

# Adoption Support Agencies National Minimum Standards (England)

Care Standards Act 2000

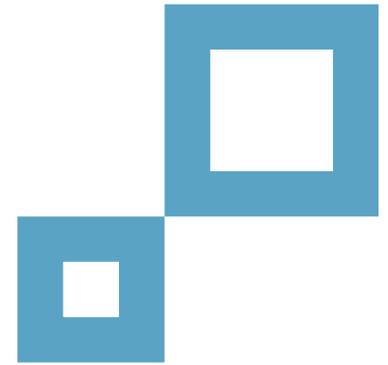
The Adoption Support Agencies (England) and Adoption  
Agencies (Miscellaneous Amendments) Regulations 2005

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# National Minimum Standards for Adoption Support Agencies in England

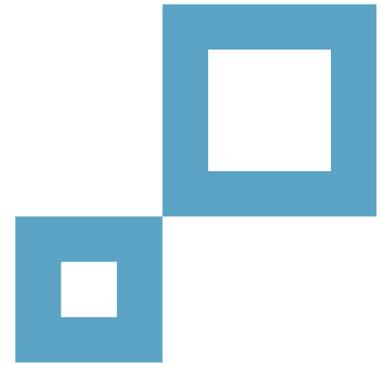
## *Note*

This document contains a statement of national minimum standards published by the Secretary of State under section 23(1) of the Care Standards Act 2000. The statement is applicable to adoption support agencies (as defined by section 4(7A) of the Care Standards Act 2000 and section 8 of the Adoption and Children Act 2002).

The statement is accompanied, for explanatory purposes only, by an introduction.

Each individual standard is numbered and consists of the numbered heading and numbered paragraphs. Each standard or group of standards is, for explanatory purposes only, preceded by a title and an indication of the intended outcome.

Department for Education and Skills  
October 2005

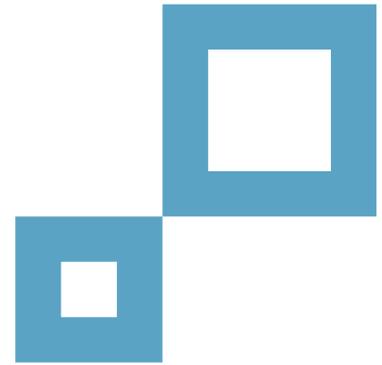


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# Introduction

This document contains the national minimum standards (standards) applicable to adoption support agencies (ASAs) and those who wish to be registered as ASAs in England.

Along with the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 (ASA Regulations), these standards form the basis of the new regulatory framework under the Care Standards Act 2000 for the regulation of ASAs in England by the Commission for Social Care Inspection (CSCI).

These standards are published by the Secretary of State for Education and Skills under section 23(1) of the Care Standards Act 2000 (the 2000 Act) and will apply from 30 December 2005 unless otherwise stated in any standard. The Secretary of State will keep the standards under review and may publish amended statements as appropriate.

The standards establish the minimum required, rather than 'best possible' practice. Many ASAs will more than meet the standards and will aspire to exceed them. The standards are designed to be applicable to the wide variety of different types of ASA, and to enable rather than prevent providers to develop their own particular ethos and approach to providing services to people affected by adoption.

The standards will be used by CSCI in regulating ASAs and they will also have other important practical uses. They may be used by providers and staff in assessing their own services, may provide a basis for the induction and training of staff, may be used by service users as a guide to what they should expect an ASA to provide and do and can provide guidance on what is required when setting up an ASA. Those involved in the provision of adoption support services will be encouraged to make full use of these standards in these ways.

## **STRUCTURE AND APPROACH**

These draft standards focus on achieving good quality service provision for adoptive children, adopted adults and their adoptive and birth families. The standards are grouped under a series of key topics:

- Statement of purpose
- Safeguarding and promoting welfare
- User-focused services
- Service delivery
- Fitness to provide or manage an ASA
- Management of the ASA
- Employment and management of staff and volunteers
- Complaints and representations
- Record keeping
- Fitness of premises
- Financial requirements.

Each standard or group of standards is preceded by a statement of the outcome to be achieved by the ASA. The standards themselves are numbered and the full set of numbered paragraphs must be met in order to achieve compliance with the standards. The standards are intended to be qualitative, in that they provide a tool for judging the quality of service experienced by the agency's service users, but they are also designed to be measurable.

Wherever possible, throughout the standards, the regulation to which a particular standard is linked has been identified. However other regulations and/or primary legislation may be relevant. The note should therefore be taken as a general guide and not as an exhaustive legal reference.

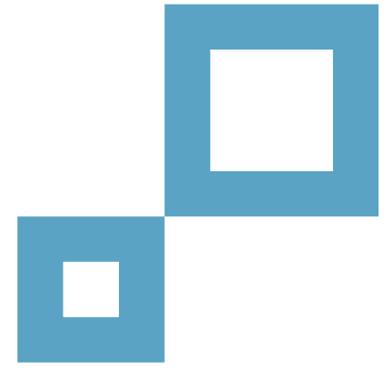
CSCI will assess whether or not a provider should be registered, and inspect an agency, on the basis of the ASA Regulations and national minimum standards. In inspecting against these standards, CSCI will follow a consistent inspection methodology and reporting format across the country. CSCI will be looking for evidence that the Regulations are being met and will use the standards to support this.

In assessing whether an adoption support agency complies with the ASA Regulations, CSCI must take the standards issued by the Secretary of State into account. However, CSCI may also take into account any other factors it considers reasonable or relevant. CSCI may conclude that an ASA has been in breach of the Regulations even though it largely meets the standards. CSCI also has discretion to conclude that the Regulations have been complied with by means other than those set out in the standards.

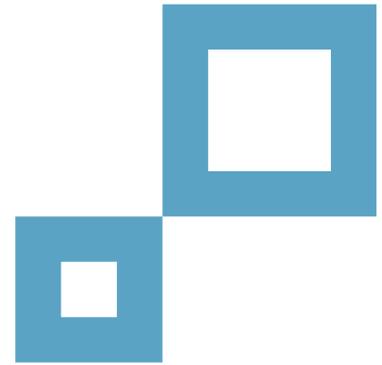
In practice, if the Regulations were not being met in few respects, it is likely that CSCI would note this in its inspection report and send a written warning. If the Regulations are persistently flouted and/or they were substantially or seriously disregarded, CSCI may decide to take enforcement action either in terms of cancelling registration or a criminal prosecution.

It is intended that these standards will be used, both by ASAs and CSCI, to focus on securing good quality services for the agency's service users and reducing risks to their welfare and safety. All ASAs and their staff should aim to provide the best possible services for their service users, and observing the standards is an essential part, but only a part, of the overall responsibility to safeguard and promote the welfare of each individual service user.

**Use of terminology:** There is a glossary at the back of this document which gives a brief explanation of some of the terms used throughout.



# National Minimum Standards for Adoption Support Agencies in England



# 1 Statement of purpose

## OUTCOME

There is a clear written statement of the aims and objectives of the adoption support agency and the agency ensures that it meets those aims and objectives.

## STANDARD 1 – Statement of purpose

1.1 There is a clear written statement of the aims and objectives of the adoption support agency which describes accurately what facilities and services it provides and to whom.

1.2 The registered provider or the registered manager formally approves the Statement of purpose and reviews, updates and modifies it where necessary, at least annually.

1.3 The Statement of purpose contains the information listed in Schedule 1 to the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

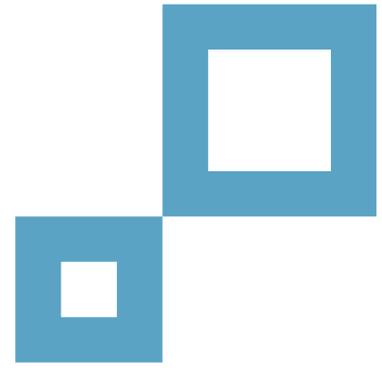
1.4 An adoption support agency providing services to children produces a children's guide to the agency and its services and the guide is suitable for all children who come into contact with the adoption support agency. The guide primarily includes a summary of what the service sets out to do for children and is given to all children and/or their representatives. If necessary, the children's guide is produced in different formats to meet the needs of different groups of children to whom the agency may offer a service. The children's guide also contains information on how a child can make a complaint, including how to secure access to an independent advocate and how to contact the Children's Rights Director as appropriate.

1.5 Oral and written communications are available, when necessary, in a format which is appropriate to the physical, sensory and learning impairments, communication difficulties and language of the adoption support agency's users, staff and volunteers. Arrangements are made for those who are unable to understand the document to have it read, translated or explained to them.

1.6 The adoption support agency's policies, procedures and any written guidance to staff and volunteers accurately reflect the Statement of purpose.

1.7 All those working in the adoption support agency are aware of the contents of the Statement of purpose and a copy is readily available.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 5 – Statement of purpose and children's guide*, *regulation 6 – Review of statement of purpose and children's guide*]



## 2 Safeguarding and promoting welfare

### OUTCOME

The adoption support agency safeguards and promotes the physical, mental and emotional welfare of people affected by adoption who wish to use its services.

### STANDARD 2 – Safeguarding and promoting welfare

2.1 The adoption support agency's service users are safeguarded from any form of abuse, exploitation and discrimination including physical, financial, psychological and sexual, through deliberate intent, negligence or ignorance in accordance with the agency's written policies and procedures.

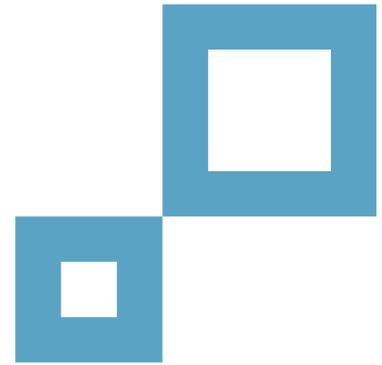
2.2 Where the adoption support agency provides services to children:

- there is a detailed written child protection policy, including the management of and reporting plan for child protection issues;
- there are procedures for responding to suspicion or evidence of abuse and neglect which are in line with local Area Child Protection Committee (ACPC) procedures to ensure the safety and protection of service users. This includes the involvement of the local authority and police and passing on concerns to the regulatory authority (where appropriate). N.B. from 1 April 2006 ACPCs will be replaced by Local Safeguarding Children Boards;
- the policy and procedures are in line with local ACPC procedures, 'Working Together to Safeguard Children' and 'What to do if you're worried a child is being abused';
- all staff and volunteers are trained in child protection and are aware of the agency's child protection policy;
- all staff, volunteers and service users have access to the agency's child protection policy.

2.3 All allegations and incidents of abuse in relation to the agency's staff or volunteers are followed up promptly and the details and action taken are recorded on a file, kept especially for the purpose, and on the service user's record.

2.4 The adoption support agency has written procedures for dealing with allegations of historical abuse which may be made by service users during the course of service provision.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 12 – Arrangements for the protection of children*]



## 3 User-focused services

### OUTCOME

People affected by adoption receive a service from the adoption support agency that is appropriate and tailored to their particular need. They are treated fairly, openly and with respect throughout their contact with the agency.

