

**2003 No.**

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

The Voluntary Adoption Agencies and the Adoption Agencies  
(Miscellaneous Amendments) Regulations 2003

<i>Made</i> - - - -	2003
<i>Laid before Parliament</i>	2003
<i>Coming into force</i> - -	30 <sup>th</sup> April 2003

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The Secretary of State, and the National Assembly for Wales, acting jointly, in the exercise of the powers conferred on them by sections 9(2) and (2A) and 67(5) of the Adoption Act 1976(1) and sections 16(2), 34(1) and 118(5) and (6) of the Care Standards Act 2000(2) and of all other powers enabling them in that behalf, hereby make the following Regulations:—

**PART I**

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- (1) 1976 c.36. Section 9(2) of the Adoption Act 1976 (“the 1976 Act”) was amended by section 116 of, and paragraph 5(6)(a) of Schedule 4 to, the Care Standards Act 2000 (“the Act”). Section 9(2A) of the 1976 Act was inserted by section 116 of, and paragraph 5(6)(b) of Schedule 4 to, the Act. These powers are exercisable by the appropriate Minister, who is defined in section 9(5) of the 1976 Act, in relation to England, as the Secretary of State and in relation to Wales as the National Assembly for Wales and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. Section 9(5) of the 1976 Act was inserted by section 139(2) of, and paragraph 4(1)(b) of Schedule 4 to, the Adoption and Children Act 2002 c.38 (“the 2002 Act”).
  - (2) 2000 c.14. These powers are exercisable by the appropriate Minister, who is defined in section 121(1) of the Act, in relation to England, Scotland or Northern Ireland, as the Secretary of State, in relation to Wales as the National Assembly for Wales and in relation to England and Wales, as the Secretary of State and the National Assembly for Wales acting jointly. “Prescribed” and “regulations” are defined in section 121(1) of the Act.

## GENERAL

### Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 and shall come into force on 30<sup>th</sup> April 2003.

(2) In these Regulations—

“the Act” means the Care Standards Act 2000;

“agency” means an appropriate voluntary organisation<sup>(3)</sup>;

“branch manager” shall be construed in accordance with regulation 6(1)(b);

“complaints procedure” shall be construed in accordance with regulation 11(1);

“guardian” has the meaning given to it in section 5 of the Children Act 1989<sup>(4)</sup>;

“manager” shall be construed in accordance with regulation 6(1)(a);

“organisation” means a body corporate other than a public or local authority the activities of which are not carried on for profit;

“registered provider” means, in relation to an agency, a person who is registered under Part II of the Act as the person carrying on the agency<sup>(5)</sup>;

“registration authority” means, in relation to an agency, the registration authority which may exercise, in relation to that agency, functions to which section 36A of the Act applies<sup>(6)</sup>;

“responsible individual” shall be construed in accordance with regulation 5(2);

“statement of purpose” means the written statement compiled in accordance with regulation 3(1).

(3) In these Regulations, references to employing a person include 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.

### Application for registration under Part II of the Act

2. No application for registration under Part II of the Act shall be made in respect of a voluntary adoption agency which is an unincorporated body.

### Statement of purpose

3.—(1) The registered provider and the manager shall compile in relation to the agency a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of a statement as to the matters listed in Schedule 1.

(2) The registered provider and the manager shall provide a copy of the statement of purpose to the registration authority and –

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<sup>(3)</sup> By virtue of section 1(5) of the 1976 Act, inserted by section 116 of, and paragraph 5(2)(b) of Schedule 4 to, the Act, “appropriate voluntary organisation” is defined as a voluntary organisation which is an adoption society in respect of which a person is registered under Part II of the Act. Part II of the Act makes provision for registration of certain establishments and agencies, including voluntary adoption agencies. By section 4(7) of the Act, “voluntary adoption agency” is defined as an adoption society within the meaning of the 1976 Act which is a voluntary organisation within the meaning of that Act.

<sup>(4)</sup> 1989 c.41.

<sup>(5)</sup> By virtue of section 121(4) of the Act the person who carries on the agency is the voluntary organisation itself.

<sup>(6)</sup> By virtue of sections 5 and 36A of the Act (inserted by section 16 of the 2002 Act) where the principal office of the agency is in England, the registration authority will be the National Care Standards Commission and where the principal office of the agency is in Wales, the registration authority will be the National Assembly for Wales. By section 5(b) of the Act, the National Assembly for Wales is referred to as “the Assembly”. By section 6(1) of the Act the National Care Standards Commission is referred to as “the Commission”.

