1989 No. 253

ADOPTION

The Adoption Agencies Regulations (Northern Ireland) 1989

Made	*30th June 1989*
Coming into operation . .	*1st October 1989*

The Department of Health and Social Services, in exercise of the powers conferred on it by Articles 4(1) and 10(1) of the Adoption (Northern Ireland) Order 1987(**a**) and of all other powers enabling it in that behalf, hereby makes the following regulations:

Citation, commencement and interpretation

1.—(1) These regulations may be cited as the Adoption Agencies Regulations (Northern Ireland) 1989 and shall come into operation on 1st October 1989.

(2) In these regulations—

"the Order" means the Adoption (Northern Ireland) Order 1987, and reference to an Article by number means the Article so numbered in the Order;

"adoption panel" means a panel established under regulation 5;

"Education and Library Board" means a board established under Article 3 of the Education and Libraries (Northern Ireland) Order 1986(**b**);

"medical practitioner" has the meaning assigned by Article 2(2) of the Health and Personal Social Services (Northern Ireland) Order 1972(**c**);

"prospective adopter" means a person who proposes to adopt a child.

Registration of adoption societies

2. An application to the Department under Article 4 (registration of adoption societies) shall be made in writing on a form supplied by the Department.

Annual reports and information to be provided by registered adoption societies

3. Every registered adoption society shall—

(*a*) furnish the Department with two copies of the society's annual report as soon as is reasonably practicable after the issue thereof and with

(**a**) S.I. 1987/2203 (N.I. 22)
(**b**) S.I. 1986/594 (N.I. 3)
(**c**) S.I. 1972/1265 (N.I. 14)

such other information as and when the Department may from time to time require;

(*b*) notify the Department in writing of any change in the society's name or in the address of its registered or head office within one month after such change;

(*c*) where the society proposes to cease, or expects to cease, to act as an adoption society, so notify the Department in writing, as soon as is reasonably practicable before the date when the society will cease, or expects to cease, so to act; and

(*d*) where the society has ceased to act as an adoption society, notify the Department in writing that it has ceased so to act as soon thereafter as is reasonably practicable.

Application of regulations to certain adoption agencies

4. Where an adoption agency operates only for the purpose of putting persons into contact with other adoption agencies and for the purpose of putting such agencies into contact with each other, or for either of such purposes,

(*a*) regulation 5, and

(*b*) regulation 6, to the extent that it requires consultation with the adoption panel and the making of arrangements for the exercise of the panel's functions,

shall not apply to such an agency.

Establishment of adoption panel and appointment of members

5.—(1) An adoption agency shall establish at least one adoption panel and shall appoint the persons referred to in paragraphs (2) and (3) to be members of such a panel, so however that no more than 10 members shall be appointed to a panel and the persons appointed to a panel shall include at least one man and one woman.

(2) The adoption agency shall appoint as chairman of an adoption panel a person who has such experience in adoption work as the agency considers appropriate.

(3) In addition to the chairman the persons to be appointed shall include—

(*a*) one social worker in the employment of the adoption agency;

(*b*) at least one member of the adoption agency's management committee where the agency is a registered adoption society or, where the agency is a Board, at least one member of that Board;

(*c*) the person nominated as the medical adviser to the adoption agency under regulation 6(4) (or one of them if more than one are appointed); and

(*d*) at least one other person not being a member or employee of the adoption agency.

(4) A person appointed to an adoption panel shall hold office subject to such conditions as to the period of his membership and otherwise as may be determined by the adoption agency.

(5) An adoption panel shall make the recommendations specified in regulation 10 only when at least three of its members meet as a panel and one of those is a social worker in the employment of the adoption agency.

(6) An adoption panel shall keep a written record of any of the recommendations specified in regulation 10 which it makes.

Adoption agency arrangements for adoption work

6.—(1) An adoption agency shall, in consultation with the adoption panel and to the extent specified in paragraph (5) with the adoption agency's medical adviser, make arrangements which shall be set out in writing to govern the exercise of the agency's and the panel's functions and such arrangements shall be reviewed by the agency not less than once every three years.

(2) Subject to regulations 14 and 15, the arrangements referred to in paragraph (1) shall include provision—

(*a*) for maintaining the confidentiality and safekeeping of adoption information, case records and the indexes to them;

(*b*) for authorising access to such records and indexes or disclosure of information by virtue of regulation 15; and

(*c*) for ensuring that those for whom access is provided and to whom disclosure is made by virtue of regulation 15(2)(*a*) agree in writing before such authorisation is given that such records, indexes and information will remain confidential, so however that a child who is placed for adoption or who has been adopted, and his prospective adopter or adoptive parent shall not be required to give such agreement in respect of that child's adoption.

(3) The adoption agency shall satisfy itself that social work staff employed on the agency's work have had such experience and hold such qualifications as the adoption agency considers appropriate to that work.

(4) The adoption agency shall nominate a medical practitioner to be the agency's medical adviser.