### STANDARD 3 – User-focused services

3.1 People affected by adoption receive a service that is appropriate and tailored to their particular need. They are given clear information about the service they can expect to receive and what the service is designed to achieve.

3.2 The adoption support agency has in place written policies and procedures that reflect the following principles:

- prospective service users are welcomed without prejudice and are given clear information on the services provided by the agency;
- where the agency does not provide the specific service requested, or is not able to meet the prospective service user's particular need, the agency refers that person to an appropriate agency or service;
- in deciding whether to provide a service, or which service to provide, the agency listens to the service user's wishes and feelings and considers their welfare and safety;
- where the service provision involves a child, their wishes and feelings are listened to and their welfare and safety are the paramount considerations;
- where the service provision involves adopted adults and their birth relatives, the agency takes into consideration the welfare and safety of both parties.

3.3 The adoption support agency ensures that systems are in place to respond promptly to requests and to work with people who have been affected by adoption, at all times being respectful of their ethnic origin, religion, culture, language, sexuality, gender and any disability and their experience and understanding of adoption.

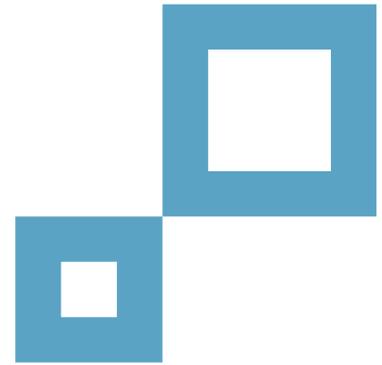
3.4 The agency has written policies and procedures in place for working with service users with physical, sensory and learning impairments, communication difficulties and for whom English is not the first language.

3.5 Service users are consulted on decisions made in relation to their service provision and have the opportunity to provide feedback to the agency during and after the course of the service provision. The agency makes every effort to seek the views of any children receiving a service in a manner that is appropriate to their level of understanding. Consultation with service users is recorded on their individual records.

3.6 Where services are commissioned by an adoption agency, a three-way working relationship is developed with the adoption agency and the adoption support agency working in partnership to most effectively meet the needs of the service user. Commissioning arrangements are underpinned by a written agreement and are reviewed at regular intervals.

3.7 The agency informs service users of their right to make representations and complaints and they are helped to do so if this is required.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 13 – Provision of services*]



## 4 Service delivery

### OUTCOME

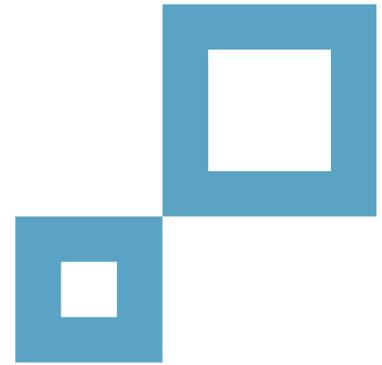
The adoption support agency's service users receive a good quality, professional service, based on their needs identified by an assessment.

### STANDARD 4 – Service delivery

- 4.1 The agency has written policies and procedures for each service it provides and service provision accurately reflects those policies and procedures.
- 4.2 The manager is fully informed of the current level of service provision with regard to each service provided by the adoption support agency, and is aware which staff are involved in delivering each of the services.
- 4.3 The adoption support agency has a written policy and procedure on how it will decide whether to provide an adoption support service to particular service users.
- 4.4 Prospective service users are made aware that they may be entitled to request an assessment of their needs for adoption support services from their local authority in accordance with the Adoption and Children Act 2002 and associated regulations.
- 4.5 When deciding whether to provide a service to a particular person, the adoption support agency has regard to the outcome of any local authority assessment of the person's need for adoption support services which has been conducted.
- 4.6 The registered provider ensures that where the adoption support agency decides to provide a service to a particular person, the decision is based on an assessment of the person's need for the adoption support service.
- 4.7 The manager ensures that the individual responsible for the delivery of adoption support services to each individual service user:

- provides each service user with a clear explanation of what is involved in particular service provision and obtains their informed consent where appropriate to the service provision;
- monitors and reviews the service provision to each service user for whom they are responsible. This includes the length of the service provision and whether the service is delivering the outcomes that it is intended to achieve.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 13 – Provision of services*]



## 5 Fitness to provide or manage an adoption support agency

### OUTCOME

The adoption support agency is provided and managed by those who are suitable and have the appropriate skills and experience to do so effectively and efficiently to provide the services specified in the Statement of purpose.

### STANDARD 5 – Skills to provide or manage

5.1 The people who carry on and manage the adoption support agency:

- possess the appropriate knowledge and experience of adoption law and practice and, where the adoption support agency provides services to children, knowledge and experience of child care law and practice;
- have business and management skills to manage the work effectively and efficiently;
- have financial expertise to ensure that it is run on a sound financial basis and in a professional manner.

5.2 The registered manager (or registered provider, where the registered provider is an individual and there is no registered manager):

- has a professional qualification relevant to working in an adoption setting, (or children's services where the agency provides services to children) which is either NVQ level 4 or DipSW or an equivalent professional social work qualification; **or**
- is a Member (MBACP) or Accredited Member (MBACP Accred) of the British Association of Counselling and Psychotherapy (BACP), or is chartered by/registered with the United Kingdom Council for Psychotherapy (UKCP), the British Psychological Society (BPS) or the United Kingdom Register for Counsellors and Psychotherapists (UKRCP); **or**

- is registered as an Arts, Drama or Music Therapist with the Health Professions Council for England and Wales (HPC);

**and**

- by 30 December 2007 has at least two years' experience of working in an adoption setting (or children's services where the agency provides services to children) which may include managing an adoption support agency, within the past five years.

5.3 The registered manager (or registered provider where the registered provider is an individual and there is no registered manager), obtains a qualification at NVQ level 4 in management or another qualification which at least matches the competencies required by level 4 by 30 December 2008, or following that date, within 3 years of registration. **N.B. Where the registered provider is an individual and does not have staff or volunteers, he or she is not required to obtain this qualification.**

5.4 Appointees to the post of registered manager (or registered provider where the registered provider is an individual and there is no registered manager) who have no such qualifications begin appropriate management training within six months of appointment.

5.5 The registered manager (or registered provider where the registered provider is an individual and there is no registered manager) exercises effective leadership of the staff (where appropriate) and operation, such that the adoption support agency is organised, managed and staffed in a manner that delivers the best possible service provision for the agency's service users.

## **STANDARD 6 – Suitability to carry on or manage**

6.1 Any persons carrying on or managing the adoption support agency are suitable people to run a voluntary organisation or business concerned with providing adoption support services, and safeguard and promote the welfare of the agency's services users.

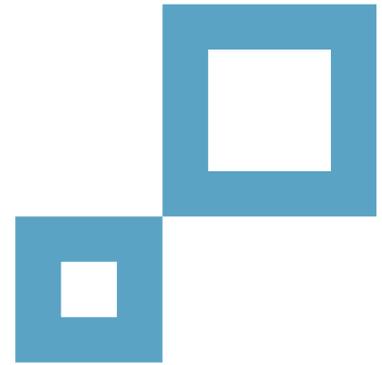
6.2 For the references set out in Schedule 2 of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, telephone enquiries are made to follow up written references.

6.3 The registered manager has a satisfactory disclosure from the Criminal Records Bureau in accordance with the Police Act 1997 as appropriate.

6.4 CRB checks are renewed every three years.

6.5 Records are kept of checks and references that have been obtained and their outcome.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 7 – Fitness of registered provider, regulation 9 – Fitness of manager, regulation 10 – Registered person – general requirements*]



## 6 Management of the adoption support agency

### OUTCOME

The adoption support agency safeguards and promotes the physical, mental and emotional welfare of people affected by adoption who wish to use its services.

### STANDARD 7 – Managing effectively and efficiently

THIS STANDARD IS NOT RELEVANT WHERE THE REGISTERED PROVIDER IS AN INDIVIDUAL WHO IS NOT REQUIRED TO APPOINT A REGISTERED MANAGER<sup>1</sup>

In this standard references to manager mean registered manager.

7.1 The adoption support agency is managed effectively and efficiently.

7.2 The manager ensures that the adoption support agency is run in accordance with its Statement of purpose.

7.3 The manager has a clear written job description which sets out the duties, responsibilities and level of delegation of the manager in managing the adoption support agency. The job description also specifies the person to whom the manager is accountable and/or who is responsible for ensuring that the manager carries out their duties and responsibilities. The manager must be notified in writing of any change in the person to whom they are accountable.

7.4 The level of delegation and responsibility of the manager, and the lines of accountability, are clearly defined.

7.5 Clear arrangements are in place to identify the person in charge when the manager is absent.

<sup>1</sup> If the registered provider is an individual, he or she is only required to appoint a manager if he or she is (a) not a fit person to manage the agency or (b) is not, or does not intend to be, in full-time day to day charge of the agency. See Regulation 9 – Fitness of manager

7.6 There are clear roles for the manager, staff and volunteers (where appropriate) and well established lines of communication and accountability between the manager, staff and volunteers.

7.7 The registered provider informs the manager, staff and volunteers of their responsibility to declare any possible conflicts of interest.

## STANDARD 8 – Monitoring and controlling

8.1 There are clear written procedures for monitoring and controlling the activities of the adoption support agency and ensuring quality performance.

8.2 The adoption support agency has proper financial procedures and there is a reviewing procedure to keep them up to date.

8.3 Information is provided to purchasers of services and others with a legitimate interest. This includes:

- charges for each of its services;
- itemised amounts paid for services.

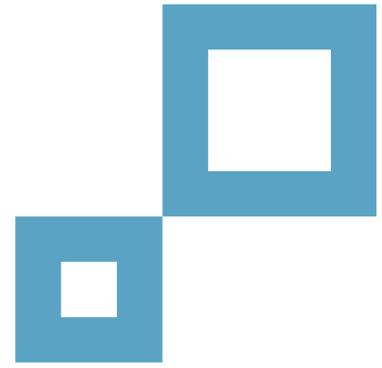
8.4 The adoption support agency's trustees, board members or management committee members:

- satisfy themselves that the adoption support agency is effective and achieves good outcomes for its service users;
- receive written reports on the management and outcomes of the services of the adoption support agency every 6 months to be able to monitor progress;
- satisfy themselves that all conditions of registration imposed on the adoption support agency are met.

8.5 Where the adoption support agency is an individual, he or she:

- runs the adoption support agency effectively and achieves good outcomes for its service users;
- produces written reports on the management and outcomes of the services of the adoption support agency every 6 months to be able to monitor progress.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 7 – Fitness of registered provider, regulation 9 – Fitness of manager, regulation 10 – Registered person – general requirements.*]



## 7 Employment and management of staff and volunteers

### OUTCOME

The staff and volunteers who work in the adoption support agency are suitable to work with the agency's service users and they are managed, trained and supported in such a way as to ensure the best possible outcomes for those service users. The number of staff and volunteers and their range of qualifications and experience are sufficient to achieve the purposes and functions of the adoptions support agency.

