

No. []

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

The Adoption Agencies Regulations

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Laid before Parliament

Coming into force - - -

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The Secretary of State, in exercise of the powers conferred on him by sections 9(1)(a), 11(1), 27(3), 45(1), 53, 54 and 140(7) and (8) of the Adoption and Children Act 2002(a), and all other powers enabling him in that behalf, hereby makes the following Regulations:–

PART 1

GENERAL

Citation, commencement and application

1.—(1) These Regulations may be cited as the Adoption Agencies Regulations and shall come into force on [].

(2) These Regulations apply to England only.

Interpretation

2.—(1) In these Regulations—

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

“the 1989 Act” means the Children Act 1989(b);

“adoption panel” means a panel established in accordance with regulation 3;

“adoption support services” has the meaning given in section 2(6) of the Act;

“CAFCASS” means the Children and Family Court Advisory and Support Service(c);

“independent member” in relation to an adoption panel has the meaning given in regulation 3;

“independent review panel” means the panel constituted under section 12 of the Act;

“placement plan” has the meaning given in regulation 30(2);

“proposed placement” has the meaning given in regulation 27(1);

“qualifying determination” has the meaning given in regulation 25;

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

“social worker” has the meaning given in section 55(2)(a) of the Care Standards Act 2000(e).

(a) 2002 c.38.

(b) 1989 c.41.

(c) See section 11 of the Criminal Justice and Court Services Act 2000 (c.43).

(d) See section [] of the Health and Social Care (Community Health and Standards) Act 2003 c.[].

(e) 2000 c.14.

PART 2

ADOPTION AGENCY - ARRANGEMENTS FOR ADOPTION WORK

Establishment of adoption panel

3.—(1) Subject to paragraph (5), an adoption agency must establish at least one panel, to be known as an adoption panel, in accordance with this regulation.

(2) The adoption agency must appoint to chair the panel a person, not being a member, trustee, director or employee of the agency or related to an employee of, or to any person concerned in the management of, the agency, who has the skills and experience necessary for chairing an adoption panel.

(3) Subject to paragraph (5), the adoption panel shall consist of no more than 10 members, including the person appointed under paragraph (2), and shall include —

- (a) two social workers employed by the agency;
- (b) in the case of a voluntary adoption agency, a person who is a director, manager or other officer of the agency and is responsible for supervising the management of the agency;
- (c) in the case of a local authority, one elected member of the authority;
- (d) the person appointed as the medical adviser to the agency in accordance with regulation 9, (or one of them if more than one medical adviser is appointed), for so long as that person is the medical adviser;
- (e) at least 3 other persons (in this regulation referred to as “independent members”) including where reasonably practicable at least one person who is —
 - (i) an adoptive parent; and
 - (ii) an adopted person who must be at least 18 years of age.

(4) The adoption agency shall appoint one of the members of the adoption panel who will act as chair if the person appointed to chair the panel is absent or his office is vacant (“the vice chair”).

(5) An adoption panel may be established jointly by any 2 but not more than 3 local authorities (“joint adoption panel”) and if a joint adoption panel is established—

- (a) the maximum number of members who may be appointed to that panel is 11;
- (b) each local authority shall appoint 2 persons to the panel, one of whom is a social worker employed by the authority and the other of whom is an elected member of the authority;
- (c) by agreement between the local authorities there shall be appointed—
 - (i) a person to chair the panel who is not a member or employee of, or related to an employee of or to any person concerned in the management of, any of the local authorities whose panel it is and who has the skills and experience necessary for chairing an adoption panel;
 - (ii) at least 3 independent members including where reasonably practicable at least one person who is—
 - (aa) an adoptive parent;
 - (bb) an adopted person who must be at least 18 years of age;
 - (iii) a member of the panel who will act as chair if the person appointed to chair the panel is absent or his office is vacant (“the vice chair”).

(6) A person shall not be appointed as an independent member of an adoption panel if—

- (a) he is employed—
 - (i) in the case of a voluntary adoption agency, by that agency; or
 - (ii) in the case of a local authority, in the social services department of that authority;
- (b) in the case of a local authority, he is an elected member of the authority;
- (c) in the case of a voluntary adoption agency, he is concerned in the management of that agency;

- (d) he is an adoptive parent who was approved as a prospective adopter by the agency within the last 5 years;
 - (e) he is related to an employee of the agency or to any person concerned in the management of the agency.
- (7) For the purposes of paragraphs (2) and (6)(e) a person (“person A”) is related to another person (“person B”) if he is—
- (a) a member of the household of, or married to, person B;
 - (b) the son, daughter, mother, father, sister or brother of person B; or
 - (c) the son, daughter, mother, father, sister or brother of the person to whom person B is married.

Tenure of office of members of the adoption panel

4.—(1) Subject to the provisions of this regulation, a member of an adoption panel shall hold office for a term not exceeding 5 years, and may not hold office for the adoption panel of the same adoption agency for more than 2 terms in total.

(2) The medical adviser member of the adoption panel shall hold office only for so long as he is the medical adviser appointed under regulation 9.

(3) A member of an adoption panel may resign his office at any time by giving one month’s notice in writing to the adoption agency.

(4) Where an adoption agency is of the opinion that any member of the adoption panel is unsuitable or unable to remain in office, it may terminate his office at any time by giving him notice in writing with reasons.

(5) If the member whose appointment is to be terminated under paragraph (4) is a member of a joint adoption panel, his appointment may only be terminated with the agreement of all the local authorities whose panel it is.

Meetings of adoption panel

5.—(1) Subject to paragraph (2), no business shall be conducted by the adoption panel unless at least 5 of its members, including the person appointed to chair the panel or the vice chair, at least one of the social workers employed by the adoption agency and at least 1 of the independent members, meet as a panel.

(2) In the case of a joint adoption panel, no business shall be conducted unless at least 6 of its members, including the person appointed to chair the panel or the vice chair, one social worker from each local authority and at least one independent member, meet as a panel.

(3) An adoption panel shall make a written record of its proceedings, its recommendations and the reason for its recommendations.

Payment of fees – independent member of local authority adoption panel

6. A local authority may pay to any independent member of their adoption panel or joint adoption panel such fee as they may determine, being a fee of a reasonable amount.

Adoption agency arrangements for adoption work

7. An adoption agency must, in consultation with the adoption panel and, to the extent specified in regulation 9(2) with the agency’s medical adviser, prepare and implement written policy and procedural instructions governing the exercise of the agency’s and the panel’s functions in relation to adoption and such instructions shall be kept under review and, where appropriate, revised by the agency.

Requirement to appoint an agency adviser to the adoption panel

8. The adoption agency must appoint a senior member of staff of the agency (to be known as the agency adviser to the adoption panel) with such qualifications, skills and experience as the agency considers appropriate —

- (a) to assist the agency with the appointment (including re-appointment), termination and review of appointment of members of the adoption panel;
- (b) to be responsible for the induction and training of members of the adoption panel;
- (c) to be responsible for the administration of the adoption panel including assisting with liaison between the agency and the adoption panel and monitoring the performance of members of the adoption panel; and
- (d) to give such advice to the adoption panel as the panel may request in relation to any case or generally.

Requirement to appoint a medical adviser

9.—(1) The adoption agency must appoint at least one registered medical practitioner to be the agency's medical adviser.

