

Introduction to adoption support agencies

A children's social care guide to registration

All adoption support agencies must register with Ofsted. This guide explains in more detail what the law says anyone intending to open an adoption support agency must do to in order to apply for registration.

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Introduction

If an organisation undertakes work with adopted children or adults, or children who are being prepared for adoption, they will usually need to register with Ofsted as an adoption support agency.¹ This guide to registration tells you about adoption support agencies and what the law says they must do.

All adoption support agency providers and managers must meet a range of legal requirements; this includes a requirement to register with Ofsted. We also expect providers and managers to show how they have taken account of the national minimum standards that apply to adoption support agencies and the *Adoption and Children Act 2002 Statutory Guidance*.

If you want to apply to us to open an adoption support agency, you should first read this guide as well as our *Guide to registration for children's social care services*, which sets out the process of registration for all children's social care providers.²

What are adoption support agencies?

1. Adoption support agencies provide assistance to adopted children and adults, such as counselling and finding out the details of their adoption. They also help adopted children and adults and their relatives if they want to know more about, or want to trace, their birth relatives. Most people who use adoption support agencies are adults.
2. You can find more about adoption support agencies and the laws that apply to them on the Department for Education website and the British Association for Adoption & Fostering (BAAF) website. Links to these websites are provided on page 8 of this guide.

Registration

3. An adoption support agency cannot provide any services to children or adults before being registered by Ofsted. Registration helps to prevent unsuitable people owning, operating, managing or working within adoption support agencies.
4. In order to register, anyone who intends to provide the specific adoption services listed below must register as an adoption support agency and demonstrate how they meet a number of legal requirements and how they take account of the national minimum standards.³ At the end of this guide we tell you where you can find and obtain copies of these requirements and standards.

¹ The Adoption and Children Act 2002, Section 8(1).

² Guide to registration for children's social care services (090020), Ofsted, 2011; www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services

³ The Adoption and Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Regulation 3.

5. An individual person, who only provides adoption support services under a contract with a registered adoption support agency or an adoption agency, for example a local authority or a registered adoption agency, does not also need to register as an adoption support agency.⁴ Individuals who are part of a partnership must register even where they only provide services to a local authority or registered adoption support agency. An adoption support agency must register if it undertakes one or more of the following activities:⁵

- assistance to an adoption agency in preparing and training adoptive parents
- support to any child or adult who has been adopted or their birth relatives
- support and help to adoptive parents to enable them to provide stable and permanent homes for children placed with them
- assisting people who have been adopted to have contact with their relatives, this may include where they assist people to trace adopted relatives.

6. In summary, an adoption support agency must have:

- a registered provider and, where the provider is an organisation such as a company, a person known as a 'responsible individual' who represents the organisation to Ofsted⁶
- a registered manager
- a statement of purpose that sets out the overall aims and objectives for the agency.

7. The law sets out other information the provider must have, for example:

- a user's guide
- a complaints procedure and the address and telephone number of Ofsted
- a number of policies and procedures; these are set out in the National Minimum Standards for Adoption Support Agencies in England 2005.

8. There is more information on registration in the *Guide to registration for children's social care services*. You can find a link to this on page 7 of this guide.

Inspection

9. We normally inspect an adoption support agency for the first time between seven and 12 months from the date of its registration, unless no children or adults

⁴ The Adoption Support Agencies (England) (Amendment) Regulations 2010.

⁵ National minimum standards for adoption support agencies in England and The Adoption and Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

⁶ The Adoption and Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Regulation 7 (1)(c).

receive services from the agency. We inspect adoption support agencies at a minimum interval of at least once in a three-year cycle.⁷

10. At inspection we consider the extent to which the agency complies with the regulations and takes account of all of the national minimum standards as well as the quality of the leadership and management. We also consider how the agency takes account of *The Adoption and Children Act 2002 Statutory Guidance*.

11. We usually take one day for an inspection of an adoption support agency. This depends on the size of the agency. We always want to speak to children and adults who receive services from the agency during our inspection.