- (a) if the registration authority is the Commission and the agency has a branch in Wales, to the Assembly;
  - (b) if the registration authority is the Assembly and the agency has a branch in England, to the Commission.
- (3) The registered provider and the manager 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) children who may be adopted, their parents and guardians;
  - (c) persons wishing to adopt a child;
  - (d) adopted persons, their parents, natural parents and former guardians;
  - (e) any local authority.
- (4) Subject to paragraph (5), the registered provider and the manager shall ensure that the agency is at all times conducted in a manner which is consistent with its statement of purpose.
- (5) Nothing in paragraph (4) shall require or authorise the registered provider, the manager or the branch manager (if any), to contravene, or not comply with—
- (a) any other provision of these Regulations;
  - (b) any conditions for the time being in force in relation to the registration of the registered provider under Part II of the Act.

#### **Review of statement of purpose**

4. The registered provider and the manager shall—
- (a) keep under review and, where appropriate, revise the statement of purpose; and
  - (b) notify the registration authority and –
    - (i) if the registration authority is the Commission and the agency has a branch in Wales, the Assembly;
    - (ii) if the registration authority is the Assembly and the agency has a branch in England, the Commission,
 of any such revision within 28 days.

## **PART II**

### **REGISTERED PROVIDERS, RESPONSIBLE INDIVIDUALS AND MANAGERS**

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

- 5.— (1) An organisation shall not carry on an agency unless it is fit to do so.
- (2) An organisation is not fit to carry on an agency unless—
- (a) it has given notice to the registration authority of the name, address and position in the organisation of an individual (in these Regulations referred to as “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
  - (b) 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.

### **Appointment of manager and branch manager**

6.—(1) The registered provider shall appoint –

(a) an individual to manage the agency (in these Regulations referred to as “the manager”); and

(b) where the agency has a branch, an individual to manage that branch (in these Regulations referred to as “the branch manager”).

(2) The registered provider shall forthwith notify the registration authority of—

(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 and branch manager**

7.—(1) The registered provider shall not allow a person to manage the agency or any branch of the agency unless he is fit to do so.

(2) A person is not fit to manage an agency or (as the case may be) branch unless—

(a) he is of integrity and good character;

(b) having regard to the size of the agency or branch and the agency’s statement of purpose –

(i) he has the qualifications, skills and experience necessary for managing the agency or branch; and

(ii) he is physically and mentally fit to manage the agency or branch; and

(c) full and satisfactory information is available in relation to him in respect of each of the matters listed in Schedule 2.

### **Registered provider, manager and branch manager – general requirements**

8.—(1) The registered provider, the manager, and the branch manager (if any) shall, having regard to—

(a) the size of the agency or (as the case may be) branch and the agency’s statement of purpose; and

(b) the need to safeguard and promote the welfare of children who may be, or have been, placed for adoption by the agency,

carry on or manage the agency or (as the case may be) branch, with sufficient care, competence and skill.

(2) The registered provider shall ensure that the responsible individual 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 manager and branch manager (if any), undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the agency or (as the case may be) branch.

### **Notification of offences**

9. Where the registered provider, responsible individual, manager or branch manager (if any) is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith 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; and

(c) the penalty imposed on him in respect of the offence.

**PART III**  
**CONDUCT OF AGENCIES**

**Arrangements for the protection of children**

**10.—(1)** The registered provider and the manager shall prepare and implement a written policy which –

- (a) is intended to safeguard from abuse or neglect children placed for adoption –
  - (i) by the agency; or
  - (ii) by another adoption agency but with prospective adopters approved by the agency as suitable to be adoptive parents in accordance with the Adoption Agencies Regulations 1983(7); 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) where the child is placed with prospective adopters, the prompt referral to the local authority in whose area the child is placed of any allegation of abuse or neglect;
- (c) where the child is not placed with prospective adopters, the prompt referral to the local authority in whose area the principal office of the agency is located of any allegation of abuse or neglect;
- (d) notification to the registration authority of the instigation and outcome of any child protection enquiries;
- (e) written records to be kept of any allegation of abuse or neglect and the action taken in response;
- (f) consideration to be given to the measures that may be necessary to protect children placed with prospective adopters following an allegation of abuse or neglect;
- (g) arrangements to be made for persons working for the purposes of the agency, prospective adopters and children who have been placed for adoption by the agency, to have access to information that would enable them to contact –
  - (i) the local authority referred to in sub-paragraph (b) or (c) (as the case may be); 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.

