

**2014 No.**

**CHILDREN AND YOUNG PERSONS**

**The Adoption and Children Act Register Regulations 2014**

*Made* - - - - 2014

*Laid before Parliament* 2014

*Coming into force* - - 2014

The Secretary of State for Education, makes the following Regulations in exercise of the powers conferred by sections 125(1), (1A) and (4), 128(1), (2) and (5), 129(2), (2A) and (3) and 140(7) and (8) of the Adoption and Children Act 2002(a).

**Citation and commencement**

1. These Regulations may be cited as the Adoption and Children Act Register Regulations 2014 and come into force on [x] 2014.

**Interpretation**

2. In these Regulations—

“register” has the meaning given in section 131(1)(c) of the Act;

“registration organisation” has the meaning given in section 128(5) of the Act; and

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

**The Adoption and Children Act Register**

3. The registration organisation must establish and maintain the register in accordance with these Regulations and the register must be held in three parts—

- (a) Part 1 must contain information about children who are suitable for adoption and children who a Welsh, Scottish or Northern Irish adoption agency is satisfied are suitable for adoption;
- (b) Part 2 must contain information about children for whom a local authority is considering adoption(b); and
- (c) Part 3 must contain information about prospective adopters who are suitable to adopt a child and prospective adopters who a Welsh, Scottish or Northern Irish adoption agency is satisfied are suitable to adopt a child.

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(a) 2002 c.38. Sections 125, 128 and 129 were amended by the Children and Families Act (c.x) 2014. See section 144(1) for the definition of “regulations”.  
(b) See section 22C(9A) of the Children Act 1989 (c.41) (inserted by section [1(3)] of the Children and Families Act 2014 (c.x)).

## **Information to be provided to the registration organisation**

4.—(1) Before providing information about a child to the registration organisation for inclusion in Part 2 of the register the adoption agency must confirm that they are considering adoption for that child.

(2) Where an adoption agency provides information about a child to the registration organisation for inclusion in Part 1 of the register that information must include the matters set out in Part 1 of the Schedule.

(3) Where an adoption agency provides information about a child to the registration organisation for inclusion in Part 2 of the register the adoption agency must confirm that they are considering adoption for that child.

(4) Where an adoption agency provides information about a prospective adopter to the registration organisation for inclusion in Part 3 of the register that information must include the matters set out in Part 2 of the Schedule.

(5) Where an adoption agency becomes aware of any changes to the information provided under this Regulation they must notify the registration organisation of those changes as soon as is reasonably practicable.

(6) An adoption agency must notify the registration organisation when—

(a) in relation to a child whose details the agency has provided to the registration organisation under this regulation, the agency has decided to place that child for adoption with a particular prospective adopter under regulation 33 of the Adoption Agencies Regulations 2005 ('the 2005 Regulations')(a); and

(b) in relation to a prospective adopter whose details the agency has provided to the registration organisation under this regulation, the agency has decided to place a particular child with that prospective adopter under regulation 33 of the 2005 Regulations.

(7) Any consent required under section 128(4) of the Act must be given in writing.

## **Retention of information**

5.—(1) Any information held in the register must only be retained for as long as necessary.

(2) Information about a child held in Part 1 or 2 of the register must be removed from the Register when an adoption agency notifies the registration organisation about that child under regulation 4(5)(a); and

(3) Information about a prospective adopter held in Part 3 of the register must be removed from the register when an adoption agency notifies the registration organisation about that prospective adopter under regulation 4(5)(b).

(4) The registration organisation must ensure that the information contained in the register is at all times kept in secure conditions and in particular that all appropriate measures are taken to prevent the theft, unauthorised disclosure, loss or destruction of, the information held on the Register.

## **Disclosure of information**

6. The information held on the Register must be treated by the registration authority as confidential and may only be disclosed, as required—

(a) to a Welsh, Scottish or Northern Irish adoption agency, for the purpose of assisting that agency to find adopters with whom it would be appropriate for a particular child to be placed;

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(a) S.I. 2005/389. Amended by S.I. 2005/3482, 2007/603, 2009/1892, 2009/1895, 2010/1172, 2011/589, 2012/1410 and 2013/985.

- (b) to a Welsh, Scottish or Northern Irish adoption agency, for the purpose of assisting that agency to find a child appropriate for adoption by a particular prospective adopter;
  - (c) for the purpose of enabling the information to be entered in a register which is maintained in respect of Wales, Scotland or Northern Ireland and which contains information about children who are suitable for adoption or prospective adopters who are suitable to adopt a child;
  - (d) to those holding an inquiry under sections 3 and 4 of the Children Act 2004<sup>(a)</sup> (inquiries held by the Children’s Commissioner) or under the Inquiries Act 2005<sup>(b)</sup> for the purposes of such an inquiry;
  - (e) subject to the provisions of sections 29(7) and 32(3) of the Local Government Act 1974<sup>(c)</sup> (investigations and disclosure), to the Commission for Local Administration in England, for the purpose of any investigation conducted in accordance with Part 3 of that Act;
  - (f) to the Secretary of State;
  - (g) to an officer of the Children and Family Court Advisory and Support Service<sup>(d)</sup> or a Welsh family proceedings officer<sup>(e)</sup> for the purposes of the discharge of the officer’s duties under the Act;
  - (h) to Her Majesty’s Chief Inspector of Education, Children’s Services and Skills;
  - (i) by and to the extent specified in regulations made under section 128A<sup>(f)</sup> of the Act;
  - (j) to a court having the power to make an order under the Act or the Children Act 1989<sup>(g)</sup>; and
  - (k) to the web based information service supported and funded by the Department for Education to provide information to the public about adoption and the adoption process in England.
- (2) The registration authority must make a written record of any disclosure made under regulations (1)(d) to (k) above, which must include—
- (a) a description of the information disclosed;
  - (b) the date on which the information is disclosed;
  - (c) the person to whom the information is disclosed; and
  - (d) the reason for the disclosure.