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

PART 3

DUTIES OF ADOPTION AGENCY WHERE AGENCY IS CONSIDERING ADOPTION FOR A CHILD

Application of regulations 11 to 16

10. Regulations 11 to 16 apply where an adoption agency is considering adoption for a child.

Requirement to open a case record

11.—(1) The adoption agency must set up a case record in respect of the child and place on it any information obtained by virtue of this Part.

(2) Where the child—

- (a) is looked after; or
- (b) is provided with accommodation under section 59(1) of the 1989 Act,

the local authority or, as the case may be, the registered adoption society shall obtain any information which is required to be obtained by the agency by virtue of this Part, from the records maintained with respect to the child under the 1989 Act, and place that information on the case record referred to in paragraph (1).

Requirement to obtain information about the child, his family and others

12. The adoption agency must obtain, so far as is reasonably practicable—

- (a) the information about the child which is specified in Part 1 of Schedule 1;
- (b) the information about the child's family and others which is specified in Parts 2 and 5 of Schedule 1.

Requirement to provide counselling and information for the child etc.

13.—(1) The adoption agency must, so far as is reasonably practicable—

- (a) provide a counselling service for the child;
- (b) explain to him in an appropriate manner the procedure in relation to, and the legal implications of, adoption for him and provide him with appropriate written information about these matters; and
- (c) ascertain his wishes and feelings in relation to—
 - (i) adoption; and
 - (ii) contact with his parent, guardian or other relative or other person connected with him.

(2) Paragraph (1) does not apply if the adoption agency is satisfied that the requirements of this paragraph have been carried out in respect of the child by another adoption agency.

Requirement to provide counselling and information for the parent or guardian of the child etc.

14.—(1) The adoption agency must, so far as is reasonably practicable—

- (a) provide a counselling service for the parent or guardian of the child;
- (b) explain to him—
 - (i) the procedure in relation to both placement for adoption and adoption;
 - (ii) the legal implications of—
 - (aa) giving consent to placement for adoption under section 19 of the Act;
 - (bb) giving consent to the making of a future adoption order under section 20 of the Act; and
 - (cc) a placement order; and
 - (iii) the legal implications of adoption,and provide him with written information about these matters; and
- (c) ascertain the wishes and feelings of the parent or guardian of the child in relation to—
 - (i) the placement of the child for adoption and adoption, including any wishes and feelings about the child's religious and cultural upbringing; and
 - (ii) contact with the child if the agency is authorised to place the child for adoption or the child is adopted.

(2) Paragraph (1) does not apply if the agency is satisfied that the requirements of that paragraph have been carried out in respect of the parent or guardian by another adoption agency.

(3) This paragraph applies where the father of a child does not have parental responsibility for the child and his identity is known to the agency.

(4) Where paragraph (3) applies and the adoption agency is satisfied it is appropriate to do so the agency must—

- (a) carry out in respect of the father the requirements of paragraph (1)(a) and (c) as if they applied to him unless the agency is satisfied that the requirements have been carried out in respect of the father by another agency; and
- (b) ascertain so far as possible whether the father—
 - (i) wishes to acquire parental responsibility for the child under section 4(a) of the 1989 Act; or
 - (ii) intends to apply for a residence order or contact order with respect to the child under section 8 of the 1989 Act.

(5) The adoption agency must ascertain, so far as is reasonably practicable, the wishes and feelings of any other person the agency considers to be relevant, in relation to—

- (a) the placement of the child for adoption and adoption; and
- (b) contact with the child if the child is placed for adoption or the child is adopted.

Requirement to obtain health information

15.—(1) Subject to paragraph (3), the adoption agency must —

- (a) make arrangements for the child to be examined by a registered medical practitioner; and
- (b) obtain from that practitioner a written report on the state of the child's health which shall include any treatment which the child is receiving, his needs for health care and the matters specified in Part 3 of Schedule 1,

(a) Section 4 was amended by section 111 of the Act.

unless such an examination and report has been made within 3 months of the setting up of the case record under regulation 11.

- (2) Subject to paragraph (3), the adoption agency must make arrangements —
 - (a) for such other medical and psychiatric examinations of, and other tests on, the child to be carried out as are recommended by the agency's medical adviser; and
 - (b) for written reports of such examinations and tests to be obtained.
- (3) Paragraphs (1) and (2) do not apply if the child is of sufficient understanding to make an informed decision and refuses to submit to the examinations or other tests.
- (4) The adoption agency must, so far as is reasonably practicable—
 - (a) obtain the information with respect to each of the child's natural parents which is specified in Part 4 of Schedule 1; and
 - (b) make arrangements for such medical and psychiatric examinations of, and other tests on, each of the child's natural parents to be carried out as are recommended by the agency's medical adviser and for written reports of such examinations and tests to be obtained.

Requirement to prepare a written report for the adoption panel

- 16.**—(1) The adoption agency must prepare a written report which shall include—
- (a) details of the child and his family;
 - (b) a chronology of the child's life;
 - (c) a summary of the child's history and the history of his family;
 - (d) a chronology of the decisions and actions taken by the agency with respect to the child;
 - (e) the wishes and feelings of the child about adoption;
 - (f) the wishes and feelings of his parent or guardian and, where regulation 14(4) applies, his father about adoption;
 - (g) the views of the person with whom the child is living about adoption;
 - (h) a summary of the child's state of health, his health history and any need for health care which might arise in the future;
 - (i) a summary of the educational history of the child, his educational needs, progress and development including whether any assessment in respect of any special educational needs under the Education Act 1996(a) has been made or needs to be made;
 - (j) the views of the adoption agency about the child's needs for contact and the arrangements the agency proposes to make for allowing any person contact with the child;
 - (k) an assessment of the child's needs including an analysis of the options for permanence with respect to the child which have been considered by the agency and why placement for adoption is the preferred option for permanence; and
 - (l) any other information which the agency considers relevant.
- (2) The adoption agency must send the written report together with the other reports required by virtue of regulation 15 to the adoption panel.
- (3) The adoption agency must obtain, so far as is reasonably practicable, any other relevant information which may be requested by the adoption panel.

Function of the adoption panel in relation to child referred by adoption agency

17.—(1) The adoption panel must consider the case of every child referred to it by the adoption agency and make a recommendation to that agency as to whether the child should be placed for adoption and may at the same time give advice to the agency about the arrangements which the agency proposes to make for allowing any person contact with the child.

(a) 1996 c.56.

(2) In considering what recommendation to make the adoption panel must have regard to the duties imposed on the adoption agency under section 1(2), (4), (5) and (6) of the Act and—

- (a) must consider and take into account the reports passed to it in accordance with regulation 16;
- (b) may request the agency to obtain any other relevant information which the panel considers necessary;
- (c) may obtain legal advice as it considers necessary in relation to the case.

Adoption agency decision and notification

18.—(1) The adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption.

(2) No member of an adoption panel shall take part in any decision made by the adoption agency under paragraph (1).

(3) This paragraph applies where the child is less than 6 weeks old at the time the decision is made by the agency under paragraph (1).

(4) Where the adoption agency decides that the child should be placed for adoption and paragraph (3) does not apply, the agency —

- (a) must notify the parent or guardian of the child of its decision, if their whereabouts are known to the agency, and, unless an application has been made (and has not been disposed of) on which a care order might be made in respect of the child, ascertain whether he is prepared—
 - (i) to consent under section 19 of the Act to the child being placed for adoption with prospective adopters identified in the consent or being placed for adoption with any prospective adopters who may be chosen by the agency; and
 - (ii) at the same time to consent to the making of a future adoption order under section 20 of the Act; and
- (b) where regulation 14(4) applies, must notify the father of the child of its decision.