(5) The adoption agency's medical adviser shall be consulted in relation to the arrangements for access to and disclosure of health information which is required or permitted by virtue of regulation 15.

Adoption agency's duties in respect of a child and his parents or guardian

7.—(1) When an adoption agency is considering adoption for a child it shall either—

(*a*) in respect of the child, having regard to his age and understanding, and, as the case may be, his parents or guardian, so far as is reasonably practicable—

(i) provide a counselling service for them,

(ii) explain to them the legal implications of and procedures in relation to adoption and freeing for adoption, and

(iii) provide them with written information about the matters referred to in head (ii); or

(*b*) satisfy itself that the requirements of sub-paragraph (*a*) above have been carried out by another adoption agency.

(2) Where, following the procedure referred to in paragraph (1), an adoption agency is considering adoption for a child, the agency shall—

(*a*) set up a case record of the child and place on it any information obtained by virtue of this regulation;

(*b*) obtain, so far as is reasonably practicable, such particulars of the parents or guardian and, having regard to his age and understanding, the child, as are referred to in Parts I and III to V of the Schedule together with any other relevant information which may be requested by the adoption panel;

(*c*) arrange and obtain a written report by a medical practitioner on the child's health which shall deal with the matters specified in Part II of the Schedule, unless such a report has been made within six months before the setting up of the case record under sub-paragraph (*a*) and is available to the agency;

(*d*) arrange such other examinations and screening procedures of, and tests on, the child and, so far as is reasonably practicable, his parents, as are recommended by the adoption agency's medical adviser, and obtain a copy of the written report of such examinations, screening procedures and tests; and

(*e*) prepare a written report containing the agency's observations on the matters referred to in this regulation, which shall be passed, together with all information obtained by it by virtue of this regulation, to the adoption panel or to another adoption agency.

(3) Where the identity of the father of an illegitimate child is known to the adoption agency, it shall so far as it considers reasonably practicable and in the interests of the child—

(*a*) carry out in respect of the father the requirements of paragraph (1)(*a*) as if they applied to him unless the agency is satisfied that another adoption agency has so complied with those requirements;

(*b*) obtain the particulars of him referred to in Parts III and IV of the Schedule together with any other relevant information which may be requested by the adoption panel, and arrange and obtain a copy of the written report of such examinations, screening procedures and tests on him as are recommended by the adoption agency's medical adviser; and

(*c*) ascertain so far as possible whether he intends to apply for custody of the child.

Adoption agency's duties in respect of a prospective adopter

8.—(1) When an adoption agency is considering whether a person may be suitable to be an adoptive parent, either—

(*a*) it shall—

(i) provide a counselling service for him,

(ii) explain to him the legal implications of and procedures in relation to adoption, and

(iii) provide him with written information about the matters referred to in head (ii); or

(*b*) it shall satisfy itself that the requirements of sub-paragraph (*a*) have been carried out in respect of him by another adoption agency.

(2) Where, following the procedure referred to in paragraph (1), an adoption agency considers that a person may be suitable to be an adoptive parent, it shall—

(*a*) set up a case record in respect of him and place on it any information obtained by virtue of this regulation;

(*b*) obtain such particulars as are referred to in Part VI of the Schedule together with, so far as is reasonably practicable, any other relevant information which may be requested by the adoption panel;

(*c*) obtain a written report by a medical practitioner on the prospective adopter's health which shall deal with the matters specified in Part VII of the Schedule, unless such a report has been made within six months before the setting up of the case record under sub-paragraph (*a*) and is available to the agency;

(*d*) obtain a written report in respect of any premises which that person intends to use as his home if he adopts a child;

(*e*) obtain written reports of the interviews with two persons nominated by the prospective adopter to provide personal references for him;

(*f*) obtain a written report from the prospective adopter's Board as to whether or not there is any reason to believe that the proposed adoption would be detrimental to the child; and

(*g*) prepare a written report containing the agency's observations on the matters referred to in this regulation, which shall be passed, together with all information obtained by it by virtue of this regulation, to the adoption panel or to another adoption agency.

Adoption agency's duties in respect of proposed placement

9.—(1) Subject to paragraph (2), an adoption agency shall refer its proposal to place a particular child for adoption with a prospective adopter, which it considers may be appropriate, together with a written report containing its observations on the proposal and any information relevant to the proposed placement, to its adoption panel.

(2) An adoption agency shall refer its proposal to place a child for adoption to the adoption panel only if—

(*a*) any other adoption agency which has made a decision in accordance with regulation 11(1) that adoption is in the best interests of the child, or that the prospective adopter is suitable to be an adoptive parent, has been consulted concerning the proposal; and

(*b*) any Board or voluntary organisation which has parental rights and duties in respect of the child by virtue of Article 17, 18 or 21 (freeing child for adoption with or without parental agreement and transfer of parental rights and duties) or by virtue of section 18(5) or 21 of the Adoption Act 1976(a), or section 18(5) or 21 of the Adoption

(a) 1976 c. 36