Standards 9-14 are not relevant where the registered provider is an individual and does not have staff or volunteers

### STANDARD 9 – Suitability to work with service users

9.1 Anyone working in or for the adoption support agency is suitable to work with the agency's service users, in particular children and young people where the agency provides services to children.

9.2 There are clear written recruitment and selection procedures for appointing staff and volunteers which follow good practice in safeguarding service users, and in particular children, where the agency provides services to them. All personnel responsible for the recruitment and selection of staff and volunteers are trained in, understand and operate these procedures.

9.3 All staff and volunteers working in or for the adoption support agency are interviewed as part of the selection process and have written references checked to assess suitability before taking up their duties. Telephone enquiries are made to each referee to verify the written references.

9.4 All people working for the adoption support agency, including those who wish to work on a temporary, sessional or voluntary basis, have a satisfactory standard or enhanced disclosure, as appropriate, from the CRB in accordance with the Police Act 1997.

9.5 No person is allowed to begin work until written confirmation is received that the outcomes of all status, CRB and reference checks are satisfactory.

9.6 Records are kept of checks and references that have been obtained and their outcomes. CRB checks are renewed every three years.

9.7 CRB checks for current staff and volunteers which need to be updated because it is three years or more since the last check was carried out, remain effective for a further 3 months from the date the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 come into force (30 December 2005).

## **STANDARD 10 – Organisation and management of staff**

10.1 Staff (including temporary and sessional staff) and volunteers are organised and managed in a way which delivers an effective and efficient service.

10.2 The work of all staff and volunteers is managed and monitored by people who have appropriate skills and qualifications.

10.3 There is a clear management structure with clear lines of accountability.

10.4 The level of management delegation and responsibility are clearly defined and are appropriate for the skills, qualifications and experience of the relevant members of staff.

10.5 The adoption support agency has systems in place to determine, prioritise and monitor workloads and assign tasks to appropriate staff and volunteers.

10.6 Professional supervision and consultation are provided at least 6 times a year for professionally qualified staff by appropriately qualified and experienced persons.

10.7 Volunteers are supported through regular, scheduled supervision sessions with appropriate staff.

10.8 Staff are supported to undertake on-going training and appropriate professional and skills development.

10.9 Volunteers are supported to undertake on-going training which is relevant to their work in the adoption support agency.

10.10 The adoption support agency has an adequate level of clerical and administrative support, office equipment and infrastructure to enable staff to carry out their duties in an effective and efficient manner.

10.11 Administrative procedures are appropriate for dealing promptly and courteously with enquiries from service users.

10.12 All employees, sessional workers and consultants are provided with appropriate written contracts, job descriptions and conditions of service.

10.13 All staff understand the role of the adoption support agency and there is a clear understanding (if appropriate) about how the agency works with staff in other agencies such as local authorities, voluntary adoption agencies and other adoption support agencies to achieve positive outcomes for service users.

10.14 All staff and volunteers have a copy of:

- the Statement of purpose;
- the child protection policy, where the agency provides services to children;
- the policies and working practices in respect of grievances and disciplinary matters;
- details of the services offered;
- the equal opportunities policy;
- health and safety procedures;
- complaints procedure.

## **STANDARD 11 – Sufficient staff with the right skills and experience**

11.1 There is a sufficient number of suitably experienced and qualified staff to meet the needs of the adoption support agency and they are appropriately supported and assisted in providing a service.

11.2 The full-time equivalent staffing complement, in terms of numbers, grades, experience and qualifications, is sufficient at all times to meet the needs of the adoption support agency and is in line with the Statement of purpose.

11.3 Where a shortfall in staffing levels occurs, there are contingency plans to resolve them and to deal with priority work.

11.4 Staff policies encourage retention of salaried staff by providing support and training – including flexible working conditions, training, regular supervision, study leave, clear workloads, terms and conditions.

### **QUALIFICATIONS**

11.5 All social workers have a DipSW or equivalent professional social work qualification.

11.6 All counsellors, other than those providing birth records counselling under Schedule 2 of the Adoption & Children Act 2002, are Members (MBACP) or Accredited Members (MBACP Accred) of the British Association of Counselling and Psychotherapy (BACP), or are chartered by/registered with the United Kingdom Council for Psychotherapy (UKCP), the British Psychological Society (BPS) or the United Kingdom Register for Counsellors and Psychotherapists (UKRCP).

11.7 All Arts, Drama and Music Therapists are registered with the Health Professions Council for England and Wales. Other staff involved in the provision of therapeutic services have appropriate professional qualifications.

11.8 Birth records counselling under Schedule 2 of the Adoption and Children Act 2002 is provided by qualified social workers who are trained and experienced in this type of counselling and who have a thorough understanding of the legislation surrounding access to birth records and the impact of reunion on all parties.

11.9 All medical advisors and other professional staff are professionally qualified and appropriately trained to work with those affected by adoption, in particular the agency's service users.

11.10 All professionally qualified staff have appropriate knowledge and skills. This includes:

- an appropriate understanding of the Adoption & Children Act 2002 and associated regulations and guidance, relevant national policies and procedures, and where the agency provides services to children, the Children Act 1989 and its associated regulations and guidance;
- a sound understanding of the adoption process and adoption-related issues;
- capacity to work with the adoption support agency's service users;
- an appropriate understanding of the roles of other agencies who may be involved in the adoption process, in particular adoption agencies, health and education;
- an ability to promote equality, diversity and the rights of individuals and groups; and
- an understanding of the importance of the complaints procedure.

11.11 All professionally qualified staff keep up-to-date with current issues in the adoption field and developments in legislation and guidance.

#### **OTHER STAFF AND VOLUNTEERS**

11.12 Unqualified staff and volunteers carry out their functions under the direct supervision of qualified and experienced workers, who are accountable for their work.

## STANDARD 12 – Fair and competent employer

12.1 The adoption support agency is a fair and competent employer, with sound employment practices and good support for its staff and volunteers.

12.2 The adoption support agency has public liability and professional indemnity insurance for all staff and volunteers. The insurance policy covers costs arising as a result of child abuse claims against any staff and volunteers.

12.3 The agency has comprehensive written health and safety and equal opportunities policies for all staff, volunteers and service users which cover all legal requirements.

12.4 There is a written whistleblowing policy which is made known to all staff and volunteers.

## STANDARD 13 – Training

13.1 There is a good quality training programme to enhance individual skills and to keep staff and volunteers up-to-date with relevant professional, legal and practice developments.

13.2 There is a clear plan for ongoing training and appropriate professional and skills development of all staff and volunteers involved in the work of the adoption support agency, through induction, post qualifying and in-service training. All new staff are given induction training commencing within seven days of starting their employment and being completed within ten weeks.

13.3 All volunteers undertake a period of induction which is completed according to a timescale agreed between the individual and the agency.

13.4 Induction training covers as a minimum:

- the aims, objectives and principles of the adoption support agency;
- health and safety policies and procedures;
- child protection policies and procedures;
- the complaints policy and procedures;
- policies and procedures for record keeping;
- the importance of confidentiality in the work of the adoption support agency.

13.5 There is an appraisal scheme which identifies the training and development needs of all staff and volunteers involved in the work of the adoption support agency. Individual programmes of training are available, outcomes are monitored and linked to assessment of staff and volunteer needs and relate to the tasks assigned to them.

13.6 All staff and volunteers are kept informed of any changes in any legislation, guidance and case law that are relevant to their jobs and are given the opportunity to attend regular staff meetings to discuss current practice.

13.7 The effectiveness of training programmes for staff and volunteers is routinely evaluated and reviewed and updated at least annually.

13.8 Training programmes reflect the policies, legal obligations and business needs of the adoption support agency.

## **STANDARD 14 – Accountability and support**

14.1 All staff and volunteers are properly accountable and supported.

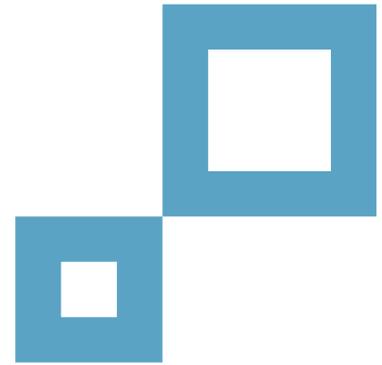
14.2 All staff and volunteers have clear written details of duties and responsibilities expected of them, together with the policies and procedures of the organisation.

14.3 All staff and volunteers who come into contact with service users receive management supervision, and a record is kept by the line manager of the content of the supervision and of progress made. Supervision sessions are regular and planned in advance.

14.4 Staff and volunteers receive regular, planned appraisals from their line manager, which provide an opportunity to assess and comment upon performance and identify any training needs.

14.5 Each member of staff has the opportunity to attend regular staff and team meetings. Volunteers have the opportunity to attend staff and team meetings where this is appropriate to their role.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 18 – Staffing of agency, regulation 19 – Fitness of workers, regulation 20 – Employment of staff, regulation 21 – Staff disciplinary procedure.*]



## 8 Individuals who are registered providers

### OUTCOME

The registered provider manages the agency effectively and efficiently and is suitable to work with the agency's service users. He or she is trained and supported in such a way as to ensure the best possible outcomes for service users.

Standard 15 is relevant only where the registered provider is an individual (as opposed to a partnership or organisation) and he or she does not have staff or volunteers.

### STANDARD 15 – Managing Effectively and Efficiently

15.1 The adoption support agency is managed effectively and efficiently and the registered provider is suitable to work with the adoption support agency's service users and to safeguard and promote their welfare.

15.2 The registered provider ensures that the adoption support agency is run in accordance with its Statement of purpose.

15.3 The registered provider ensures that he or she has professional supervision and consultation at least 6 times a year with appropriately qualified and experienced persons.

15.4 The registered provider undertakes on-going training and appropriate professional and skills development.

15.5 The registered provider has appropriate knowledge and skills. This includes:

- an appropriate understanding of the Adoption & Children Act 2002 and associated regulations and guidance, relevant national policies and procedures, and where the agency provides services to children, the Children Act 1989 and its associated regulations and guidance;

- a sound understanding of the adoption process and adoption-related issues;
- capacity to work with the adoption support agency's service users;
- an appropriate understanding of the roles of other agencies who may be involved in the adoption process, in particular adoption agencies, health and education;
- an ability to promote equality, diversity and the rights of individuals and groups;
- an understanding of the importance of the complaints procedure;
- a clear understanding (if appropriate) about how the agency works with other agencies such as local authorities, voluntary adoption agencies and other adoption support agencies to achieve positive outcomes for service users.

15.6 The registered provider keeps up-to-date with current issues in the adoption field and developments in legislation and guidance

15.7 The adoption support agency has an adequate level of office equipment and infrastructure to enable the agency to provide adoption support services in an effective and efficient manner.

