERSONS, WALES SOCIAL CARE, WALES

The Adoption Support Agencies (Wales) Regulations 2005

Made - - - -	*7 June 2005*
Coming into force - -	*30 December 2005*

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 2(6)(b), 9(1)(b) and (3), 10(1), (3) and (4) of the Adoption and Children Act 2002 (**1**) and sections 22, 25 (1), 34(1), 35(1) and 118(7) of the Care Standards Act 2000 (**2**) and of all other powers enabling it in that behalf, having consulted such persons as it considers appropriate, hereby makes the following Regulations:

PART 1

GENERAL

Title, commencement and interpretation

1.—(1) The title of these Regulations is the Adoption Support Agencies (Wales) Regulations 2005 and they come into force on 30 December 2005.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations —

"the 2000 Act" means the Care Standards Act 2000(**3**);

"the 2002 Act" means the Adoption and Children Act 2002(**4**);

"the Adoption Agencies (Wales) Regulations" means the Adoption Agencies (Wales) Regulations 2005(**5**)

"adoption support services" ("*gwasanaethau cymorth mabwysiadu*") is to be construed in accordance with regulation 2(2);

(**1**) 2002. c.38.
(**2**) 2000 c. 14.
(**3**) 2000 c. 14.
(**4**) 2002 c. 38
(**5**) S.I.2005/1313 (W.95).

"adoptive child" ("*plentyn mabwysiadol*") means a child who is an agency adoptive child or a non-agency adoptive child;

"adoptive parent" ("*rhiant mabwysiadol*") means a person:

(a) who an adoption agency has decided in accordance with 34(1) of the Adoption Agencies (Wales) Regulations is a suitable adoptive parent for a particular child;

(b) with whom an adoption agency has placed a child for adoption;

(c) who has given notice under section 44 of the 2002 Act of his or her intention to apply for an adoption order for a child;

(d) who has adopted a child; or

(e) who has adopted a child who has subsequently attained the age of 18;

but does not include a person who is the step parent or natural parent of the child or was the step parent of the child before he or she adopted the child.

(4) In these Regulations —

"agency" ("*asiantaeth*") means an adoption support agency;

"agency adoptive child" ("*plentyn mabwysiadol drwy asiantaeth*") means a child —

(a) in respect of whom an adoption agency has decided in accordance with regulation 19(1) of the Adoption Agencies (Wales) Regulations is a child who should be placed for adoption;

(b) whom an adoption agency has placed for adoption; or

(c) who has been adopted after having been placed for adoption by an adoption agency;

"child" ("*plentyn*") means a person who has not attained the age of 18 years;

"non-agency adoptive child" ("*plentyn mabwysiadol heb fod drwy asiantaeth*") means a child —

(a) in respect of whom a person —

(i) has given notice under section 44 of the 2002 Act of his or her intention to apply for an adoption order; and

(ii) is not the natural parent or step parent of the child; or

(b) who has been adopted by a person who —

(i) is not the natural parent of the child; and

(ii) was not the step parent of the child before he or she adopted the child

but does not include an agency adoptive child.

"organisation" ("*corff*") means a body corporate;

"registration authority" ("*awdurdod cofrestru*") means the National Assembly for Wales;

"registered manager" ("*rheolwr cofrestredig*") means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the manager of the agency;

"registered person" ("*person coprestredig*") means, in relation to an agency, any person who is the registered provider or the registered manager;

"registered provider" ("*darparydd cofrestredig*") means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the person carrying on the agency;

"related person" ("*person perthynol*") means —

(a) a relative within the meaning of section 144 (1) of the 2002 Act; or

(b) any person with whom the adoptive child has a relationship which appears to the local authority to be beneficial to the welfare of the child having regard to the matters referred to in sub paragraphs (i) to (iii) of section 1(4) (f) of the 2002 Act;

"responsible individual" ("*unigolyn cynfrifol*") shall be construed in accordance with regulation 5(2);

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

"subject" ("*gwrthrych*") in relation to provision of adoption support services under regulations 2(2)(e) or (f) means a person with whom the person requesting the service seeks contact or about whom he or she seeks information; and

"working day" ("*diwrnod 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(**6**).