12. We use a four-point scale to make judgements about the overall effectiveness of an adoption support agency and the quality of the organisation. The judgements are:

Outstanding: the provision is of exceptionally high quality

Good: the provision is strong

Satisfactory: the provision is sound

Inadequate: the provision is not good enough.

13. An inspection report of our findings is published on our website. This may include statutory requirements an adoption support agency provider must take to comply with the law, or recommendations to help them improve. Providers must respond to any statutory requirements we set within a fixed timescale. We may check on progress to meet any requirements and will follow up recommendations at the next inspection.

Complaints and concerns about providers

14. We may receive complaints or concerns about an adoption support agency.

15. When considering complaints we do not investigate the complaint. We do not decide if complaints are upheld, partially upheld or unsubstantiated. Instead we investigate concerns to make sure that the provider continues to meet regulations, to take account of the associated national minimum standards and remains suitable for registration. Where they do not we may take enforcement action (see section below).

16. For more information about how we deal with complaints about providers please see the leaflet *Concerns and complaints about social care providers*. There is a link to this on page 7 of this guide.

⁷ The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007, 19(1)(b) and (c).

Compliance and enforcement

17. Adoption support agency providers must comply with the requirements of the regulations for adoption support agencies.

18. We investigate all instances that suggest an adoption support agency is not complying with legislation. Where we find non-compliance we take action to ensure children's and adult's safety and compliance with the law. The action we take is based on what we call an 'escalating tariff'. Put simply this means we take the lowest possible action to bring about compliance. In most cases we achieve this by simply telling providers in writing what they need to do to put things right, called 'statutory requirements'. Where adoption support agency providers cannot or will not improve, we have a range of other powers including issuing a compliance notice, cancelling a provider's registration or prosecuting an offence.

19. We will also investigate concerns that adoption support services are being provided without registration, and may require people to register their services with Ofsted or prosecute people for running unregistered services.

20. Our *Compliance, investigation and enforcement handbook* provides more information about this and is available on our website. There is a link to this below.

Further information

All our guidance is available on our website www.ofsted.gov.uk, by calling us on 0300 123 1231, or by writing to us at the following address:

Ofsted
National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD

For more information on how to **apply for registration** see our *Guide to registration for children's social care services* at: www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services.

To **complain** about a registered social care provider please see *Concerns and complaints about social care providers* at: www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers.

To see how we **investigate** information and bring about **compliance** please see our *Compliance, investigation and enforcement handbook* at: www.ofsted.gov.uk/resources/compliance-investigation-and-enforcement-handbook.

If you want to find out more about adoption support agencies you can go to:

- The Department for Education website:
www.education.gov.uk/childrenandyoungpeople/families/adoption
- The British Association for Adoption & Fostering (BAAF);
www.baaf.org.uk/info/firstq/index.shtml.

Legislation

Please note: it is an applicant's responsibility to check that this is the most up to date legislation available and if any further amendments apply.

- The Care Standards Act 2000: legal definitions of all agencies and establishments we register; www.legislation.gov.uk/ukpga/2000/14/contents
- The Care Standards Act 2000 (Registration)(England) Regulations 2010;
www.legislation.gov.uk/uksi/2010/2130/pdfs/uksi_20102130_en.pdf
- The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007; www.legislation.gov.uk/uksi/2007/694/contents/made
- The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002;
www.legislation.gov.uk/uksi/2002/865/contents/made
- Adoption legislation;
www.education.gov.uk/childrenandyoungpeople/families/adoption
- The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005;
www.legislation.gov.uk/uksi/2005/2720/contents/made
- Adoption and Children Act 2002;
www.legislation.gov.uk/ukpga/2002/38/contents
- The Adoption Support Agencies (England) (Amendment) Regulations 2010;
www.legislation.gov.uk/uksi/2010/465/contents/made

National minimum standards

Adoption support agencies must take into account the national minimum standards;
www.education.gov.uk/publications/standard/AllPublications/Page1/DFE-00028-2011

Statutory guidance

Adoption support agencies should take account of *The Adoption and Children Act 2002 Statutory Guidance*;
www.education.gov.uk/childrenandyoungpeople/families/adoption/g0072314/guidance.