15.8 Administrative procedures are appropriate for dealing promptly and courteously with enquiries from service users.

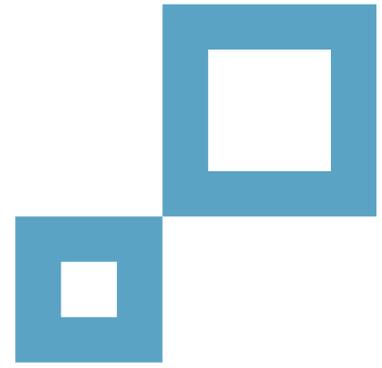
15.9 The registered provider has a comprehensive written health and safety policy and equal opportunities policy for all service users which covers all legal requirements.

15.10 The adoption support agency has public liability and professional indemnity insurance which covers costs arising as a result of child abuse claims.

15.11 All medical advisors are professionally qualified and appropriately trained to work with those affected by adoption, in particular the agency's service users.

15.12 If the registered provider provides birth records counselling under Schedule 2 of the Adoption and Children Act 2002 he or she is a qualified social worker who is trained and experienced in this type of counselling and who has a thorough understanding of the legislation surrounding access to birth records and the impact of reunion on all parties.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 7 – Fitness of registered provider, regulation 10 – Registered person – general requirements*]



## 9 Complaints and representations

### OUTCOME

Complaints and representations are resolved quickly and handled in a sensitive, thorough and non-biased manner.

### STANDARD 16 – Complaints and representations

16.1 The adoption support agency has a written complaints policy and procedure covering complaints and representations by service users, staff and volunteers. Where the agency provides services to children, procedures are in place to help them make a complaint if required.

16.2 The adoption support agency provides all staff and volunteers, others involved with the adoption support agency, service users and those who have been refused a service, with a copy of the agency's written complaints policy and procedure.

16.3 Any complaint is addressed seriously and without delay in accordance with the adoption support agency's complaints policy.

16.4 The complaints procedure:

- includes information on how to make a complaint;
- does not restrict the issues that may be complained about in relation to the services or the conduct of the agency;
- specifies how complaints will be handled;
- provides information on all other avenues for complaint where appropriate;
- is accessible to people with physical, sensory and learning impairments and those whose first language is not English.

16.5 All staff receive training in the complaints procedures covering the following areas:

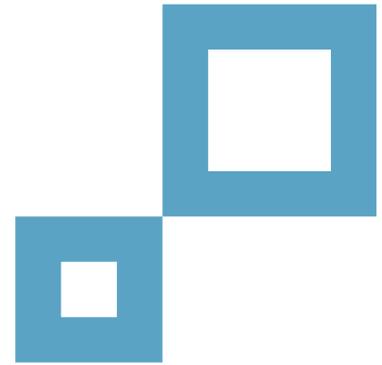
- what constitutes a complaint;
- the procedure for dealing with a complaint and how this is recorded;
- to whom a complaint may be made outside the adoption support agency;
- the procedure to be followed should a complaint not be resolved promptly by informal means, including who should be notified and the keeping of records; and
- how a child can be assisted in making a complaint (if appropriate).

16.6 The adoption support agency maintains a complete record of all complaints made and how they are dealt with including the outcome.

16.7 The adoption support agency reviews the records at least annually to check satisfactory operation of the complaints procedure, to identify any patterns of complaint and action taken on individual complaints.

16.8 The adoption support agency takes appropriate action from any review in relation to its policies and practices, as well as taking any necessary further action in relation to individual cases. A written record is made of action taken.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 16 – Complaints, regulation 17 – Complaints – further requirements*]



# 10 Records

## OUTCOME

All appropriate records are securely maintained, retained and are accessible when required.

## STANDARD 17 – Records with respect to services

17.1 The adoption support agency ensures that an up-to-date, comprehensive and accurate case record is maintained for each service user, which provides full details of that user's contact with the agency.

17.2 There are written policies and procedures on case recording which:

- are in accordance with regulation 14 of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005;
- establish the purpose and format of records;
- cover arrangements for maintaining the confidentiality of information relating to adoptions;
- ensure that manual/computerised indexes and case records are securely stored to minimise the risk from fire or water or other disaster.

17.3 All staff, including temporary and sessional workers and volunteers understand the instructions and compliance is monitored.

17.4 Any decisions made in respect of a service user and the reasons for the decisions are recorded on case records and are legible, clearly expressed, signed and dated.

## STANDARD 18 – Adoption case records

This standard only applies to adoption support agencies which were formerly Voluntary Adoption Agencies (VAAs).

18.1 The adoption support agency has written policy and procedural instructions in respect of the adoption case records of its predecessor VAA (see glossary for definition of 'predecessor VAA') to:

- cover arrangements for maintaining the confidentiality of adoption information and the adoption case records and their indexes; and
- ensure manual/computerized indexes and adoption case records are securely stored to minimise the risk of damage from fire or water.

Staff and volunteers understand the instructions and compliance is monitored.

## STANDARD 19 – Access to adoption case records

This standard only applies to adoption support agencies which retain the adoption case records of their predecessor Voluntary Adoption Agency

19.1 In respect of the adoption case records of its predecessor VAA, the adoption support agency has written procedural and policy instructions which take into account the Data Protection Act 1998, the Human Rights Act 1998 and the Freedom of Information Act 2000 and cover:

- arrangements for authorising access to the adoption case records and their indexes, and for authorising the disclosure of adoption information;
- the circumstances where it might wish to make records or information available under the Adoption Information and Intermediary Services (Pre-Commencement) Regulations 2005, both within and outside the agency, for the purposes of its functions as an adoption support agency;
- how staff should deal with requests for such access or disclosure and who are empowered to authorise them;
- the requirement that before the adoption support agency may make case records or information available, a written agreement must be obtained from the person to whom the agency wishes to disclose the case records or information that they will keep them confidential. This requirement does not cover the child or adopter but does cover anyone else within or outside the adoption support agency, including the agency's staff and volunteers.

## STANDARD 20 – Administrative records

20.1 There is a written policy on case recording, which establishes the purpose, format, confidentiality and contents of records, including secure storage and access to case files in line with regulations.

20.2 Separate records are kept for:

- staff, employed and independent/sessional workers and volunteers;
- complaints;
- allegations.

20.3 There is a system to monitor the quality and accuracy of records and remedial action is taken where necessary.

20.4 Confidential records are stored securely at all times and there is a clear written policy on access.

20.5 Written entries in records are legible, clearly expressed, non-stigmatising, distinguish between fact, opinion and third party information and are signed and dated.

20.6 There is a system for keeping records of all complaints made and for handling these confidentially and securely. Records of complaints and allegations are clearly recorded on the relevant files for staff, volunteers and service users – including details of the investigation, conclusion reached and action taken. Separate records are also kept which bring together data on allegations and complaints.

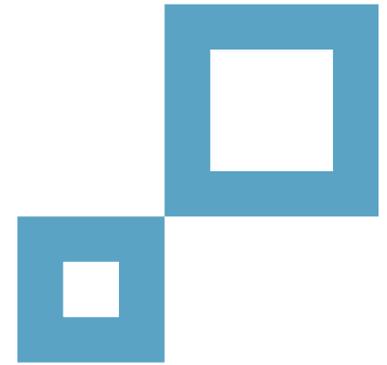
20.7 Arrangements are made for any records which are taken away from the adoption support agency's premises to be stored securely.

## STANDARD 21 – Personnel files for members of staff and volunteers

21.1 Up-to-date, comprehensive personnel files are maintained for each member of staff and volunteer.

21.2 Records are kept of the matters listed in Schedule 3 to the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 on each member of staff and volunteer.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 14 – Records with respect to services, regulation 15 – Adoption case records (adoption support agencies that were formerly adoption agencies), regulation 22 – Records with respect to staff, regulation 12 – Arrangements for the protection of children, regulation 17 – Complaints – further requirements*]



# 11 Fitness of premises

## OUTCOME

The premises used by the adoption support agency are suitable for the purpose of providing the services as set out in the agency's Statement of purpose.

## STANDARD 22 – Fitness of premises

22.1 There are identifiable, suitable premises to which staff and others with a legitimate interest have access during normal working hours.

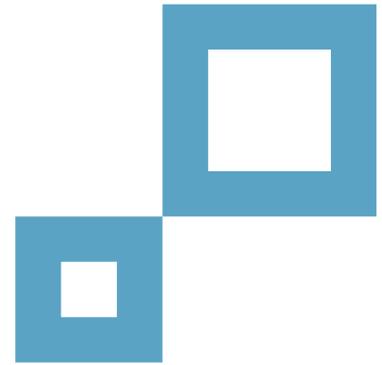
22.2 There are efficient and robust administrative systems, including IT and communication systems. Premises have:

- facilities for the secure retention of records;
- appropriate measures to safeguard IT systems; and
- an appropriate security system.

22.3 The premises and its contents are adequately insured (or there are alternative prompt methods of replacing lost items).

22.4 The adoption support agency has a Disaster Recovery Plan which will include both provision of premises and safeguarding/back-up of records.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 23 – Fitness of premises*]



# 12 Financial requirements

## OUTCOME

The adoption support agency is financially viable.

### STANDARD 23 – Financial viability

23.1 The adoption support agency is carried on in such a manner as is likely to ensure that it will be financially viable and have sufficient financial resources to fulfil its obligations.

23.2 Procedures exist to deal with situations of financial crisis, such as informing service users and those on behalf of whom the agency is providing services. This includes liaising with purchasers of services to safeguard the welfare of those receiving services and transferring case records where appropriate.

### STANDARD 24 – Financial processes

24.1 The financial processes/systems of the adoption support agency are properly operated and maintained in accordance with sound and appropriate accounting standards and practice.

24.2 The adoption support agency has clearly documented financial arrangements for control and supervision of its financial affairs and powers.

24.3 The adoption support agency has a clearly written set of principles and standards:

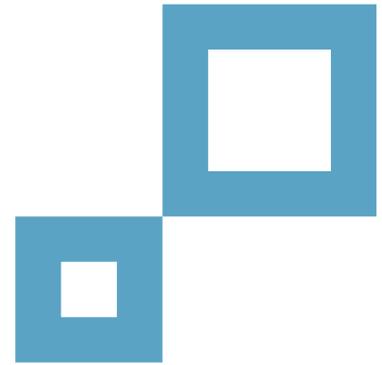
- governing its financial management; and
- describing the financial procedures and responsibilities to be followed by the manager, staff, consultants, professional experts, volunteers, directors and trustees; which are communicated to its managers and accountants.

24.4 The adoption support agency's accounts are maintained and properly audited.

24.5 The registered provider regularly receives information on the financial state of the agency.

24.6 The agency publishes its charges for each of its services and has a clear policy for the charging of fees and expenses for any additional services it is asked to provide. The statement is available on request to purchasers and others with a legitimate interest.