(5) If the parent or guardian of the child indicates to the adoption agency that he is prepared to consent to the making of a future adoption order under section 20 of the Act, the agency must inform him in writing that—

- (a) he may by notice given to the agency state that he does not wish to be informed of any application for an adoption order; and
- (b) he may withdraw such a statement.

(6) Where paragraph (3) applies, the agency —

- (a) must notify the parent or guardian of its decision, if their whereabouts are known to the agency, and obtain their consent in writing to the child being placed for adoption with any prospective adopters who may be chosen by the agency;
- (b) ascertain whether he will be prepared when the child is 6 weeks old to consent under section 19 of the Act to the child being placed for adoption and at the same time to consent to the making of a future adoption order under section 20 of the Act; and
- (c) where regulation 14(4) applies, must notify the father of the child of its decision.

(7) The adoption agency must keep the written consent signed by the parent or guardian under paragraph (6)(a) on the case record maintained with respect to the child in accordance with regulation 11 and may not place for adoption a child who is less than 6 weeks old until that consent has been obtained.

Request to appoint an officer of CAFCASS

19.—(1) Where the parent or guardian of the child is prepared to consent to the placement of the child for adoption under section 19 of the Act and, as the case may be, to consent to the making of a future adoption order under section 20 of the Act, the adoption agency must request the CAFCASS to appoint an officer of the CAFCASS for the purposes of the signification by him of the consent to placement or adoption by that parent or guardian and send with that request the information specified in Schedule 2.

- (2) The adoption agency must keep —
- (a) the consent form duly signed by the parent or guardian and witnessed by the officer of the CAFCASS; and
 - (b) any notice given to the agency under section 20(4)(a),
- on the case record maintained with respect to the child in accordance with regulation 11.

PART 4

DUTIES OF ADOPTION AGENCY IN RESPECT OF PROSPECTIVE ADOPTER

Requirement to provide counselling and information

20.—(1) Where an adoption agency is considering whether a person may be suitable to be an adoptive parent, the agency must—

- (a) provide a counselling service for the prospective adopter;
- (b) explain to him the procedure in relation to, and the legal implications of, placement for adoption (including placement by consent under section 19 of the Act, consent to the making of a future adoption order under section 20 of the Act and placement orders) and adoption; and
- (c) provide him with written information about the matters referred to in sub-paragraph (b).

(2) Paragraph (1) does not apply if the adoption agency is satisfied that the requirements set out in that paragraph have been carried out in respect of the prospective adopters by another adoption agency.

Requirement to carry out police checks

21.—(1) An adoption agency must take steps to obtain—

- (a) in respect of the prospective adopter, an enhanced criminal record certificate within the meaning of section 115 of the Police Act 1997(a) including the matters specified in subsection (6A) of that section; and
- (b) in respect of any other member of his household aged 18 or over, an enhanced criminal record certificate under section 115 of that Act.

(2) An adoption agency may not consider a person suitable to be an adoptive parent if he or any member of his household aged 18 or over—

- (a) has been convicted of a specified offence committed at the age of 18 or over; or
- (b) has been cautioned by a constable in respect of any such offence which, at the time the caution was given, he admitted.

(3) In this regulation “specified offence” means —

- (a) an offence against a child;
- (b) an offence specified in Schedule 3;
- (c) an offence contrary to section 170 of the Customs and Excise Management Act 1979(b) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions relating to pornography)(c) where the prohibited goods included indecent photographs of children under the age of 16;
- (d) any other offence involving bodily injury to a child, other than an offence of common assault or battery,

(a) 1997 c.50.

(b) 1979 c.2.

(c) 1979 c.35.

and the expression “offence against a child” has the meaning given to it by section 26(1) of the Criminal Justice and Court Services Act 2000(a).

Requirement to notify

22. The adoption agency must notify the prospective adopter in writing as soon as possible after becoming aware that he is not suitable to be an adoptive parent by virtue of regulation 21(2) and the notification must specify the conviction, or as the case may be, the caution in question.

Procedure in respect of carrying out an assessment

23.—(1) Where the adoption agency, following the procedures referred to in regulations 20 and 21, consider the prospective adopter may be suitable to be an adoptive parent, it must set up a case record in respect of him and place on it any information obtained under this Part or otherwise.

(2) The adoption agency must obtain such particulars about the prospective adopter as are referred to in Part 1 of Schedule 4.

(3) The adoption agency must obtain a written report —

- (a) from a registered medical practitioner about the health of the prospective adopter which must deal with matters specified in Part 2 of Schedule 4 unless such a report has been made within 6 months of the setting up of the case record under paragraph (1) and is available to the agency;
- (b) about the premises where the prospective adopter intends to live with any child who might be adopted by him; and
- (c) of each of the interviews with the persons nominated by the prospective adopter to provide personal references for him.

(4) Where the adoption agency—

- (a) is not the local authority in whose area the prospective adopter has his home, it must obtain a written report about him from that authority;
- (b) is the local authority in whose area the prospective adopter has his home, it must ascertain whether their social services department holds any information about the prospective adopter.

(5) The adoption agency must prepare a written report which must include—

- (a) the details of the prospective adopter;
- (b) a summary of the prospective adopter’s home and his neighbourhood;
- (c) a summary of the state of health of the prospective adopter;
- (d) the agency’s assessment of the prospective adopter’s suitability to be an adoptive parent; and
- (e) any other observations of the agency on the matters referred to in regulations 20 and 21.

(6) The adoption agency must notify the prospective adopter that his application is to be referred to the adoption panel and at the same time send him a copy of the agency’s report referred to in paragraph (5), inviting him to send any observations in writing to the agency on the report within 14 days, beginning with the date on which the notification was sent.

(7) At the end of the period of 14 days referred to in paragraph (6) (or earlier if any observations made by the prospective adopter are received before the 14 days has expired) the adoption agency must pass the report referred to in paragraph (5) together with all relevant information obtained by it under this regulation (including the prospective adopter’s observations on the report), to the adoption panel.

(8) The adoption agency must obtain, so far as is reasonably practicable, any other relevant information which maybe required by the adoption panel.

(a) 2000 c.43.

Function of the adoption panel

24.—(1) Subject to paragraph (2), the adoption panel must consider the case of the prospective adopter referred to it by the adoption agency and make a recommendation to that agency as to whether the prospective adopter is suitable to be an adoptive parent.

(2) In considering what recommendation to make, the adoption panel—

- (a) must consider and take into account all information and reports passed to it in accordance with regulation 23(7);
- (b) may request the adoption agency to obtain any other relevant information which the panel considers necessary; and
- (c) may obtain legal advice as it considers necessary in relation to the case.

(3) Before making any recommendation, the adoption panel must invite the prospective adopters to meet the panel.

Adoption agency decision and notification

25.—(1) The adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the prospective adopter is suitable to be an adoptive parent.

(2) No member of an adoption panel shall take part in any decision made by the adoption agency under paragraph (1).

(3) If the adoption agency decides to approve the prospective adopter as suitable to be an adoptive parent, it must notify him in writing of its decision.

(4) If the adoption agency considers that the prospective adopter is not suitable to be an adoptive parent, it must—

- (a) notify the prospective adopter in writing that it proposes not to approve him as suitable to be an adoptive parent (“qualifying determination”);
- (b) send with that notification its reasons together with a copy of the recommendations of the adoption panel if different;
- (c) advise the prospective adopter that he may —
 - (i) submit any representations he wishes to make to the agency; or
 - (ii) apply to an independent review panel for a review of the qualifying determination, within 28 days.