**Complaints**

**11.—(1)** The registered provider and the manager shall establish a written procedure for considering complaints (referred to in these Regulations as “the complaints procedure”) made by or on behalf of—

- (a) children who may be adopted, their parents and guardians;

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(7) S.I 1983/1964, amended by S.Is 1997/649, 1997/2308, 1999/2768, 2001/2237, 2001/2992, 2001/3443, 2002/808 and 2002/3220.

- (b) persons wishing to adopt a child;
  - (c) adopted persons, their parents, natural parents and former guardians.
- (2) The complaints procedure shall, in particular, provide—
- (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 provider or the manager considers it appropriate, at the informal resolution stage only;
  - (c) for dealing with complaints about the registered provider, the responsible individual, the manager and branch manager (if any); and
  - (d) for complaints to be made by a person acting on behalf of a child.
- (3) The registered provider and the manager 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) (a) to (c).
- (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 provider by the registration authority for the making of complaints to the registration authority that relate to the agency.

**Complaints — further requirements**

- 12.**—(1) The registered provider and the manager shall ensure that any complaint made under the complaints procedure is fully investigated.
- (2) The registered provider and the manager 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 provider and the manager 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 provider and the manager 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 provider shall supply to the registration authority at its request a statement containing a summary of any complaints made in accordance with the complaints procedure during the preceding 12 months and any action taken in consequence.

**Staffing of agency**

- 13.** The registered provider, the manager and, in relation to any branch, the branch manager, shall ensure that there is, having regard to—
- (a) the size of the agency or (as the case may be) branch and the agency’s statement of purpose; and
  - (b) the need to safeguard and promote the health and welfare of children placed for adoption
    - (i) by the agency; or
    - (ii) by another adoption agency but with prospective adopters approved by the agency as suitable to be adoptive parents in accordance with the Adoption Agencies Regulations 1983,

a sufficient number of suitably qualified, competent, and experienced persons working for the purposes of the agency or (as the case may be) branch.

### **Fitness of workers**

**14.**—(1) The registered provider, the manager and, in relation to any branch, the branch manager, 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 an agency; or
- (b) allow a person to whom paragraph (2) applies, to work for the purposes of the agency unless that person is fit to work for the purposes of an agency.

(2) This paragraph applies to any person who is employed by a person other than the registered provider, in a position in which he may in the course of his duties have regular contact with children who may be, or have been, placed for adoption by the agency.

(3) 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.

(4) The registered provider, the manager and, in relation to any branch, the branch manager, shall take reasonable steps to ensure that any person working for the agency who is not employed by the agency and to whom paragraph (2) does not apply is appropriately supervised while carrying out his duties.

### **Employment of staff**

**15.**—(1) The registered provider, the manager and, in relation to any branch, the branch manager, shall—

- (a) ensure that all permanent appointments of staff 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 provider, the manager and, in relation to any branch, the branch manager, 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**

**16.**—(1) The registered provider and the manager 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 children placed for adoption by the agency;
- (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 placed for adoption by the agency 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 provider, the manager, or in relation to any person working at any branch of the agency, the branch manager;
- (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 a local authority in whose area the agency or (as the case may be) branch is situated; or
- (f) an officer of a local authority in whose area the child is placed for adoption.

**Records with respect to staff**

17.—(1) The registered provider, the manager and, in relation to any person working at any branch of the agency, the branch manager, 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**

18.—(1) The registered provider 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 provider, the manager and, in relation to any branch, the branch manager, 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 IV

### MISCELLANEOUS – AGENCIES

#### **Notifiable events**

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

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

(3) In the table—

“approved by the agency” means approved by the agency as suitable to be an adoptive parent in accordance with the Adoption Agencies Regulations 1983;

“area authority” means the local authority in whose area the child is placed for adoption;

“placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;

“Primary Care Trust” means the Primary Care Trust in whose area the child is placed for adoption by the agency; and

“Local Health Board” means the Local Health Board in whose area the child is placed for adoption by the agency.

#### **Financial position**

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

(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**

**21.**—(1) Where—

(a) the manager proposes to be absent from the agency; or

(b) the branch manager proposes to be absent from the branch of the agency,

for a continuous period of 28 days or more, the registered provider and the manager 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—

(a) the length or expected length of the proposed absence;

(b) the reason for the proposed absence;

- (c) the arrangements which have been made for the running of the agency or (as the case may be) branch during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the management of the agency or (as the case may be) branch during the absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the agency or (as the case may be) branch 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 provider and the manager shall give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2)(a) to (e).

(4) Where the manager or branch manager has been absent from the agency or (as the case may be) branch for a continuous period of 28 days or more, and the registration authority has not been given notice of the absence, the registered provider and the manager shall without delay give notice in writing to the authority specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered provider and the manager shall notify the registration authority of the return to duty of the manager or branch manager not later than 7 days after the date of his return.