[The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005: *regulation 25 – Financial position*]



# Appendix A – Glossary

This glossary is intended to be of general assistance to the reader in interpreting this document. The definitions provided do not affect any meaning that a term may have under any relevant legislation.

## **ADOPTION AGENCY**

A registered adoption society (often referred to as a voluntary adoption agency (VAA)) or a local authority adoption service.

## **ADOPTION SUPPORT AGENCY (ASA)**

An undertaking, the purpose of which, or one of the purposes of which, is the provision of adoption support services in accordance with section 8 of the Adoption & Children Act 2002.

## **AGENCY**

An adoption support agency.

## **CRB – CRIMINAL RECORDS BUREAU**

A national organisation conducting police checks to enable an assessment to be made on the suitability of a person to work with children. Different levels of check are available for different levels of regular contact and supervisory responsibility of children.

## **JOB DESCRIPTION**

A written, agreed and up-to-date statement of the main tasks and responsibilities of a staff member's or volunteer's job within the adoption support agency, including an overall definition of their role and the person to whom they are accountable.

## **MANAGER**

The registered manager, or the registered provider, where he is in day-to-day control of the adoption support agency.

## **POLICY**

An operational statement of intent which helps staff and volunteers make sound decisions and take actions which are legal, consistent with the aims of the adoption support agency, and in the best interests of the agency's service users.

## **PREDECESSOR VAA**

From 30 December 2005, any Voluntary Adoption Agency (VAA) which no longer makes arrangements for adoption and continues to provide adoption support services only, will automatically become an adoption support agency (ASA).

ASAs which were formerly VAAs will be able to retain the pre-commencement adoption case records of the former VAA (known as the ASA's '**predecessor VAA**'). N.B. 'Pre-commencement adoption case records' means case records in relation to adoptions which took place before the commencement of the Adoption and Children Act 2002 on 30 December 2005.

## **REGISTERED PROVIDER**

A person who is registered under Part 2 of the Care Standards Act 2000 as the person carrying on the adoption support agency.

## **REGISTERED MANAGER**

A person who is registered under Part 2 of the Care Standards Act 2000 as the manager of the adoption support agency.

## **REGISTERED PERSON**

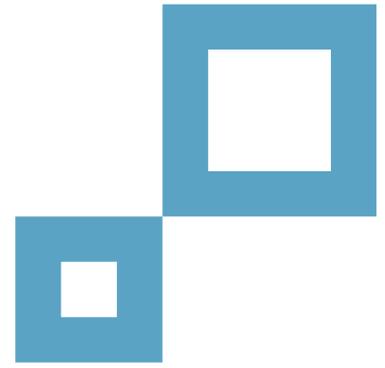
Any person who is the registered provider or the registered manager of the adoption support agency.

## **REGISTRATION AUTHORITY/REGULATORY AUTHORITY**

The Commission for Social Care Inspection, where the adoption support agency is based in England.

## **STATEMENT OF PURPOSE**

A document required by the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 which defines the objectives of the adoption support agency and covers the issues set out in those Regulations and national minimum standards.



# The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

**2005 No.2720**

**CHILDREN AND YOUNG PERSONS, ENGLAND  
SOCIAL CARE, ENGLAND**

**The Adoption Support Agencies (England) and Adoption  
Agencies (Miscellaneous Amendments) Regulations 2005**

*Made* - - - - - *30th September 2005*

*Laid before Parliament* *7th October 2005*

*Coming into force*

*For the purposes of regulation 34* *28th October 2005*

*For all other purposes* *30th December 2005*

**ARRANGEMENT OF REGULATIONS**

**PART 1  
GENERAL**

1. Citation, commencement and application
2. Interpretation
3. Prescribed services
4. Exceptions
5. Statement of purpose and children's guide
6. Review of statement of purpose and children's guide

**PART 2  
REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS**

7. Fitness of registered provider
8. Appointment of manager
9. Fitness of manager
10. Registered person – general requirements
11. Notification of offences

**PART 3  
CONDUCT OF AGENCIES**

12. Arrangements for the protection of children
13. Provision of services
14. Records with respect to services
15. Adoption case records (adoption support agencies that were formerly adoption agencies)

16. Complaints
17. Complaints – further requirements
18. Staffing of agency
19. Fitness of workers
20. Employment of staff
21. Staff disciplinary procedure
22. Records with respect to staff
23. Fitness of premises

#### PART 4 MISCELLANEOUS

24. Notifiable events
25. Financial position
26. Notice of absence
27. Notice of changes
28. Appointment of liquidators, etc.
29. Offences
30. Compliance with regulations

#### PART 5 FEES, FREQUENCY OF INSPECTIONS AND REGISTRATION

31. Amendment of the National Care Standards Commission (Registration) Regulations 2001
32. Amendment of the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003
33. Amendment of the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004

#### PART 6 MISCELLANEOUS AMENDMENTS

34. Amendment of the Adoption Agencies Regulations 1983
35. Amendment of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005

- 
- SCHEDULE 1 — INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE
- SCHEDULE 2 — INFORMATION REQUIRED IN RESPECT OF THE RESPONSIBLE INDIVIDUAL OR PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF AN AGENCY
- SCHEDULE 3 — RECORDS TO BE KEPT IN RELATION TO EACH PERSON WORKING FOR THE PURPOSES OF THE AGENCY
- SCHEDULE 4 — EVENTS AND NOTIFICATIONS

The Secretary of State for Education and Skills, in exercise of the powers conferred upon her by sections 9(2) and (3) and 67(5) of the Adoption Act 1976(a), sections 11(4), 12(2), 15(3), 16(1) and (3), 31(7), 34(1), 35(1) and 118(5) to (7) of the Care Standards Act 2000(b) and sections 2(6)(b), 8(2)(f), 9(1)(b) and (3), 10(1), (3) and (4), 98, 140(7) and (8) and 142(1) of the Adoption and Children Act 2002(c), makes the following Regulations:–

## PART 1

### GENERAL

#### **Citation, commencement and application**

**1.**—(1) These Regulations may be cited as the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005 and shall come into force for the purposes of regulation 34 on 28th October 2005 and for all other purposes on 30th December 2005.

(2) These Regulations apply to England only.

#### **Interpretation**

**2.**—(1) In these Regulations—

“the 2000 Act” means the Care Standards Act 2000;

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

“the 2005 Regulations” means the Adoption Support Services Regulations 2005(d);

“adoptive child” means—

(a) a child who has been adopted or in respect of whom a person has given notice of his intention to adopt under section 44 of the 2002 Act; or

(b) a child whom an adoption agency has matched with a prospective adopter or placed for adoption;

“adoptive parent” means—

(a) a person who has adopted a child or has given notice under section 44 of the 2002 Act of his intention to adopt a child; or

(b) a person with whom an adoption agency has matched a child or has placed a child for adoption;

“agency” means an adoption support agency;

“child” means a person who has not attained the age of 18 years;

“children’s guide” means the written guide produced in accordance with regulation 5(4);

“complaints procedure” means the procedure established under regulation 16(1);

“organisation” means a body corporate or any unincorporated association other than a partnership;

“registered manager” means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the manager of the agency;

“registered person” means, in relation to an agency, any person who is the registered provider or the registered manager;

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(a) 1976 c.36. Section 9(2) and (3) is amended by paragraph 5(6) of Schedule 4 to the Care Standards Act 2000 and paragraph 4(1) of Schedule 4 to the Adoption and Children Act 2002.

(b) 2000 c.14. See section 121(1) for the definitions of “prescribed” and “regulations”.

(c) 2002 c.38.

(d) S.I. 2005/691.

“registered provider” means, in relation to an agency, a person who is registered under Part 2 of the 2000 Act as the person carrying on the agency;

“registration authority” means the Commission for Social Care Inspection(a);

“responsible individual” shall be construed in accordance with regulation 7(2)(c);

“statement of purpose” means the written statement compiled in accordance with regulation 5(1).

(2) In these Regulations any reference to employing a person includes employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, and references to an employee or to a person being employed shall be construed accordingly.

### **Prescribed services**

**3.**—(1) For the purposes of these Regulations the following services (in addition to other services prescribed for the purposes of section 2(6)(b) of the 2002 Act(b)) are prescribed as adoption support services—

- (a) any services prescribed in regulation 3(1)(b) to (f) of the 2005 Regulations that are provided in the case of an adoption of a child by his natural parent or the partner of his natural parent;
- (b) assistance to adoption agencies in preparing and training adoptive parents;
- (c) assistance to—
  - (i) adopted persons who have attained the age of 18, or
  - (ii) relatives of such persons,

to facilitate contact between such adopted persons and their relatives (and in this subparagraph “relative”, in relation to an adopted person, means any person who, but for his adoption, would be related to him by blood, including half-blood, marriage or civil partnership).

(2) In the case of an adoption of a child by his natural parent or the partner of his natural parent respite care that consists of the provision of accommodation must be accommodation provided by or on behalf of a local authority under section 23 of the Children Act 1989(c) (accommodation of looked after children) or by a voluntary organisation under section 59 of that Act.

### **Exceptions**

**4.**—(1) A barrister, or a solicitor of the Supreme Court, who is providing adoption support services in the course of his practice as such is not an adoption support agency.

(2) An undertaking is not an adoption support agency merely because it provides services to enable groups of adoptive children, adoptive parents and natural parents or former guardians of an adoptive child to discuss matters relating to adoption.

(3) An undertaking is not an adoption support agency merely because it—

- (a) provides respite care in relation to adoption and is a—
    - (i) care home,
    - (ii) children s home, or
    - (iii) domiciliary care agency,
- in respect of which a person is registered under Part 2 of the 2000 Act; or

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(a) The Commission for Social Care Inspection was established by section 42 of the Health and Social Care (Community Health and Standards) Act 2003 (c.43).

(b) See the services prescribed in regulation 3 of the Adoption Support Services Regulations 2005, S.I. 2005/691, and regulation 3(3) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, S.I. 2005/890.

(c) 1989 c.41.

- (b) provides respite care in relation to adoption consisting of child minding within the meaning in Part 10A of the Children Act 1989(a) (“the 1989 Act”) and is registered for child minding under that Part of that Act; or
- (c) provides respite care in relation to adoption consisting of day care within the meaning in Part 10A of the 1989 Act on premises in respect of which it is registered to provide day care under that Part of that Act.

### **Statement of purpose and children’s guide**

5.—(1) The registered person shall compile in relation to the agency a written statement which shall consist of a statement as to the matters listed in Schedule 1 (“statement of purpose”).

(2) The registered person shall provide a copy of the statement of purpose to the registration authority.

(3) The registered person shall make a copy of the statement of purpose available, upon request, for inspection by—

- (a) any person working for the purposes of the agency;
- (b) any person receiving adoption support services from the agency or acting on behalf of a child receiving such services from the agency;
- (c) any person making enquiries about receiving adoption support services from the agency on his own or a child’s behalf;
- (d) any local authority.