(5) If within the period of 28 days referred to in paragraph (4), the prospective adopter has not applied to an independent review panel or made any representations, the adoption agency shall proceed to make its decision and shall notify the prospective adopter in writing of its decision together with the reasons for that decision.

(6) If within the period of 28 days referred to in paragraph (4), the adoption agency receive further representations from the prospective adopter, it may refer the case together with all the relevant information to the adoption panel for further consideration.

(7) The adoption panel must consider any case referred to it under paragraph (6) and make a fresh recommendation to the adoption agency as to whether the prospective adopter is suitable to be an adoptive parent.

(8) The adoption agency must make a decision on the case but if the case has been referred to the adoption panel under paragraph (6) or the prospective adopter has applied to an independent review panel for a review of the qualifying determination it must make the decision only after taking into account any recommendation of the adoption panel made under paragraph (7) or, as the case may be, of the independent review panel.

(9) As soon as possible after making the decision under paragraph (8), the adoption agency must notify the prospective adopter in writing of its decision stating its reasons for that decision if they do not consider the prospective adopter to be suitable to be an adoptive parent, and, where paragraph (6) applies, of the adoption panel’s recommendation, if this is different from the adoption agency’s decision.

Information to be sent to the independent review panel

26.—(1) Where the adoption agency receives notification from an independent review panel that a prospective adopter has applied for a review of the qualifying determination, the agency must, within 10 working days, send to that independent review panel the information specified in paragraph (2).

(2) The following information is specified for the purposes of paragraph (1) —

- (a) the written report referred to in regulation 23(5);
- (b) any written observations made by the prospective adopter in accordance with regulation 23(6);
- (c) any other reports or information sent by the adoption agency to the adoption panel;
- (d) the record of the proceedings of the adoption panel, its recommendations and the reasons for its recommendations;
- (e) the notification, together with reasons sent by the adoption agency to the prospective adopter in accordance with regulation 25(4)(a) and (b).

(3) In paragraph (1) “working day” means any day other than a Saturday or Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(a).

PART 5

DUTIES OF ADOPTION AGENCY IN RESPECT OF PROPOSED PLACEMENT OF CHILD WITH PROSPECTIVE ADOPTERS

Referral of proposed placement to adoption panel

27.—(1) Where an adoption agency is considering placing a child for adoption with a particular prospective adopter (in this regulation referred to as “the proposed placement”) the agency must provide the prospective adopter with a report about the child which shall include the information set out in Schedule 5 and any other information which the agency considers relevant.

(2) The adoption agency must —

- (a) meet with the prospective adopter to discuss the proposed placement and the report referred to in paragraph (1); and
- (b) provide a counselling service for, and any further information to, the prospective adopter as may be required.

(3) The adoption agency must ascertain the views of the prospective adopter about —

- (a) the proposed placement;
- (b) the child’s needs for adoption support services; and
- (c) the agency’s proposals for allowing any person contact with the child.

(4) Where the procedures set out in paragraphs (2) and (3) have been followed and the prospective adopter has confirmed to the adoption agency that he is prepared to agree to the proposed placement, the agency in such cases as it considers appropriate must counsel the child and tell him in an appropriate manner and having regard to his age and understanding, about the prospective adopter, their family circumstances and home environment and ascertain the child’s views about the proposed placement.

(5) Where the adoption agency considers that the proposed placement should proceed the agency must—

- (a) consider the needs of the child and the prospective adopter for adoption support services;
- (b) consider the arrangements for allowing any person contact with the child;
- (c) prepare a report which must include —

(a) 1971 c.80.

- (i) the agency's reasons for proposing the placement;
 - (ii) the information obtained by the agency by virtue of paragraphs (2) to (4);
 - (iii) the agency's proposals for the provision of adoption support services, if any, and for allowing any person contact with the child;
 - (iv) any other relevant information; and
- (d) refer the proposal to place the child for adoption with the particular prospective adopter to the adoption panel and send to the panel the written report referred to in sub-paragraph (c) together with the agency's reports referred to in regulations 16 and 23.
- (6) An adoption agency may refer its proposal to place a child for adoption with a particular prospective adopter to the adoption panel only if—
- (a) any other adoption agency which has made a decision in accordance with these Regulations that the child should be placed for adoption, or that the prospective adopter is suitable to be an adoptive parent, has been consulted concerning the proposed placement; and
 - (b) any other adoption agency which has parental responsibility for the child has been consulted and agrees with the proposal.
- (7) Where an adoption agency proposes to place a child for adoption with a particular prospective adopter the agency must set up case records in any case where it has not already set up such records and place on the appropriate record any information, report, recommendation or decision referred to it by another adoption agency together with any other information to be sent to the adoption panel by virtue of this regulation in respect of them.
- (8) An adoption agency shall obtain so far as is reasonably practicable any other relevant information which may be requested by the adoption panel in connection with the proposed placement.

Function of the adoption panel

28.—(1) The adoption panel must consider the proposed placement referred to it by the adoption agency under regulation 27(5)(d) and make a recommendation to that agency as to whether that particular prospective adopter would be a suitable adoptive parent for that particular child.

(2) In considering what recommendation to make the adoption panel shall have regard to the duties imposed on the agency under section 1(2), (4) and (5) of the Act and—

- (a) must consider and take into account all information and the reports passed to it in accordance with regulation 27(5);
- (b) may request the adoption agency to obtain any other relevant information which the panel considers necessary; and
- (c) may obtain legal advice as it considers necessary in relation to the case.

(3) The adoption panel must also consider and —

- (a) may make a recommendation to the adoption agency about the need of the child or the prospective adopter or the prospective adopter's family for adoption support services;
- (b) may give advice to the adoption agency about the arrangements it proposes to make for allowing any person contact with the child.

(4) An adoption panel may only make the recommendation in paragraph (1) if —

- (a) that recommendation is to be made at the same meeting of the adoption panel at which a recommendation has been made that the child should be placed for adoption; or
- (b) the adoption agency has made a decision in accordance with regulation 18 that the child should be placed for adoption,

and in either case that recommendation is to be made at the same meeting of the panel at which a recommendation has been made that the prospective adopter is suitable to be an adoptive parent or the, or another, adoption agency has made a decision in accordance with regulation 25 that the prospective adopter is suitable to be an adoptive parent.

Adoption agency's decision

29.—(1) The adoption agency must take into account the recommendation of the adoption panel in coming to a decision about the proposed placement.

(2) No member of the adoption panel shall take part in any decision made by the adoption agency under paragraph (1).

(3) As soon as possible after making its decision the adoption agency must notify the prospective adopter of its decision.

(4) As soon as possible after making its decision, the agency must notify —

- (a) if their whereabouts are known, the parent or guardian; and
- (b) where regulation 14(4) applies, the father of the child,

of its decision.

(5) If the adoption agency decide the proposed placement should proceed, the agency must, in an appropriate manner and having regard to the child's age and understanding, explain its decision to the child.

PART 6

PLACEMENTS AND REVIEWS

Requirements imposed on adoption agency before child placed for adoption with prospective adopter

30.—(1) This paragraph applies where the adoption agency —

- (a) has decided in accordance with regulation 29 to place a child for adoption with a particular prospective adopter; and
- (b) is authorised to place the child for adoption or the child is less than 6 weeks old.