### **Notice of changes**

**22.**—(1) The registered provider and the manager 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 provider carries on the agency;
- (b) a person ceases to manage the agency;
- (c) the name or address of the registered provider is changed;
- (d) there is any change of trustee, or director, manager, secretary, or other similar officer, of the registered provider;
- (e) there is to be any change in the identity of the responsible individual;
- (f) a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (g) the agency intends to cease to act or exist as such.

(2) The registered provider shall notify the registration authority in writing and without delay of the death of the responsible individual, the manager or branch manager (if any).

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

**23.**—(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 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 registered provider;
- (b) the liquidator or provisional liquidator of a registered provider.

### **Compliance with regulations**

**24.** 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 V  
MISCELLANEOUS

**Amendments to the Adoption Agencies Regulations 1983**

**25.**—(1) The Adoption Agencies Regulations 1983 shall be amended in accordance with the following provisions of this regulation.

(2) In regulation 1(3) (interpretation)—

(a) at the appropriate place there shall be inserted the following definition—

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

(b) in the definition of “adoption agency” for the words “an approved adoption society” there shall be substituted the words “an appropriate voluntary organisation”**(8)**; and

(c) at the appropriate place there shall be inserted the following definition—

““registration authority” means, in relation to an agency, the registration authority which may exercise, in relation to that agency, functions to which section 36A of the Act applies;”.

(3) Regulations 2 and 3 shall be omitted.

(4) In regulation 6 (adoption agency arrangements for adoption work)—

(a) in paragraph (1) for the words “reviewed by the agency not less than once every three years” there shall be substituted the words “kept under review and, where appropriate, revised by the agency”; and

(b) paragraph (3) shall be omitted.

(5) In regulation 15 (access to case records and disclosure of information) in paragraph (1) after sub-paragraph (b) there shall be inserted the following sub-paragraph—

“(bb) the registration authority,”.

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

(a) for paragraph (2) there shall be substituted the following paragraph—

“(2) An appropriate voluntary organisation 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 organisation’s principal office is situated; or

(b) in the case of an organisation that amalgamates with another approved voluntary organisation to form a new approved voluntary organisation, to the new organisation.”; and

(b) in paragraph (3) for the words “Secretary of State” there shall be substituted the words “registration authority”.

Signed by the authority of the  
Secretary of State for Health

Minister of State  
Department of Health

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**(8)** See section 1(5) of the Adoption Act 1976 inserted by section 116 of, and paragraph 5(3) of Schedule 4 to, the Act.

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998

Presiding Officer  
National Assembly for Wales

## SCHEDULE 1

Regulation 3(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, the responsible individual, the manager and branch manager (if any).
3. Any conditions for the time being in force in relation to the registration of the registered provider under Part II of the Act.
4. The relevant qualifications and experience of the manager and branch manager (if any).
5. The number, relevant qualifications and experience of the staff working for the purposes of the agency.
6. The organisational structure of the agency.
7. 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.
8. The procedures for recruiting, preparing, assessing, approving and supporting prospective adopters.
9. A summary of the complaints procedure.
10. The name, address and telephone number of the registration authority.

## SCHEDULE 2

Regulations 5(3)(c), 7(2)(c) and  
14(3)(d)

### INFORMATION REQUIRED IN RESPECT OF THE RESPONSIBLE INDIVIDUAL OR PERSONS MANAGING OR WORKING FOR THE PURPOSES OF AN AGENCY

1. Proof of identity including a recent photograph.
2. Either—
  - (a) where the position falls within section 115(3) of the Police Act 1997<sup>(9)</sup>, 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<sup>(10)</sup>.

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<sup>(9)</sup> 1997 c.50. 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.

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 17(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.
2. Sex.
3. Date of birth.
4. Home address.
5. Qualifications relevant to, and experience of, work involving children.
6. The dates on which he commences and ceases to be so employed.
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.
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.

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(10) Sections 113(3A) and 115(6A) are added to the Police Act 1997 by section 8 of the Protection of Children Act 1999 (c.14) and amended by sections 104 and 116 of, and paragraph 25 of Schedule 4 to, the Act.

