

200[] No.

**CHILDREN AND YOUNG PERSONS, ENGLAND AND
WALES**

**The Restriction on the Preparation of Adoption Reports
Regulations []**

Made - - - -

Laid before Parliament

Coming into force - -

The Secretary of State, in exercise of the powers conferred on him by section 94(1) of the Adoption and Children Act 2002^(a) and of all other powers enabling him in that behalf, and after consultation with the National Assembly for Wales^(b), hereby makes the following Regulations :-

Citation and commencement

1. These Regulations may be cited as the Restriction on the Preparation of Adoption Reports Regulations [] and shall come into force on [].

Interpretation

2. In these Regulations —

“the Act” means the Adoption and Children Act 2002;

“the 2000 Act” means the Care Standards Act 2000^(c);

“the Adoption Agencies Regulations” means the Adoption Agencies (England) Regulations [] or, as the case may be, the Adoption Agencies (Wales) 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;

“social worker” means a person who is registered in the register for social workers maintained in accordance with section 56 of the 2000 Act;

^(a) 2002 c.38.

^(b) Section 94(1) provides that the regulations are to be made by the Secretary of State after consultation with the National Assembly for Wales.

^(c) 2000 c.14.

“social work student” means a person participating in a course approved by a Council under section 63 for persons wishing to become social workers;

“post adoption order report” means a report prepared otherwise than in accordance with the Adoption Agencies Regulations at the request of the government of a foreign country following the adoption of a child from that country.

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 he is employed by a local authority or registered adoption society and —

- (a) is a social worker who satisfies at least one of the conditions set out in paragraph (2); or
- (b) is a social work student who satisfies the condition set out in paragraph (2)(b).

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

- (a) has at least three years post qualifying experience in adoption and family placement work; or
- (b) is managed and supervised by a social worker who has at least three years post qualifying experience in adoption and family placement work.

The prescribed circumstances

4. The circumstances prescribed for the purposes of section 94(1) of the Act are —

- (a) assessing, and preparing a report about the suitability of a child for adoption in accordance with Part 3 of the Adoption Agencies Regulations;
- (b) assessing, and preparing a report about, the suitability of a person to adopt a child in accordance with Part 4 of the Adoption Agencies Regulations;
- (c) assessing, and preparing a report about, whether a child should be placed for adoption with a particular prospective adopter in accordance with Part 5 of the Adoption Agencies Regulations;
- (d) carrying out, and preparing a report of a review of a child’s case in accordance with regulation 31 of the Adoption Agencies Regulations;
- (e) preparing a post adoption order report;
- (f) preparing a report in accordance with section 43 (reports in agency cases) or 44(5) (reports in non-agency cases) of the Act; and
- (g) preparing report in the case of an application under section 84(1) (parental responsibility prior to adoption abroad) of the Act.

EXPLANATORY NOTE

(This note is not part of the Order)

These Regulations provide restrictions on the preparation of adoption reports for the purposes of Section 94(1) of the Adoption and Children Act 2002. Regulation 2 provides that a person is within a prescribed description if he is employed by an adoption agency and satisfies the appropriate conditions in paragraph (2). The prescribed circumstances are the preparation of reports for the purposes of the Adoption Agencies (England) Regulations or, as the case may be, the Adoption Agencies (Wales) Regulations, the preparation of post adoption reports in intercountry adoption cases and reports in accordance with section 43 or 44(5), or for the purposes of section 84(1), of the Adoption and Children Act 2002.