(2) Where paragraph (1) applies, the adoption agency must, at least 7 days before the child is placed for adoption, provide the prospective adopter with a placement plan in respect of the child which covers the matters specified in Schedule 6 ("the placement plan").

(3) Where paragraph (1) applies and the child already has his home with the prospective adopter, the local authority must provide the prospective adopter with the placement plan in respect of the child within 7 days of their decision to place the child for adoption with him.

(4) Where the prospective adopter confirms that he wishes to proceed with the placement, the adoption agency may place the child for adoption with the prospective adopter.

(5) Where the child already has his home with the prospective adopter, the local authority shall notify the prospective adopter in writing of the date on which the child is placed with him for adoption by the authority.

(6) The adoption agency must, before the child is placed for adoption with the prospective adopter—

- (a) send the prospective adopter's general practitioner written notification of the proposed placement and send with that notification a written report of the child's health history and current state of health;
- (b) send the local authority (if that authority is not the adoption agency) and the Primary Care Trust in whose area the prospective adopter resides written notification of the proposed placement and send with that notification a copy of the placement plan;
- (c) send the local education authority in whose area the prospective adopter resides written notification of the proposed placement and send with that notification a copy of the placement plan and information about the child's educational history and whether he has been or is likely to be assessed for special educational needs under the Education Act 1996.

(7) The adoption agency must notify the prospective adopter in writing of any change to the placement plan.

Reviews

31.—(1) This paragraph applies where an adoption agency is authorised to place a child for adoption but the child is not yet placed.

(2) This paragraph applies where a child is placed for adoption.

(3) Where paragraph (1) applies, the adoption agency must carry out a review of the child's case –

- (a) not more than 3 months after the date on which the agency first has authority to place; and
- (b) thereafter not more than 6 months after the date of the previous review (“6 months review”),

until the child is placed for adoption.

(4) Where paragraph (2) applies, the adoption agency must carry out a review of the child's case –

- (a) not more than 4 weeks after the date on which the child is placed for adoption (“the first review”);
- (b) not more than 3 months after the first review; and
- (c) thereafter not more than 6 months after the date of the previous review,

unless the child is removed from the prospective adopter or an adoption order is made.

(5) Where paragraph (2) applies, the adoption agency must ensure—

- (a) the child and the prospective adopter are visited within one week of the placement and on such other occasions as the agency considers necessary;
- (b) ensure that written reports are made of such visits; and
- (c) provide such advice and assistance to the prospective adopter as the agency considers necessary.

(6) When carrying out a review the adoption agency must so far as reasonably practicable ascertain the views of -

- (a) the child having regard to his age and understanding;
- (b) if the child is placed for adoption, the prospective adopter; and
- (c) any other person the agency considers relevant,

in relation to any particular matter which is to be considered in the course of the review.

(7) As part of each review the adoption agency must consider—

- (a) whether the child should still be placed for adoption whether the child is placed or not;
- (b) the child's needs, welfare, progress and development, and whether any changes need to be made to meet his needs or assist his development;
- (c) the existing arrangements for contact, and whether they should continue or be altered;
- (d) where the child is placed for adoption the arrangements in relation to the exercise of parental responsibility for the child, and whether they should continue or be altered;
- (e) the existing arrangements for the provision of adoption support services and whether they should continue or be altered;
- (f) in consultation with the appropriate agencies, the arrangements for meeting the child's health care needs and educational needs.

(8) Where the child is subject to a placement order and has not been placed for adoption at the time of the first 6 months review, the local authority must review the child's case—

- (a) to establish why the child has not yet been placed for adoption;
- (b) to consider whether the child should still be placed for adoption and if not whether the authority should apply to revoke the placement order; and
- (c) if the authority consider that an application should not be made to revoke the placement order, what further steps the authority should take to place the child for adoption.

(9) The adoption agency must—

- (a) set out in writing the arrangements governing the manner in which the case of each child shall be reviewed and shall draw the written arrangements to the attention of the child, where reasonably practicable having regard to his age and understanding, to the prospective adopters, and to any other person the agency considers relevant;
- (b) ensure that—
 - (i) the information obtained in respect of a child's case including the views expressed by the child;
 - (ii) details of the proceedings at any meeting arranged by the agency to consider any aspect of the review of the case; and
 - (iii) details of any decision made in the course of or as a result of the review,

are recorded in writing and placed on the case record maintained with respect to the child in accordance with regulation 11.

- (10) The adoption agency must so far as is reasonably practicable, notify—
 - (a) the child where it considers he is of sufficient age and understanding;
 - (b) the prospective adopters; and
 - (c) any other person whom they consider ought to be notified,

of the outcome of the review and of any decision taken by then in consequence of the review.

Withdrawal of consent

32.—(1) This paragraph applies where consent given under section 19, or section 19 and 20, of the Act in respect of a child is withdrawn in accordance with section 52(8) of the Act.

(2) Where paragraph (1) applies and the adoption agency is a local authority, on receipt of the form or notice given in accordance with section 52(8) of the Act the authority must immediately review their decision to place the child for adoption and where, in accordance with section 22(1) to (3) of the Act, the authority decide to apply for a placement order in respect of the child, they must notify the parent or guardian immediately, if regulation 14(4) applies, the child's father and, if the child is placed for adoption, the prospective adopters with whom the child is placed.

(3) Where paragraph (1) applies and the adoption agency is a voluntary adoption agency, the agency must immediately consider whether it is appropriate to inform the local authority in whose area the child is living.

**PART 7
RECORDS**

Requirement to place reports etc. on case record

33. Where a case record has been set up by an adoption agency under regulation 11 or 23 in respect of a child or a prospective adopter, the agency must place on the appropriate record any report, recommendation or decision made by the agency with respect to the child or the prospective adopter.

Storage of case records

34. The adoption agency must ensure that the case record set up in accordance with regulation 11 or 23 in respect of a child or prospective adopter and the contents of that case record are at all times kept in secure conditions and in particular that all appropriate measures are taken to prevent the theft, unauthorised disclosure, loss or destruction of, or damage to, the case record or its contents.

Confidentiality of case records

35. Subject to regulation 36, any information obtained or reports, recommendations or decisions made by virtue of these Regulations shall be treated by the adoption agency as confidential.

Access to case records and disclosure of information

36.—(1) Subject to paragraph (3), an adoption agency shall provide such access to its case records and disclose such information in its possession, as may be required –

- (a) to those holding an inquiry under section 81 of the 1989 Act or section 17 of the Act (inquiries) for the purposes of such an inquiry;
- (b) to the Secretary of State;
- (c) to the registration authority;
- (d) subject to the provisions of sections 29(7) and 32(3) of the Local Government Act 1974 (investigations and disclosure), to the Commission for Local Administration in England, for the purposes of any investigation conducted in accordance with Part 3 of that Act;
- (e) to any person appointed by the adoption agency for the purposes of the consideration by the agency of any representations (including complaints);
- (f) to the persons and authorities referred to in regulations 18, 26, 29 and 30 to the extent specified in those regulations;
- (g) to an officer of CAFCASS for the purposes of the discharge of his duties under the Act;
- (h) to a court having power to make an order under the Act or the 1989 Act.

(2) Subject to paragraph (3), an adoption agency may provide such access to its case records and disclose such information in its possession, as it thinks fit for the purposes of carrying out its functions as an adoption agency.

(3) A written record shall be kept by an adoption agency of any access provided or disclosure made by virtue of this regulation.

