Draft Regulations laid before Parliament under section 140(3)(b) of the Adoption and Children Act 2002, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2005 No.

CHILDREN AND YOUNG PERSONS, ENGLAND AND WALES

The Restriction on the Preparation of Adoption Reports Regulations 2005

Made - - - -

Coming into force - - 30th December 2005

Whereas a draft of these Regulations was laid before Parliament in accordance with section 140(3)(b) of the Adoption and Children Act 2002(**1**) and approved by resolution of each House of Parliament:

Now, therefore, the Secretary of State for Education and Skills, in exercise of the powers conferred upon her by section 94(1) of the Adoption and Children Act 2002 and of all other powers enabling her in that behalf, and after consultation with the National Assembly for Wales(**2**), hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Restriction on the Preparation of Adoption Reports Regulations 2005 and shall come into force on 30th December 2005.

Interpretation

2. In these Regulations—

"the Act" means the Adoption and Children Act 2002;

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

"the Adoption Agencies Regulations" means the Adoption Agencies Regulations 2005(**4**);

(**1**) 2002 c. 38.
(**2**) Section 94(1) provides that the regulations are to be made by the Secretary of State after consultation with the National Assembly for Wales.
(**3**) 2000 c. 14.
(**4**) S.I.2005/389.

"the Adoptions with a Foreign Element Regulations" means the Adoptions with a Foreign Element Regulations 2005(**5**);

"corresponding Welsh provision", in relation to the Adoption Agencies Regulations or to a regulation of the Adoption Agencies Regulations, means the provision of regulations made by the Assembly under section 9 of the Act which corresponds to, as the case may be, the Adoption Agencies Regulations or to that regulation of the Adoption Agencies Regulations;

"Council" means either the English Council or the Welsh Council and "the English Council" and "the Welsh Council" have the same meaning as in section 54 of the 2000 Act;

"pre-adoption report" means a report prepared otherwise than in accordance with the Adoption Agencies Regulations or corresponding Welsh provision at the request of a relevant foreign authority following the placement for adoption of a child from the country in which that authority performs its functions and prior to that child's adoption and includes a report prepared in accordance with regulation 29(2) of the Adoptions with a Foreign Element Regulations;

"post-adoption report" means a report prepared otherwise than in accordance with the Adoption Agencies Regulations or corresponding Welsh provision at the request of a relevant foreign authority following the adoption of a child from the country in which that authority performs its functions;

"relevant foreign authority" has the meaning given in regulation 2 of the Adoptions with a Foreign Element Regulations; and

"social worker" means a person who is registered in—

(a) the register for social workers maintained in accordance with section 56 of the 2000 Act;

(b) the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001(**6**); or

(c) the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001(**7**).

A person within a prescribed description

3.—(1) A person is within a prescribed description for the purposes of section 94(1) of the Act if—

(a) he is a social worker who is employed by a local authority or registered adoption society and who satisfies at least one of the conditions set out in paragraph (2)(a) or (b);

(b) he is a person who—

(i) is participating in a course approved by a Council under section 63 of the 2000 Act for persons wishing to become social workers;

(ii) is employed by, or placed with, a local authority or registered adoption society as part of that course; and

(iii) satisfies the condition set out in paragraph (2)(b); or

(c) he is acting on behalf of a local authority or a registered adoption society and is a social worker who satisfies the conditions in paragraph (2)(a) and (b).

(2) The conditions referred to in paragraph (1) are that the person—

(a) has at least three years' post-qualifying experience in child care social work, including direct experience of adoption work;

(b) is supervised by a social worker who—

(**5**) S.I. 2005/392.
(**6**) 2001 asp8.
(**7**) 2001 c. 3.