(5) In these Regulations —

(a) any reference to a person's adoptive child is to a child who is an adoptive child in relation to that person;

(b) any reference to a child's adoptive parent is to a person who is an adoptive parent in relation to that child;

(c) references (other than references in this sub paragraph) to a child being placed for adoption —

(i) are to the child being placed for adoption with a prospective adopter by an adoption agency;

(ii) include where the child has been placed with a person by an adoption agency, leaving the child with him or her as a prospective adopter;

(d) any reference to employing a person includes 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.

Adoption Support Services

2.—(1) No application for registration under Part 2 of the 2000 Act shall be made in respect of an adoption support agency which is an unincorporated body.

(2) For the purposes of these Regulations and section 2(6) of the 2002 Act (definition of "adoption support services"), the following services are prescribed —

(a) assistance to adoptive parents, adoptive children, and related persons in relation to arrangements for contact between an adoptive child and a natural parent or a related person of the adoptive child;

(b) services that may be provided in relation to the therapeutic needs of the child in relation to that adoption;

(c) assistance for the purpose of ensuring the continuance of the relationship between the child and adoptive parent, including training for adoptive parents for the purpose of meeting any special needs of the child arising from that adoption;

(d) assistance where disruption in an adoption arrangement or placement has occurred or is in danger of occurring, including:

(**6**) 1971 c. 80.

(i) mediation; and

(ii) organising and running meetings to discuss disruptions in adoptions or placements;

(e) assistance to adopted persons who have attained the age of 18 in obtaining information in relation to their adoption or facilitating contact between such persons and their relatives;

(f) assistance to relatives of adopted persons who have attained the age of 18, in obtaining information in relation to that adoption or facilitating contact between such persons and the adopted person.

(3) For the purposes of Regulations 2(2) (e) or (f) 'relative' means any person who but for his or her adoption would be related to the adopted person by blood, including half blood or marriage.

Statement of purpose and children's guide

3.—(1) The registered person must compile in relation to the agency 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 registered person must provide a copy of the statement of purpose to the registration authority.

(3) The registered person must 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) any person receiving adoption support services from the agency or acting on behalf of a child receiving such services from the agency;

(c) any person making enquiries about receiving adoption support services from the agency on his or her own or a child's behalf;

(d) any local authority.

(4) The registered person in relation to an agency which provides adoption support services to children must produce a written guide to the agency (in these Regulations referred to as "the children's guide") which must include —

(a) a summary of the agency's statement of purpose;

(b) a summary of the complaints procedure established under regulation 19(1); and

(c) the address and telephone number of the registration authority.

(5) The children's guide must be produced in a form appropriate to the age, understanding and communication needs of the children to whom the agency provides adoption support services.

(6) The registered person must provide a copy of the children's guide to the registration authority, to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his or her age and understanding) to each such child.

(7) Subject to paragraph (8), the registered person must ensure that the agency is at all times conducted in a manner that is consistent with its statement of purpose.

(8) Nothing in paragraph (7) shall require or authorise the registered person to contravene, or not comply with —

(a) any other provision of these Regulations; or

(b) any conditions for the time being in force in relation to the registration of the registered provider under Part 2 of the 2000 Act.

Review of statement of purpose and children's guide

4. The registered person must —

(a) keep under review and, where appropriate, revise the statement of purpose and children's guide;

(b) notify the registration authority of any such revision within 28 days; and

(c) if the children's guide is revised, supply a copy to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.

PART 2

REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS

Fitness of registered provider

5.—(1) An organisation must 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 —

(a) he or she is of suitable integrity and good character to carry on the agency;

(b) he or she is physically and mentally fit to carry on the agency; and

(c) full and satisfactory information or documentation is available in relation to him or her in respect of each of the matters specified in Schedule 2.

Appointment of manager

6.—(1) The registered provider must appoint an individual to manage the agency (in these Regulations referred to as 'the registered manager').

(2) The registered provider must immediately 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

7.—(1) The registered provider must not allow a person to manage the agency unless he or she is fit to do so.

(2) A person is not fit to manage an agency unless —

(a) he or she is of suitable integrity and good character;

(b) having regard to the size of the agency and the agency's statement of purpose —

(i) he or she has the qualifications, skills and experience necessary for managing the agency; and