Transfer of case records

37.—(1) Subject to paragraph (3), an adoption agency may transfer a copy of a case record (or part thereof) to another adoption agency when it considers this to be in the interests of a child or prospective adopter to whom the record relates, and a written record shall be kept of any such transfer.

(2) A registered adoption society which intends to cease to act or exist as such shall forthwith either transfer its case records to another adoption agency having first obtained the registration authority's approval for such transfer, or transfer its case records –

- (a) to the local authority in whose area the society's principal office is situated; or
- (b) in the case of a society which amalgamates with another registered adoption society to form a new registered adoption society, to the new body.

(3) An adoption agency to which case records are transferred by virtue of paragraph (2)(a) or (b) shall notify the registration authority in writing of such transfer.

Preservation of case records

38. An adoption agency must keep the case records for such period as it considers appropriate.

Application of regulations 36 to 38

39. Regulations 36 to 38 do not apply to case records which are subject to the Access to Information Regulations (cases where an adoption order is made).

PART 8
MISCELLANEOUS

Modification of the 1989 Act in relation to adoption

40.—(1) This paragraph applies where—

- (a) a local authority are authorised to place a child for adoption; or
- (b) a child who has been placed for adoption by a local authority is less than six weeks old.

(2) Where paragraph (1) applies—

- (a) section 22(4) (b) of the Act shall not apply;
- (b) section 22(4)(c) of the Act shall apply as if for that sub-paragraph there were inserted “(c) any prospective adopter with whom the local authority has placed the child for adoption.”;
- (c) section 22(5)(b) of the Act shall apply as if for the words “(4)(b) to (d)” there were inserted “(4)(c) and (d)”;
- (d) paragraphs 15 and 21 of Schedule 2 to the Act shall not apply.

(3) This paragraph applies where a registered adoption society is authorised to place a child for adoption or a child who has been placed for adoption by a registered adoption society is less than 6 weeks old.

(4) Where paragraph (3) applies—

- (a) section 61(2)(a) of the Act is to have effect in relation to the child whether or not he is accommodated by or on behalf of the society;
- (b) section 61(2)(b) of the Act shall not apply;
- (c) section 61(2)(c) of the Act shall apply as if for that sub-paragraph there were inserted “(c) any prospective adopter with whom the registered adoption society has placed the child for adoption.”.

Parental responsibility of parent or guardian for child – child not for the time being placed for adoption

41.—(1) This paragraph applies where an adoption agency is authorised to place a child for adoption but the child is not for the time being placed for adoption.

(2) Where paragraph (1) applies, the adoption agency must consider the extent to which, if any, the parental responsibility of the parent or guardian for the child is to be restricted, and as part of its consideration must take into account the views of the child, if he is of sufficient age and understanding, and, where it is reasonably practicable, the views of the parent or guardian.

(3) Where the adoption agency decides to restrict the parental responsibility of the parent or guardian for the child, it must notify the parent or guardian, if their whereabouts are known, in writing of its decision and of any alteration to those arrangements.

Parental responsibility of prospective adopter for child – child placed for adoption

42.—(1) This paragraph applies where an adoption agency is considering placing a child for adoption with a particular prospective adopter.

(2) Where paragraph (1) applies, the adoption agency must consider the extent to which, if any, the parental responsibility of the prospective adopter for the child while placed with him should be restricted and as part of its consideration must take into account, the views of the child, if he is of sufficient age and understanding, and the views of the prospective adopter.

(3) Where the adoption agency decide to place the child with the prospective adopter, it must set out in the placement plan, the extent to which, if any, the parental responsibility of the prospective adopter for the child while placed with him for adoption is to be restricted.

Parental responsibility - records

43. The adoption agency must keep, in relation to the arrangements for the exercise of parental responsibility for the child, a record of the views of the child, the parent or guardian and the prospective adopter, any decision of the agency and the outcome of any review of that decision, on the case record maintained with respect to the child under regulation 11.

Contact

44.—(1) This paragraph applies where an adoption agency decides that a child should be placed for adoption.

(2) Where paragraph (1) applies and subject to paragraph (3), the adoption agency must consider what arrangements it should make for allowing any person contact with the child once the agency is authorised to place the child for adoption (“the contact arrangements”).

(3) The adoption agency must —

- (a) take into account the wishes and feelings of the persons specified in regulation 13;
- (b) take into account any advice given by the adoption panel in accordance with regulation 17(1); and
- (c) have regard to the considerations set out in section 1(2) of the Act,

in coming to a decision in relation to the contact arrangements.

(4) The adoption agency must notify —

- (a) the child, if he is of sufficient age and understanding;
- (b) if their whereabouts are known, the parent or guardian, and where regulation 14(4) applies the father of, the child;
- (c) any person in whose favour there was contact order under section 8 of the 1989 Act or an order under section 34 of the 1989 Act (parental contact with children in care);
- (d) any other person the agency considers appropriate,

of the contact arrangements.

(5) Where an adoption agency decides that a child should be placed for adoption with a particular prospective adopter, the agency must review the contact arrangements in the light of the views of the prospective adopter and any advice given by the adoption panel in accordance with regulation 28(3)(b).

(6) If the adoption agency proposes to make any change to the contact arrangements which affects any person mentioned in paragraph (4)(b) to (d), it must seek the views of that person and the views of the child if he is of sufficient age and understanding and take those views into account in deciding what arrangements it should make for allowing any person contact with the child while he is placed for adoption with the prospective adopter.

(7) The adoption agency must set out the contact arrangements in the placement plan and keep those arrangements under review.

Contact : supplementary

45.—(1) Where an adoption agency has decided under section 27(2) of the Act to refuse to allow the contact that would otherwise be required by virtue of an order under section 26 of the Act, the agency must, as soon as the decision is made, notify the persons specified in paragraph (3) orally and in writing of the decision, the date of the decision, the reasons for the decision and the duration of the period.

(2) The terms of an order under section 26 of the Act may be departed from by agreement between the adoption agency and any person for whose contact with the child the order provides subject to the following conditions —

- (a) where the child is of sufficient age and understanding, subject to his agreement;
- (b) where the child is placed for adoption, subject to consultation, before the agreement is reached, with the prospective adopter with whom the child is placed for adoption; and

- (c) written confirmation by the agency to the persons specified in paragraph (3) of the terms of that agreement.
- (3) The following persons are specified for the purposes of paragraphs (1) and (2) —
 - (a) the child if the agency considers he is of sufficient age and understanding;
 - (b) the person in whose favour the order under section 26 was made or, as the case may be, the person the agency allowed contact with the child;
 - (c) if the child is placed for adoption, the prospective adopters.

SCHEDULES

SCHEDULE 1

INFORMATION

PART 1

Regulation 12(1)

INFORMATION ABOUT THE CHILD

1. Name, gender, date and place of birth.
2. Nationality.
3. Photograph and physical description.
4. Whether the child is looked after under the 1989 Act and if so whether subject to care order.
5. A chronology of the child's care since birth.
6. Details of the child's relationship with relatives (including his mother and father) and any other person in relation to whom the agency considers the relationship to be relevant.
7. The child's emotional and behavioural development and any needs he may have in relation to his emotional and behavioural development.
8. The educational history of the child and his educational needs, progress and development including whether any assessment in respect of any special educational needs under the Education Act 1996 has been made or needs to be made.
9. The child's religious persuasion, racial origin and cultural and linguistic background.
10. The arrangements for contact and the type of contact between the child and his parent or other person with parental responsibility for him and any relative, friend or other person and details of any contact order under the 1989 Act in force with respect to the child.
11. Whether the child has any rights to, or interest in, property or any claim to damages under the Fatal Accidents Act 1976 or otherwise which he stands to retain or lose if he is adopted.
12. Any other relevant information which the agency considers may assist the adoption panel.