(4) The registered person in relation to an agency which provides adoption support services to children shall produce a written guide to the agency (“children’s guide”) which shall include—

- (a) a summary of the agency’s statement of purpose;
- (b) a summary of the complaints procedure; and
- (c) the address and telephone number of the registration authority.

(5) The children’s guide shall be produced in a form appropriate to the age, understanding and communication needs of the children to whom the agency provides adoption support services.

(6) The registered person shall provide a copy of the children’s guide to the registration authority, to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.

(7) Subject to paragraph (8), the registered person shall ensure that the agency is at all times conducted in a manner that is consistent with its statement of purpose.

(8) Nothing in paragraph (7) shall require or authorise the registered person to contravene, or not comply with—

- (a) any other provision of these Regulations; or
- (b) any conditions for the time being in force in relation to the registration of the registered person under Part 2 of the 2000 Act.

### **Review of statement of purpose and children’s guide**

6. The registered person shall—

- (a) keep under review and, where appropriate, revise the statement of purpose and children’s guide;
- (b) notify the registration authority of any such revision within 28 days of making the revision; and

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(a) Part 10A of the Children Act 1989 was inserted by the Care Standards Act 2000, section 79(1).

- (c) if the children's guide is revised, supply a copy to any adult acting on behalf of a child to whom the agency provides adoption support services and (subject to his age and understanding) to each such child.

## PART 2

### REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS

#### **Fitness of registered provider**

- 7.—(1) A person shall not carry on an agency unless he is fit to do so.
- (2) A person is not fit to carry on an agency unless the person—
- (a) is an individual who carries on the agency—
    - (i) otherwise than in partnership with others and he satisfies the requirements set out in paragraph (3);
    - (ii) in partnership with others, and he and each of the partners satisfies the requirements set out in paragraph (3);
  - (b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);
  - (c) is an organisation and—
    - (i) the organisation has given notice to the registration authority of the name, address and position in the organisation of an individual (“the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the agency; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
  - (b) he is physically and mentally fit to carry on the agency; and
  - (c) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.
- (4) A person shall not carry on an agency if—
- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded;
  - (b) he is a person in respect of whom a bankruptcy restrictions order or an interim bankruptcy restrictions order under Schedule 4A of the Insolvency Act 1986<sup>(a)</sup> has effect; or
  - (c) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

#### **Appointment of manager**

- 8.—(1) The registered provider shall appoint an individual to manage the agency if the registered provider is—
- (a) an organisation or a partnership;
  - (b) is not a fit person to manage an agency; or
  - (c) is not, or does not intend to be, in full-time day-to-day charge of the agency.
- (2) The registered provider shall forthwith notify the registration authority of—

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(a) 1986 c.45. Schedule 4A was inserted by section 257(2) of the Enterprise Act 2002 (c.40).

- (a) the name of any person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

### **Fitness of manager**

- 9.**—(1) A person shall not manage an agency unless he is fit to do so.
- (2) A person is not fit to manage an agency unless—
- (a) he is of integrity and good character;
  - (b) having regard to the size of the agency and the agency's statement of purpose—
    - (i) he has the qualifications, skills and experience necessary for managing the agency; and
    - (ii) he is physically and mentally fit to manage the agency; and
  - (c) full and satisfactory information is available in relation to him in respect of each of the matters listed in Schedule 2.

### **Registered person – general requirements**

**10.**—(1) The registered person and the responsible individual (if any) shall, having regard to the size of the agency, the statement of purpose and the number and needs of those receiving adoption support services from the agency, carry on or (as the case may be) manage the agency with sufficient care, competence and skill.

- (2) If the registered provider is—
- (a) an individual, he shall undertake,
  - (b) an organisation, it shall ensure that the responsible individual undertakes,
  - (c) a partnership, it shall ensure that one of the partners undertakes,

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the agency.

(3) The registered provider shall ensure that the registered manager undertakes from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the agency.

### **Notification of offences**

**11.** Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall immediately give notice in writing to the registration authority of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted;
- (c) the penalty imposed on him in respect of the offence.

## **PART 3**

### **CONDUCT OF AGENCIES**

#### **Arrangements for the protection of children**

**12.**—(1) The registered person in relation to an agency providing adoption support services to children shall prepare and implement a written policy which—

- (a) is intended to safeguard from abuse or neglect children receiving adoption support services from the agency; and

- (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The procedure under paragraph (1)(b) shall provide in particular for—
- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in respect of the child;
  - (b) written records to be kept of any allegation of abuse or neglect and the action taken in response; and
  - (c) arrangements to be made for persons working for the purposes of the agency and adults and children to whom the agency has provided adoption support services to have access to information that would enable them to contact—
    - (i) the local authority in whose area the agency is situated and any other local authority on behalf of whom the agency is providing adoption support services to a child, and
    - (ii) the registration authority,regarding any concern about child welfare or safety.
- (3) In this regulation “child protection enquiries” means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the Children Act 1989 relating to the protection of children.

### **Provision of services**

**13.** The registered person shall ensure that adoption support services provided to any person are appropriate having regard to the needs for such services identified by an assessment carried out by the agency or by a local authority.

### **Records with respect to services**

**14.—**(1) The registered person shall maintain records indicating in respect of each person to whom the agency provides adoption support services—

- (a) full name;
- (b) date of birth;
- (c) whether he is an adoptive child or an adopted person who has attained the age of 18 or, if not, his relationship to an adoptive child or adopted person;
- (d) description of services requested;
- (e) description of needs as assessed by the agency or a local authority;
- (f) description of services provided;
- (g) whether the services are provided on behalf of a local authority by virtue of section 3(4)(b) of the 2002 Act<sup>(a)</sup>.

(2) The records specified in paragraph (1) shall be retained for such period as the registered provider considers appropriate.

### **Adoption case records (adoption support agencies that were formerly adoption agencies)**

**15.—**(1) This regulation applies where an adoption support agency holds pre-commencement case records by virtue of regulation 16(2A) of the 1983 Regulations (transfer of case records).

(2) The provisions of the 1983 Regulations that relate to the retention, storage, transfer and disclosure of information in relation to the adoption of a person adopted before 30th December 2005 shall apply to the pre-commencement case records held by an adoption support agency as they apply to the case records of an adoption agency.

(3) In this regulation—

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(a) See regulation 5(1)(b) of the Adoption Support Services Regulations 2005, S.I. 2005/691.

“the 1983 Regulations” means the Adoption Agencies Regulations 1983(a);  
“adoption agency” has the same meaning as in section 1(4) of the Adoption Act 1976(b); and  
“pre-commencement case records” means case records for any adoption before 30th December 2005.

## Complaints

**16.**—(1) The registered person shall establish a written procedure for considering complaints made by or on behalf of any person to whom the agency has provided adoption support services or to whom the agency has refused to provide adoption support services (“complaints procedure”).

(2) The complaints procedure shall provide in particular—

- (a) for an opportunity for informal resolution of a complaint at an early stage;
- (b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only;
- (c) for dealing with complaints about the registered person or responsible individual; and
- (d) in the case of an agency providing adoption support services to children, for complaints to be made by a person acting on behalf of a child.

(3) The registered person shall provide a copy of the complaints procedure to every person working for the purposes of the agency and shall provide, upon request, a copy of the procedure to any person mentioned in paragraph (1) or any person acting on behalf of a child.

(4) The copy of the complaints procedure supplied under paragraph (3) shall include—

- (a) the name, address and telephone number of the registration authority; and
- (b) details of the procedure (if any) which has been notified to the registered person by the registration authority for the making of complaints to the registration authority that relate to the agency.

## Complaints – further requirements

**17.**—(1) The registered person shall ensure that any complaint made under the complaints procedure is fully investigated.

(2) The registered person shall, so far as is reasonably practicable, within a period of 28 days beginning on the date on which the complaint is received by the agency, inform the complainant of the outcome of the investigation and the action (if any) that is to be taken in consequence.

(3) The registered person shall ensure that a written record is made of any complaint, including details of the investigation made, the outcome and any action taken in consequence, and for that record to be retained for at least 3 years from the date that it is made.

(4) The registered person shall take all reasonable steps to ensure that—

- (a) children are enabled to make a complaint; and
- (b) no person is subject to any reprisal by the agency for making a complaint.

(5) The registered person shall supply to the registration authority at its request a statement containing a summary of any complaints made during the preceding 12 months and the action that was taken in consequence.

## Staffing of agency

**18.** The registered person shall ensure that there is, having regard to the size of the agency, the statement of purpose, and the number and needs of persons to whom the agency provides adoption

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(a) S.I. 1983/1964; relevant amending instruments are S.I. 1997/649, 1997/2308, 2002/3220, 2003/367 and 2005/774. Regulation 16(2A) is inserted by regulation 35 of these Regulations.

(b) 1976 c.36. Section 1(4) was amended by paragraph 5(2) of Schedule 4 to the Care Standards Act 2000, is to be repealed by Schedule 5 to the Adoption and Children Act 2002 and will be subject to savings.

support services, a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the agency.

### **Fitness of workers**

**19.**—(1) The registered person shall not—

- (a) employ a person to work for the purposes of the agency unless that person is fit to work for the purposes of the agency; or
- (b) allow a person who is employed by a person other than the registered provider to work for the purposes of the agency unless that person is fit to work for the purposes of the agency.

(2) For the purposes of paragraph (1), a person is not fit to work for the purposes of an agency unless—

- (a) he is of integrity and good character;
- (b) he has the qualifications, skills and experience necessary for the work he is to perform;
- (c) he is physically and mentally fit for the work he is to perform; and
- (d) full and satisfactory information is available in relation to him in respect of each of the matters specified in Schedule 2.

### **Employment of staff**

**20.**—(1) The registered person shall—

- (a) ensure that all permanent appointments of staff employed for the purposes of the agency are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees with a job description outlining their responsibilities.

(2) The registered person shall ensure that all persons employed by the agency—

- (a) receive appropriate training, supervision and appraisal; and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

### **Staff disciplinary procedure**

**21.**—(1) The registered person shall operate a disciplinary procedure which, in particular—

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of persons to whom the agency provides adoption support services;
- (b) provides that the failure on the part of an employee to report, to an appropriate person, an incident of abuse, or suspected abuse, of a child to whom the agency provides adoption support services is a ground on which disciplinary proceedings may be instituted.

(2) For the purposes of paragraph (1)(b), an appropriate person is—

- (a) the registered person;
- (b) an officer of the registration authority;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children;
- (e) an officer of the local authority in whose area the agency is situated;
- (f) an officer of the local authority in whose area the child is living.

### **Records with respect to staff**

**22.**—(1) The registered person shall maintain and keep up to date the records specified in Schedule 3.

(2) The records referred to in paragraph (1) shall be retained for at least 15 years from the date of the last entry.

### **Fitness of premises**

**23.**—(1) The registered person shall not use premises for the purposes of the agency unless the premises are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall ensure—

- (a) that there are adequate security arrangements at the premises, in particular that there are secure facilities for the storage of records; and
- (b) that any records which are, for any reason, not on the premises are nevertheless kept in conditions of appropriate security.