## SCHEDULE

### PART 1

Regulation 4(1)

#### Information about children suitable for adoption (“C”)

1. C’s full name and the name by which the C is known if different.
2. C’s age and date of birth.
3. C’s gender.

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(a) 2004 (c.31).  
 (b) 2005 (c.12). Section 1 (power to establish inquiry) was amended by section 160(1), 163 and Schedule 10 to the Government of Wales Act 2006 (c.32).  
 (c) 1974 (c.7). Section 32(3) was amended by section 184(1) of the Local Government Planning and Land Act 1980 (c.65) and section 182 of and Schedule 12 to the Local Government and Public Involvement in Health Act 2007 (c.28).  
 (d) See Chapter 2 of the Criminal Justice and Court Services Act 2000 (c.43).  
 (e) See section 37 of the Children Act 2004 (c.31) for the definition of “family proceedings officer”.  
 (f) Inserted by section [6(4)] of the Children and Families Act 2014 (c.x).  
 (g) 1989 (c.41).

4. C's nationality.
5. C's racial origin.
6. The local authority area in which C lives.
7. C's first language and details of any other languages spoken.
8. C's religious persuasion (including details of any baptism, confirmation or equivalent ceremonies) and whether they are practising or non-practising.
9. The first language of any birth parents of C and details of any additional languages spoken.
10. C's legal status including whether C is accommodated by a local authority, subject to an interim care order, a full care order, freed for adoption<sup>(a)</sup> or will be subject to a placement order.
11. The name and address of the adoption agency providing the information about C.
12. The name and telephone number of C's social worker.
13. Confirmation of the decision by the adoption agency's decision maker that C should be placed for adoption and the date of that decision and of any placement order.
14. Whether the plan is for C to be placed with siblings and if so the full name and date of birth of each sibling to be placed.
15. Details of any geographical considerations in relation to C's placement.
16. Details of any planned contact between C and any other person.
17. Details of any qualities being looked for in a family to meet the needs of C.
18. C's state of health including C's physical, emotional and mental and any anticipated future problems.
19. C's health history including, so far as is practicable, C's family health history.
20. C's relevant past experience of neglect, physical abuse or sexual abuse.
21. Details of any adoption support needs that C has (including those relating to C's health) and any adoption support services already being provided by the local authority or that the local authority has agreed to provide.
22. Any other information required by the registration organisation.

## PART 2

Regulation 4(3)

### Information about prospective adopters who are suitable to adopt a child ("P")

1. P's full name and the name by which P is known if different.
2. P's gender.
3. P's date of birth.
4. P's nationality.
5. P's address including the local authority area.
6. P's racial origin.

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(a) See section 18 of the Adoption Act 1976 (c.36).

7. P's religious persuasion (including details of any baptism, confirmation or equivalent ceremonies) and whether they are practising or non-practising.
8. P's first language and details of any additional languages spoken.
9. P's current occupation and hours of work.
10. P's proposed employment arrangements post placement.
11. Details of other members of P's household (including any children of P whether or not resident in the household).
12. Details of any adults not living in P's household who have responsibility for any of P's children on a regular basis.
13. Details of any pets that P has.
14. Details about P's home and the neighbourhood in which P lives.
15. Details of any recommendation of the adoption panel as to the children that P is suitable to adopt including the number and the maximum number where applicable, the gender and age range.
16. The name and address of the adoption agency providing the information about P.
17. The name and telephone number of P's social worker.
18. P's views about contact.
19. P's views about the health and past experience of children that might be placed with them.
20. Any other information required by the registration organisation.

#### **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations make provision for the establishment and maintenance of the Adoption and Children Act Register and come into force on [x] 2014.

They are made under newly commenced provisions in the Adoption and Children Act 2002 which were amended by the Children and Families Act 2014.

Regulation 3 provides that the register must be established and maintained in accordance with these Regulations and held in three parts. Part 1 containing information about children who are suitable for adoption, Part 2 containing information about children for whom a local authority in England is considering adoption and Part 3 containing information about prospective adopters (PAs) who are suitable to adopt a child.

Regulation 4 and the Schedule prescribe the information that adoption agencies must provide to the register and provides that any consent required under section 128(4) of the Act must be given in writing.

Regulation 5 provides that information must only be retained in the register for as long as necessary and prescribes when information must be removed from the register. The registration organisation (defined in regulation 2) must ensure that information in the register is kept secure at all times and the treated as confidential (regulation 6).

Regulation 7 provides for the disclosure of information from the register and prescribes when and to whom information from the register can be disclosed. The registration authority must make a written record of certain disclosures.