PART 2
INFORMATION ABOUT THE CHILD'S FAMILY AND OTHERS

Information about each parent of the child and the father of the child if he does not have parental responsibility for the child

1.
 - (1) Name, gender and date and place of birth.
 - (2) Nationality.
 - (3) Photograph and physical description.
 - (4) Address and telephone number.
2. Whether the child's mother and father were married to each other at the time of the child's birth and —
 - (a) if so, the date and place of marriage and whether the parents are divorced or separated; and
 - (b) if not, whether the father has acquired parental responsibility for the child under section 4 of the 1989 Act.
3. Past and present relationship (if any) with the child's other parent.
4. Religious persuasion, racial origin and cultural and linguistic background.
5. Educational history.
6. Employment history and interests.

Information about the child's siblings

7.
 - (1) Name, gender, date and place of birth
 - (2) Nationality.
 - (3) Photograph and physical description.
 - (4) Address and telephone number if appropriate.
 - (5) If the brother or sister is under the age of 18, where and with whom he or she is living and whether he or she is looked after under the 1989 Act and if so whether subject to a care order and whether he or she is also being considered for adoption.
 - (6) Information about their past and present relationship with the child.

Information about any other relative or person whom the agency considers to be relevant.

8.
 - (1) Name, gender, date and place of birth.
 - (2) Nationality.
 - (3) Address and telephone number if appropriate.
 - (4) Information about their past and present relationship with the child.

Other information

9. Any other relevant information which the agency considers may assist the adoption panel.

PART 3 Regulation 15(1)
MATTERS TO BE INCLUDED IN REPORT ON THE CHILD'S HEALTH

1. Name, date of birth, sex, weight and height.

2. A neo-natal report on the child, including—
 - (c) details of the birth, and any complications;
 - (d) results of a physical examination and screening tests;
 - (e) details of any treatment given;
 - (f) details of any problem in management and feeding;
 - (g) any other relevant information which may assist the panel;
 - (h) the name and address of any doctor who may be able to provide further information about any of the above matters.
3. Medical history and examination of the child, including—
 - (a) details of any serious illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given;
 - (b) details and dates of immunisations;
 - (c) a physical and developmental assessment according to age, including an assessment of vision and hearing and of neurological, speech and language development and any evidence of emotional disorder;
 - (d) for a child over five years of age, the school health history (if available);
 - (e) how his physical and mental health and medical history has affected his physical, intellectual, emotional, social or behavioural development;
 - (f) any other relevant information which may assist the panel.
4. The signature, name, address, telephone number and qualifications of the registered medical practitioner who prepared the report, the date of the report and of the examinations carried out together with the name and address of any doctor (if different) who may be able to provide further information about any of the above matters.

PART 4

Regulation 15(4)

PARTICULARS RELATING TO THE HEALTH OF THE CHILD'S FAMILY

1. Name, date of birth, sex, weight and height of each natural parent (including the father of the child if he does not have parental responsibility for the child).
2. A family health history, covering each natural parent (including the father of the child if he does not have parental responsibility for the child), the child's brothers and sisters (if any) and the other children (if any) of each parent with details of any serious physical or mental illness and hereditary disease or disorder.
3. Health history of each natural parent (including the father of the child if he does not have parental responsibility for the child) including details of any serious physical or mental illness, drug or alcohol misuse, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given where the agency consider such information to be relevant.
4. A summary of the mother's obstetric history, including any problems in the ante-natal, labour and post-natal periods, with the results of any tests carried out during or immediately after pregnancy.
5. Details of any present illness, including treatment and prognosis.
6. Any other relevant information which the agency considers may assist the panel.

7. The signature, name, address, telephone number and qualifications of any registered medical practitioner who supplied any of the information in this Part together with the name and address of any doctor (if different) who may be able to provide further information about any of the above matters.

PART 5

Regulation 12(b)

PARTICULARS RELATING TO A GUARDIAN

1. (1) Name, gender and date and place of birth.
(2) Nationality.
(3) Address and telephone number.
2. Past and present relationship with the child.
3. Religion.
4. Any other relevant information which the agency considers may assist the adoption panel.

SCHEDULE 2

Regulation 19

INFORMATION AND DOCUMENTS TO BE PROVIDED TO CAFCASS

1. A copy of the child's birth certificate.
2. Name and address of the parent or guardian.
3. A chronology of the actions and decisions taken by the adoption agency with respect to the child.
4. Confirmation by the agency that it has counselled, and explained to the parent or guardian the legal implications of both consent to placement under section 19 of the Act and, as the case may be, to the making of a future adoption order under section 20 of that Act and provided him with written information about this together with a copy of the information provided to the parent or guardian.
5. Such information about the parent or guardian or other information as the adoption agency considers the officer of the CAFCASS may need to know.

SCHEDULE 3

Regulation 21

OFFENCES SPECIFIED FOR THE PURPOSES OF REGULATION 21(3)(b)

Offences in Scotland

1. An offence of rape.

2. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995(a) except, in a case where the offender was under the age of 20 at the time the offence was committed, an offence contrary to section 5 of the Criminal Law (Consolidation) (Scotland) Act 1995 (intercourse with a girl under 16)(b), an offence of shameless indecency between men or an offence of sodomy.
3. An offence of plagium (theft of a child below the age of puberty).
4. Section 52 or 52A of the Civil Government (Scotland) Act 1982 (indecent photographs of children)(c)
5. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust)(d).

Offences in Northern Ireland

6. An offence of rape.
7. An offence specified in Schedule 1 to the Children and Young Person Act (Northern Ireland) 1968(e), except in the case where the offender was under the age of 20 at the time the offence was committed, an offence contrary to section 5 or 11 of the Criminal Law Amendment Act 1885 (unlawful carnal knowledge of a girl under 17 and gross indecency between males)(f), or an offence contrary to section 61 of the Offences against the Person Act 1861 (buggery).
8. An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 (indecent photographs)(g).
9. An offence under Article 9 of the Criminal Justice (Northern Ireland) Order 1980 (inciting girl under 16 to have incestuous sexual intercourse)(h).
10. An offence contrary to Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988 (possession of indecent photograph of children)(i).
11. An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust).

(a) 1995 c.46.

(b) 1995 c.39.

(c) 1982 c.45, Section 52A was inserted by section 161 of the Criminal Justice Act 1988 (C.33).

(d) 2000 c.44.

(e) 1968 c.34 (N.I.)

(f) 1985 c.69.

(g) S.I. 1978/1047 (N.I.17).

(h) S.I. 1980/704 (N.I.6).

(i) S.I. 1988/1847 (N.I.17).

SCHEDULE 4

INFORMATION ABOUT PROSPECTIVE ADOPTER

PART 1

INFORMATION ABOUT PROSPECTIVE ADOPTER

Regulation 23(2)

Information about the prospective adopter

1. Name, date and place of birth, and address and telephone number.
2. Whether the prospective adopter is domiciled or habitually resident in a part of the British Islands and if habitually resident for how long he has been habitually resident.
3. Details of the prospective adopter's income, any other household income and financial arrangements/agreements between the prospective adopter and any other members of the household.
4. Religious persuasion, racial origin and cultural and linguistic background and whether willing to follow any wishes of a child or his parent or guardian in respect of the child's religious beliefs and cultural upbringing.
5. Educational history and interests.
6. Employment history including the names and addresses of their current employers and previous employers in the last 5 years, if different.
7. A family tree and details of the parents, children and any siblings of the prospective adopter, with their ages.