## **PART 4**

### **MISCELLANEOUS**

### **Notifiable events**

**24.**—(1) If, in relation to an agency, any of the events listed in column 1 of the table in Schedule 4 (“the table”) takes place, the registered person shall without delay notify the person indicated in respect of the event in column 2 of the table.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing by the registered person within 14 days.

(3) In the table—

“Local Health Board” means the Local Health Board<sup>(a)</sup> in whose area the child who has died or sustained serious injury in the course of receiving adoption support services was living at the time of the incident;

“Primary Care Trust” means the Primary Care Trust in whose area the child who has died or sustained serious injury in the course of receiving adoption support services was living at the time of the incident; and

“relevant authority” means—

- (a) the local authority in whose area the agency is situated; and
- (b) in relation to a child who has died or sustained serious injury in the course of receiving adoption support services, any other local authority on behalf of whom the agency is providing adoption support services to that child by virtue of section 3(4)(b) of the 2002 Act.

### **Financial position**

**25.**—(1) The registered provider shall—

- (a) carry on the agency in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose; and
- (b) ensure that adequate accounts are maintained and kept up to date in respect of the agency.

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<sup>(a)</sup> Local Health Boards are established under the National Health Service Act 1977, section 16B (c.49), and Primary Care Trusts are established under section 16A of that Act; those sections were inserted by the Health Act 1999, section 2 (c.8). Section 16A was amended by the National Health Service Reform and Health Care Professions Act 2002, section 2(1) to (3) (c.17); section 16B was amended by that Act, Schedule 1, paragraphs 1 and 4 and Schedule 5, paragraphs 4 and 6, and by the Health and Social Care (Community Health and Standards) Act 2003, section 182(1) (c.43).

(2) The registered provider shall, if the registration authority so requests, provide the authority with such information and documents as it may require for the purpose of considering the financial viability of the agency, including—

- (a) the annual accounts of the agency, certified by an accountant; and
- (b) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the agency in respect of death, injury, public liability, damage or other loss.

### **Notice of absence**

**26.**—(1) Where—

- (a) the registered provider, if he is the person in day-to-day charge of the agency; or
- (b) the registered manager,

proposes to be absent from the agency for a continuous period of 28 days or more the registered person shall give notice in writing to the registration authority of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the registration authority, and the notice shall specify—

the length or expected length of the proposed absence;

- (a) the reason for the proposed absence;
- (b) the arrangements which have been made for the running of the agency during that absence;
- (c) the name, address and qualifications of the person who will be responsible for the management of the agency during the absence; and
- (d) the arrangements that have been made or are proposed to be made for appointing another person to manage the agency during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2).

(4) Where—

- (a) the registered provider, if he is the person in day-to-day charge of the agency; or
- (b) the registered manager,

has been absent from the agency for a continuous period of 28 days or more, and the registration authority has not been given notice of the absence, the registered person shall without delay give notice in writing to the authority specifying the matters mentioned in paragraph (2).

(5) The registered person shall notify the registration authority of the return to duty of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his return.

### **Notice of changes**

**27.**—(1) The registered person shall give notice in writing to the registration authority as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

- (a) a person other than the registered person carries on or manages the agency;
- (b) a person ceases to carry on or manage the agency;
- (c) where the registered provider is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;

- (e) where the registered provider is an organisation—
  - (i) the name or address of the organisation is changed;
  - (ii) there is any change of director, manager, secretary or similar officer of the organisation;
  - (iii) there is any change in the identity of the responsible individual;
- (f) where the registered provider is an individual, a trustee in bankruptcy is appointed or he makes any composition or arrangement with his creditors; or
- (g) where the registered provider is a company, or a partnership, a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider.

(2) If more than one person is registered in respect of an agency, and a registered person dies, the other registered person shall without delay notify the registration authority of the death, in writing.

(3) If only one person is registered in respect of an agency, and he dies, his personal representatives shall without delay notify the registration authority of the death, in writing.

### **Appointment of liquidators, etc.**

**28.**—(1) Any person to whom paragraph (2) applies shall—

- (a) forthwith notify the registration authority of his appointment indicating the reasons for it;
- (b) appoint a manager to take full-time day-to-day control of the agency in any case where there is no registered manager; and
- (c) not more than 28 days after his appointment notify the registration authority of his intentions regarding the future operation of the agency.

(2) This paragraph applies to any person appointed as—

- (a) the receiver or manager of the property of a company or partnership which is a registered provider of an agency;
- (b) the liquidator or provisional liquidator of a company which is a registered provider of an agency;
- (c) the trustee in bankruptcy of an individual who is a registered provider of an agency.

### **Offences**

**29.**—(1) A person who contravenes or fails to comply with any of the provisions of regulations 5(1) to (7), 6, 7(1) and (4), 8(2), 9(1), 10, 11, 12(1) and (2), 13, 14, 16 to 18, 19(1), 20, 21(1), 22, 23, 24(1) and (2), 25, 26 and 27(1) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 5 on the standard scale.

(2) The registration authority shall not bring proceedings against a person in respect of any contravention or failure to comply with any of the provisions of those regulations unless—

- (a) subject to paragraph (4), he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice, within which the registered person may make representations to the registration authority, has expired;
- (d) in a case where, in accordance with paragraph (3)(b), the notice specifies any action that is to be taken within a specified period, the period has expired and the action has not been taken within that period.

(3) Where the registration authority considers that the registered person has contravened or failed to comply with any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying—

- (a) in what respect in its opinion the registered person has contravened or is contravening any of the regulations, or has failed or is failing to comply with the requirements of any of the regulations;
- (b) what action, in the opinion of the registration authority, the registered person should take so as to comply with any of those regulations; and
- (c) the period, not exceeding three months, within which the registered person should take action.

(4) The registration authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 14 or 22, and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

### Compliance with regulations

30. Where anything is required under these Regulations to be done by more than one person, it shall, if done by one of those persons, not be required to be done by the other person or, as the case may be, persons.

## PART 5

### FEES, FREQUENCY OF INSPECTIONS AND REGISTRATION

#### Amendment of the National Care Standards Commission (Registration) Regulations 2001

31.—(1) The National Care Standards Commission (Registration) Regulations 2001(a) are amended as follows.

(2) In regulation 2 (interpretation), after sub-paragraph (cf) in the definition of “statement of purpose” in paragraph (1) insert—

“(cg) in relation to an adoption support agency, the written statement required to be compiled in relation to the adoption support agency in accordance with regulation 5(1) of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(b);”.

(3) In Schedule 7 (particulars to be recorded in the registers kept by the Commission)—

(a) in paragraph 9—

(i) in the heading, for the words “fostering agencies and adult placement schemes” substitute “fostering agencies, adult placement schemes and adoption support agencies”; and

(ii) after paragraph (e) add—

“(f) adoption support agencies, the code ASA”;

(b) in paragraph 10—

(i) at the end of sub-paragraph (1) add—

“domestic adoption services and adoption support services	DA&AS
intercountry adoption services and adoption support services	ICA&AS
domestic and intercountry adoption services and adoption support services	DICA&AS”;

(ii) in sub-paragraph (2), before the definition of “domestic adoption services” insert—

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(a) S.I. 2001/3969; amended by S.I. 2002/865, 2002/2469, 2003/369, 2003/1845, 2003/2323, 2004/664, 2004/696, 2004/1771, 2004/2071 and 2005/2114.

(b) S.I. 2005/ 2720 .

““adoption support services” has the same meaning as in section 2(6) of the Adoption and Children Act 2002(a);”.

### **Amendment of the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003**

**32.**—(1) The National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003(b) are amended as follows.

(2) In regulation 2(1) (interpretation)—

(a) for the definition of “registered provider” substitute—

““registered provider” means, in relation to a voluntary adoption agency or an adoption support agency, a person who is registered under Part 2 of the Act as the person carrying on the agency;”;

(b) for the definition of “relevant number of staff” substitute—

““relevant number of staff” means—

(a) in the case of a voluntary adoption agency, seven full-time staff or the equivalent, but does not include the manager or, as the case may be, branch manager, appointed in accordance with the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003(c);

(b) in the case of an adoption support agency, two full-time staff or the equivalent, but does not include the manager appointed in accordance with the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005(d) or anyone employed solely as a receptionist or administrator;

“small adoption support agency” means an adoption support agency where no more than the relevant number of staff are employed at any one time;”.

(3) After regulation 3 (registration fees) insert—

“**3A.**—(1) For the purposes of section 12(2) of the Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the Act as the person who carries on an adoption support agency shall, subject to paragraph (2), be £1,320.

(2) Where the adoption support agency is a small adoption support agency the fee shall be £360.

(3) For the purposes of section 12(2) of the Act, the fee to accompany an application by a person seeking to be registered under Part 2 of the Act as the person who manages an adoption support agency other than a small adoption support agency shall be £360.”.

(4) In regulation 4(1) (variation fees), after “registered provider” insert “in relation to a voluntary adoption agency”.

(5) After regulation 4 insert—

“**4A.**—(1) For the purposes of section 15(3) of the Act, the fee to accompany an application by the registered provider in relation to an adoption support agency under section 15(1)(a) of the Act (“the variation fee”) shall, subject to paragraphs (2) and (3), be £660.

(2) Where the adoption support agency is a small adoption support agency the fee shall be £360.

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(a) 2002 c.38. See also the services prescribed in regulation 3 of the Adoption Support Services Regulations 2005, S.I. 2005/691, regulation 3(3) of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005, S.I. 2005/890 and the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, S.I. 2005/ 2720.

(b) S.I. 2003/368, amended by S.I. 2004/664 and S.I. 2005/640.

(c) S.I. 2003/367, amended by S.I. 2004/664.

(d) S.I. 2005/ 2720.

(3) In the case of an application for the variation of a condition for the time being in force where the variation of the condition is a minor variation, the variation fee shall be £60, and “minor variation” has the same meaning as in regulation 4(4).”.

(6) In regulation 5 (annual fees – voluntary adoption agencies), after “registered provider” insert “in relation to a voluntary adoption agency”.

(7) After regulation 5 insert—

#### **“Annual fees – adoption support agencies**

**5A.**—(1) The registered provider in relation to an adoption support agency shall pay an annual fee and the amount of the annual fee shall, subject to paragraph (2), be £600.

(2) Where the adoption support agency is a small adoption support agency the amount of the annual fee shall be £300.

(3) The annual fee shall first be payable (“the first date”) on the date on which the certificate of registration is issued, and thereafter shall be payable on the anniversary of the first date.”.

(8) In regulation 7 (frequency of inspections – voluntary adoption agencies), for “for the purposes of an agency” substitute “for the purposes of a voluntary adoption agency”.

(9) After regulation 7 insert—

#### **“Frequency of inspections – adoption support agencies**

**7A.**—(1) The Commission shall arrange for premises which are used for the purposes of an adoption support agency to be inspected a minimum of once in every 3 year period.

