

Regulatory Impact Assessment

Title of the Regulatory Proposal

ADOPTION AGENCIES (AMENDMENT) (WALES) REGULATIONS 2003

Purpose and Intended Effect

This short Instrument is intended to allow an adoption agency to extend, for a further period of two years, the term of office of current members of an adoption panel where that term of office is his/her second consecutive term and is due to expire on or after 31st December 2003.

Issue

1. At present members of adoption panels of local authorities and Voluntary Adoption Agencies (VAAs) are appointed under the Adoption Agency Regulations 1983, as amended in 1997. The term of office of members is limited by these regulations so that a member may not serve more than two consecutive periods of three years, without an intervening period of at least three years. Panels make recommendations to their agency on approval of prospective adopters and for adoption of children.
2. The 1983 Regulations will be replaced by new regulations under the Adoption and Children Act 2002, by 2005. The new regulations will make amendments to the current regime. In view of these anticipated changes it is considered desirable to allow current panel members to continue, as their appointment will have to be reviewed in the light of the new regulations in any event.
3. The proposed transitional provision will allow adoption panels to operate without having to replace those members whose tenure of office would otherwise expire, until the new regulations come into force.

Objective

4. To ensure adoption panels can continue to make decisions with sufficient numbers of members to form a quorum until the new regulations come into force.

Risk Assessment

5. The risk of not having this instrument in force by January 2004 is adoption panels will not be able to operate and decisions concerning placement of children in stable adoptive homes would be delayed.
6. VAAs operating in Wales could lose income if they are unable to operate. VAAs charge inter agency fees, which are paid to agencies who have assessed and approved an adopter who goes on to adopt a child from another agency.

Issues of Equity and Fairness

7. The non introduction of this instrument will be equally unfair to prospective adopters seeking approval and children waiting an adoption placement. It is possible adoption panels within either local authorities or the voluntary sector may not be able to function if unable to form a quorate panel.

Benefits

8. The benefit of this instrument coming into force before January 2004 is there will be no potential delay in the adoption process for children or prospective adopters as panels will be able to continue to operate with their current membership.
9. VAAs will not lose income whilst new adoption panel members are recruited.

Costs

10. There are no additional costs associated with bringing the proposed statutory instrument into force. Indeed, the proposals, if accepted, will result in a saving to those agencies who would otherwise need to recruit new members.

Options??

Impact on small business

11. There is no impact on small businesses. Under the Adoption Act 1976, it is unlawful for private agencies to operate. Only local authorities, as adoption agencies, and registered VAAs may make arrangements for adoption. If VAAs could not operate their adoption panels, it is possible that they could lose some income.

Competition assessment

12. A detailed competition assessment is not necessary as it is intended to ensure that agencies can continue to operate on a level playing field whilst they prepare for the new regulations coming into force in 2005. There are two VAAs offering adoption placement service in Wales. Both could be disadvantaged by delay in the introduction of this statutory instrument.

Consultation

13. No consultation is considered necessary in respect of this technical amendment to the regulations. All adoption agencies would be expected to welcome the proposed amendments. Some have difficulty in recruiting suitable new members of adoption panels (eg people who have adopted

or who were themselves adopted). Those would find it a relief to have the proposed two year extension of panel membership.

Summary and Recommendation

14. Allowing the statutory instrument to come into force before January 2004 would ensure adoption panels can continue to operate and that there is no delay for children or families in the adoption process because of the need to recruit new panel members.