Relationships

8. If the prospective adopters are a couple an assessment of the stability of their relationship and, if married, details of date and place of marriage.
9. Details of any previous marriage/relationship.
10. A description of the prospective adopter, including how he relates to adults and to children.
11. Previous experience of caring for children as a parent, step-parent, foster parent, childminder or prospective adopter and assessment of their ability in this respect.

Views about adoption

12. Attitude to adoption of such other members of the prospective adopter's household and family as the adoption agency considers appropriate.
13. Reasons for wishing to adopt a child and extent of understanding of the nature and effect of adoption.

References and other information

14. Names and addresses of three referees who will give personal references with respect to the prospective adopter and not more than one of whom may be a relative.
15. Name and address of the prospective adopter's registered medical practitioner, if any.
16. If the prospective adopter is married and wishes to adopt alone, the reasons for this.

Home and neighbourhood

17. Assessment of prospective adopter's home and environment.
18. Details of other members of the prospective adopter's household (including any children of the prospective adopter even if not resident in the household).

Agency's assessment

19. Assessment of the prospective adopter's capacity and potential to care for and support an adopted child throughout his childhood, including their capacity to meet the child's emotional and developmental needs and their views and feelings in relation to adoption, including contact, parental responsibility, adoption support services, education, religious beliefs, culture and home environment.

Other information

20. Any other information which the agency considers may assist the adoption panel.

PART 2

Regulation 23(3)(a)

INFORMATION ABOUT HEALTH OF PROSPECTIVE ADOPTER

1. Name, date of birth, sex, weight and height.
2. A family health history, covering the parents, the brothers and sisters (if any) and the children (if any) of the prospective adopter, with details of any serious physical or mental illness and inherited and congenital disease.
3. Marital history, including (if applicable) reasons for inability to have children.
4. Past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given.
5. Obstetric history (if applicable).
6. Details of any present illness, including treatment and prognosis.
7. A full medical examination.
8. Details of any daily consumption of alcohol, tobacco and habit-forming drugs.
9. Any other relevant information which the agency considers may assist the panel.
10. The signature, name, address and qualifications of the registered medical practitioner who prepared the report, the date of the report and of the examinations carried out together with the name and address of any doctor (if different) who may be able to provide further information about any of the above matters.

SCHEDULE 5

Regulation 27(1)

INFORMATION ABOUT CHILD TO BE GIVEN TO PROSPECTIVE ADOPTERS

1. Details of the child.
2. Photograph and physical description.
3. Details of the child's family circumstances and home environment.
4. Chronology of child's care.
5. The child's behaviour, how he interacts with other children and relates to adults.
6. Whether the child is looked after by the local authority and if so the reasons and why the child is to be placed for adoption.
7. Details of the child's state of health, his health history and any need for health care which might arise in the future.
8. Details of the child's educational history, a summary of his progress to date and whether he has been or is likely to be assessed for special educational needs under the Education Act 1996.
9. The child's wishes and feelings in relation to adoption, so far as possible.
10. The wishes and feelings of his parent, guardian or other relative, so far as possible.
11. The views of the person with whom the child is living about adoption.
12. The assessment of the child's needs for adoption support services and the agency's proposals for meeting those needs.
13. The agency's proposals for allowing any person contact with the child.

SCHEDULE 6

Regulation 30(1)

PLACEMENT PLAN

1. Date on which it is proposed to place the child for adoption with the prospective adopter.
2. Whether parental responsibility of the prospective adopter for the child is to be restricted and if so the extent to which it is to be restricted.
3. The adoption support services the agency has decided to provide for the adoptive family.
4. The arrangements which the adoption agency has made for allowing any person contact with the child.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision relating to the exercise by adoption agencies (local authorities and registered adoption societies) of their functions in relation to adoption under the Adoption and Children Act 2002 ("the Act").

Part 2 makes provision for the arrangements for adoption work which agencies must put in place. Regulation 3 requires agencies to set up adoption panels and regulations 4 and 5 make provision in relation to the tenure of panel members and the proceedings of adoption panels. Regulation 8 requires agencies to appoint an adoption adviser to the adoption panel.

Part 3 applies where an agency is considering adoption for the child. Regulation 11 requires the agency to open a case record in respect of the child and place on that record any information obtained under Part 3 about the child and his family. Regulation 12 imposes a duty on an agency to obtain information about the child and his family and others which is specified in Parts 1, 2 and 5 of Schedule 1. Regulations 13 and 14 require the agency to provide counselling and information for the child and his parent or guardian.

Regulation 14(3) and (4) deal with the position of the father who does not have parental responsibility for the child. Regulation 15 provides that the agency must obtain certain health information in respect of the child and in respect of each of the child's natural parents. Regulation 16 requires the agency to prepare a written report about the child and his family and why adoption is the preferred option for permanence which must be sent to the adoption panel. Regulation 17 provides that the adoption panel have to make a recommendation to the agency as to whether the child should be placed for adoption. The agency must take into account that recommendation in coming to a decision about whether the child should be placed for adoption (regulation 18). Regulation 19 provides for the agency to request an officer of the CAF/CASS to be appointed to witness consent to placement under section 19 of the Act and, as the case may be, to the making of a future adoption order under section 20 of the Act. The information to be provided to CAF/CASS is specified in Schedule 2.

Part 4 makes provision for the assessment of prospective adopters. Regulation 20 requires the agency to provide counselling and information for a prospective adopter. Regulation 21 requires the agency to carry out police checks and provides that an agency may not consider a person suitable to be an adoptive parent if he or any member of his household aged 18 or over has been convicted of, or cautioned for, any specified offences (as defined in regulation 21(3)). Regulation 23 sets out the procedure for carrying out an assessment of the prospective adopter. The information to be obtained in respect of a prospective adopter is set out in Schedule 4. A report must be prepared and the papers submitted to the adoption panel who make a recommendation to the agency as to whether the prospective adopter is suitable to be an adoptive parent. The agency must take into account that recommendation in coming to a decision about whether the prospective adopter is suitable to be an adoptive parent (regulations 24 and 25).

Part 5 makes provision in relation to the duties of the adoption agency in respect of the placement of a child with prospective adopters. The agency must provide the prospective adopters with a report about the child which must include the information which is set out in Schedule 5 and any other information which the agency consider relevant (regulation 27). The papers are referred to the adoption panel who must consider the proposed placement and make a recommendation to the agency as to whether the particular prospective adopter would be a suitable adoptive parent for that particular child and the agency must take into account that recommendation when coming to its decision (regulations 28 and 29).

Part 6 makes provision in relation to placements and reviews. Regulation 30 provides that the agency must provide the prospective adopter with a placement plan (which must cover the matters specified in Schedule 6) and before the child is placed for adoption send certain information to the persons specified in regulation 30(6). Regulation 31 imposes a duty on the agency to carry out reviews. Regulation 32 makes provision in relation to what is to happen when a parent withdraws consent given under section 19, or section 19 and 20, of the Act.

Part 7 makes provision in relation to records.

Part 8 makes miscellaneous provision including modifications to provisions in the Children Act in the case of children whom adoption agencies are authorised to place for adoption.