(2) Any inspection referred to in paragraph (1) may be unannounced.

(3) The first 3 year period shall commence on the date on which the certificate of registration is issued.”.

### **Amendment of the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004**

**33.** In regulation 2(2)(a) of the Commission for Social Care Inspection (Fees and Frequency of Inspections) Regulations 2004(a) (interpretation), after “voluntary adoption agency” insert “, an adoption support agency”.

## **PART 6**

### **MISCELLANEOUS AMENDMENTS**

#### **Amendment of the Adoption Agencies Regulations 1983**

**34.**—(1) The Adoption Agencies Regulations 1983(b) are amended as follows.

(2) In regulation 5A (tenure of office of members) after paragraph (1A) insert—

“(1B) Where an adoption agency extended the term of office of a member of its adoption panel in accordance with paragraph (1A) and that term of office is due to expire on or before 29th December 2005, the agency may extend the term of office of that member up to (and including) 29th December 2005.”.

(3) In regulation 16 (transfer of case records)—

(a) at the beginning of paragraph (2) insert “Subject to paragraph (2A),”; and

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(a) S.I. 2004/662, to which there are amendments not relevant to these Regulations.

(b) S.I. 1983/1964; relevant amending instruments are S.I. 1997/649 and 2003/2555.

(b) after paragraph (2) insert—

“(2A) An appropriate voluntary organisation which intends to cease to act as such and to seek to be registered as a person who carries on an adoption support agency or is treated as having applied for and been granted registration in respect of an adoption support agency may, with the approval of the registration authority, retain its case records in relation to persons adopted before 30th December 2005.”.

### **Amendment of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005**

35. After regulation 4 of the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005(a) (meaning of “intermediary service” and “intermediary agency”) insert—

#### **“Adoption support agencies that were formerly adoption agencies**

4A. Where, by virtue of regulation 16(2A) of the Adoption Agencies Regulations 1983(b), an adoption support agency keeps the information in relation to the adoption of a person adopted before 30th December 2005, any reference in these Regulations to the appropriate adoption agency in relation to that person shall be taken to be a reference to that adoption support agency.”.

30th September 2005

*Marie Eagle*  
Parliamentary Under-Secretary of State,  
Department for Education and Skills

## **SCHEDULE 1**

Regulation 5(1)

### **INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE**

1. The aims and objectives of the agency.
2. The name and address of the registered provider and, where applicable, the registered manager and the responsible individual.
3. Any conditions for the time being in force in relation to the registration under Part 2 of the 2000 Act of the registered provider and, if applicable, the registered manager.
4. The relevant qualifications and experience of the registered provider and, if applicable, the registered manager.
5. The number, relevant qualifications and experience of the staff working for the purposes of the agency.
6. A description of the organisational structure of the agency.
7. A description of the services offered by the agency.

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(a) S.I. 2005/890.

(b) Relevant amending instruments are S.I. 1997/649, 1997/2308, 2002/3220, 2003/367 and 2005/774. Regulation 16(2A) is inserted by regulation 35 of these Regulations.

8. The procedures for assessing the needs of those requesting adoption support services from the agency.

9. The system in place to monitor and evaluate the provision of services to ensure that the services provided by the agency are effective and the quality of those services is of an appropriate standard.

10. A summary of the complaints procedure.

11. The name, address and telephone number of the registration authority.

## SCHEDULE 2 Regulations 7(3)(c), 9(2)(c), 19(2)(d)

### INFORMATION REQUIRED IN RESPECT OF THE RESPONSIBLE INDIVIDUAL OR PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF AN AGENCY

1. Proof of identity including a recent photograph.

2. Either—

(a) where the certificate is required for a purpose relating to section 115(5)(ea) of the Police Act 1997 (registration under Part 2 of the 2000 Act)(a), or the position falls within section 115(3) of that Act(b), an enhanced criminal record certificate issued under section 115 of that Act; or

(b) in any other case, a criminal record certificate issued under section 113 of that Act,

including, where applicable, the matters specified in section 113(3A) or 115(6A) of that Act(c).

3. Two written references, including a reference from the person's most recent employer, if any.

4. Where a person has previously worked in a position whose duties included work with children or vulnerable adults, so far as reasonably practicable, verification of the reason why the employment or position ended.

5. Documentary evidence of any relevant qualification.

6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

## SCHEDULE 3

Regulation 22(1)

### RECORDS TO BE KEPT IN RELATION TO EACH PERSON WORKING FOR THE PURPOSES OF THE AGENCY

A record indicating in respect of each person working for the purposes of the agency—

1. Full name.

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(a) 1997 c.50. Section 115(5)(ea) is inserted by the Care Standards Act 2000, section 104 (c.14).

(b) A position is within section 115(3) if it involves regularly caring for, training, supervising or being in sole charge of persons aged under 18.

(c) Sections 113(3A) and 115(6A) are inserted by section 8 of the Protection of Children Act 1999 (c.14) and amended by sections 102 and 104 of, and paragraph 25 of Schedule 4 to, the Care Standards Act 2000, section 135(2) and (3) of the Adoption and Children Act 2002 (c.38) and Schedules 21 (paragraphs 72 and 73) and 22 (Part 3) to the Education Act 2002 (c.32); sections 113 and 115 are repealed by the Serious Organised Crime and Police Act 2005, section 163(1) and Schedule 17, Part 2 (c.15).

2. Sex.
3. Date of birth.
4. Home address.
5. Qualifications relevant to, and experience of, working with persons receiving adoption support services and (in relation to an agency which provides adoption support services to children) qualifications relevant to, and experience of, work involving children.
6. The dates on which he commences and ceases to be employed by the agency.
7. Whether he is employed by the registered provider under a contract of service or a contract for services, or is employed by someone other than the registered provider, or is a volunteer.
8. His job description and whether he works full-time or part-time and the number of hours for which he is employed by or contracted to work for, the registered provider each week.
9. Training undertaken by him, supervision, appraisal, disciplinary action (if any) taken against him, complaints (if any) made against or concerning him and the outcome of such complaints and any other matters in relation to his employment for the purposes of the agency.

## SCHEDULE 4

Regulation 24(1)

### EVENTS AND NOTIFICATIONS

<i>Column 1</i>	<i>Column 2</i>				
<i>Event</i>	<i>To be notified to:</i>				
	<i>Registration authority</i>	<i>Primary Care Trust</i>	<i>Local Health Board</i>	<i>Relevant authority</i>	<i>Secretary of State</i>
Referral to Secretary of State pursuant to section 2(1)(a) of the Protection of Children Act 1999 of an individual working for the agency	Yes				
Death or serious injury of a child in the course of receiving adoption support services from the agency	Yes	Yes	Yes	Yes	Yes (where death of a child)

#### EXPLANATORY NOTE

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

These Regulations are made partly under the Care Standards Act 2000 (“the 2000 Act”) and partly under the Adoption and Children Act 2002 (“the 2002 Act”). The 2000 Act established a new regulatory system for care services in England and Wales; section 8(3) of the 2002 Act amends the 2000 Act with the effect that a person cannot carry on or manage an adoption support agency without being registered under Part 2 of the 2000 Act.

Section 2(6) of the 2002 Act provides that counselling, advice and information and any other services prescribed by regulations, in relation to adoption, are adoption support services. Regulation 3 of these Regulations prescribes further services which are adoption support services for the purposes of these Regulations. Regulation 4 provides for exceptions from the undertakings that are adoption support agencies.

Regulations 5 and 6 make provision for the statement of purpose and children's guide. Each adoption support agency must have a statement of purpose setting out the aims and objectives of the agency. The statement of purpose must be kept under review and revised when necessary. The agency must be carried on in a manner that is consistent with the statement of purpose. An agency which provides services to children must produce a written guide to the agency which is suitable for children.

Regulations 7 to 11 make provision about the persons carrying on and managing an adoption support agency, and require a manager to be appointed for the agency in certain circumstances (regulation 8). Provision is made for the fitness of the manager, in particular by the requirement that satisfactory information be obtained in relation to the matters specified in Schedule 2 (regulation 9). Regulation 7 requires an agency that is not an individual or a partnership to nominate a responsible individual in respect of whom this information must also be available. Regulation 10 imposes general requirements in relation to the proper conduct of an adoption support agency, and the need for appropriate training.

Regulations 12 to 23 make further provision about the conduct of an adoption support agency, in particular as to the protection of children (regulation 12), providing services appropriate to a user's needs (regulation 13), record-keeping in relation to services provided (regulation 14), adoption case records (regulation 15), complaints (regulations 16 and 17), staffing (including record-keeping in relation to staff) and fitness of premises (regulations 18 to 23). The provision in regulation 15 obliges an adoption support agency that has been a voluntary adoption agency and has retained its adoption case records to comply with provisions in the Adoption Agencies Regulations 1983 about the retention and treatment of those records.

Regulation 24 provides for the registered provider and registered manager to give notice of the events described in Schedule 4 to the persons specified in that Schedule. Regulation 25 imposes requirements relating to an adoption support agency's financial position. Regulations 26 to 28 provide for the giving of notices to the registration authority and the appointment of liquidators. Regulation 29 provides for offences for contravention of, or failure to comply with, provisions in the Regulations. Regulation 30 provides that where these Regulations place a requirement on more than one person, if one of those who is obliged to meet that requirement does so, the other person is not also obliged to meet that requirement.

Regulation 31 amends the National Care Standards Commission (Registration) Regulations 2001 to require the Commission for Social Care Inspection to keep a register of adoption support agencies containing the particulars specified in Schedule 7 to the 2001 Regulations, and to add to the register of voluntary adoption agencies categories of voluntary adoption agency that provide adoption support services in addition to adoption services. Regulation 32 amends the National Care Standards Commission (Fees and Frequency of Inspections) (Adoption Agencies) Regulations 2003 ("the 2003 Regulations"). The amendments provide for the fees to be paid on an application for registration in respect of an adoption support agency, for the variation or removal of any condition that is in force in relation to a registration and for the payment of annual fees. The 2003 Regulations are also amended to provide for premises used by an adoption support agency to be inspected by the Commission for Social Care Inspection at least once in every 3 years.

Regulation 34 amends the Adoption Agencies Regulations 1983 to enable adoption agencies to extend the term of office of certain members of adoption panels, and to allow any voluntary adoption agency that is planning to become an adoption support agency to retain its adoption case records. Regulation 35 amends the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 so that an adoption support agency holding

information in relation to an adopted person does not provide intermediary services to that person in simply providing him with information about his adoption.

A regulatory impact assessment has been prepared for these Regulations and a copy has been placed in the library of each House of Parliament. Copies of the regulatory impact assessment can be obtained from the Department for Education and Skills website <http://www.dfes.gov.uk/ria/>.





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ISBN 1-84478-536-X

Prolog Ref: 1697-2005DOC-EN

PPFMP/D13/0805/13

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