## SCHEDULE 4

Regulation 19(1)

### EVENTS AND NOTIFICATIONS

Column 1 <i>Event:</i>	Column 2 <i>To be notified to:</i>					
	Registration Authority	Secretary of State	Placing Agency	Area Authority	Primary Care Trust	Local Health Board
Death of child placed for adoption by the agency	Yes	Yes, if the registration authority is the Commission		Yes	Yes	Yes
Referral to the Secretary of State pursuant to section 2(1)(a) of the Protection of Children Act 1999 of an individual working for the agency	Yes					
Serious illness of, or serious accident sustained by, a child placed for adoption by the agency	Yes			Yes	Yes	Yes
Any serious complaint about a prospective adopter approved by the agency where no child is placed for adoption with that prospective adopter	Yes					
Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by the agency	Yes			Yes		
Any serious complaint about a prospective adopter approved by the agency where a child is placed for adoption with that prospective adopter by another agency	Yes		Yes	Yes, if not notified as the placing agency.		



Column 1 <i>Event:</i>	Column 2 <i>To be notified to:</i>					
Instigation and outcome of any child protection enquiry involving a child placed for adoption by the agency	Yes			Yes		

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

These Regulations are made under the Adoption Act 1976, and the Care Standards Act 2000 (“the 2000 Act”), and apply to voluntary adoption agencies in England and Wales. The amendments made to the Adoption Agencies Regulations 1983 (“the 1983 regulations”), also apply to local authorities in England and Wales.

Part II of the 2000 Act provides for the registration and inspection of establishments and agencies, including voluntary adoption agencies, by the registration authority. Part II of the 2000 Act (so far as not already in force) will be brought into force in relation to voluntary adoption agencies on 30th April 2003. By virtue of an amendment to the 2000 Act by the Adoption and Children Act 2002, functions relating to voluntary adoption agencies conferred on the registration authority are exercisable where the principal office is in England, by the National Care Standards Commission and where the principal office is in Wales, by the National Assembly for Wales.

Regulation 2 provides that only a corporate body can apply for registration under the 2000 Act in respect of a voluntary adoption agency.

Regulations 3 and 4 make provision for the statement of purpose. Each voluntary adoption 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.

Regulations 5 to 9 make provision about the persons carrying on and managing a voluntary adoption agency, and require a manager to be appointed for the agency and for any branch of the agency (regulation 6). Provision is made for the fitness of the manager and branch manager, in particular by the requirement that satisfactory information be obtained in relation to the matters specified in Schedule 2 (regulation 7). Regulation 5 requires the voluntary organisation that is carrying on the agency to nominate a responsible individual in respect of whom this information must also be available. Regulation 8 imposes general requirements in relation to the proper conduct of a voluntary adoption agency, and the need for appropriate training.

Part III of these Regulations makes further provision about the conduct of a voluntary adoption agency, in particular as to the protection of children (regulation 10), complaints (regulations 11 and 12), staffing, record keeping and fitness of premises (regulations 13 to 18).

Part IV of these Regulations deals with miscellaneous matters. Regulation 19 provides for the registered provider and the manager to give notice of the events listed in Schedule 4 to the persons mentioned in that Schedule. Regulation 20 imposes requirements relating to a voluntary adoption agency’s financial position. Regulations 21 to 23 provide for the giving of notices to the registration authority and the appointment of liquidators. Regulation 24 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.

Part V of these Regulations makes provision for amendment to the 1983 Regulations. The amendments to regulations 1(3), 15(1)(b) and 16 and the omission of regulations 2 and 3 of the 1983 Regulations are consequential on the new registration arrangements under Part II of the 2000 Act. The amendment to regulation 6 of the 1983 Regulations aligns the requirement to review the written arrangements that govern the agency's functions and the functions of the agency's adoption panel, with the requirement to review the statement of purpose in regulation 4 of these Regulations.

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 of Health's website, [www.doh.gov.uk/regulatoryimpact](http://www.doh.gov.uk/regulatoryimpact) or [www.doh.gov.uk/adoption/law.htm#ria](http://www.doh.gov.uk/adoption/law.htm#ria) or from the Adoption, Permanence and Children's Trusts Branch, Area 121, Wellington House, 133-135, Waterloo Road, London, SE1 8UG.

## *Adoption*

### **Regulations**

National Minimum Standards

### **Voluntary Adoption Agencies England and Wales**

**CARE STANDARDS ACT 2000**

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# 1 Statement of Purpose

## OUTCOME

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

## Statement of Purpose

(3) STANDARD 1

- 1.1 **There is a clear written statement of the aims and objectives of the adoption agency which describes accurately what facilities and services they provide.**
- 1.2 The adoption agency formally approves the statement of purpose, and reviews, updates and modifies it where necessary at least annually.
- 1.3 The statement includes details in respect of the adoption agency of:
  - its status and constitution
  - its organisation and control of its operation.
- 1.4 Oral or written communications are to be available, when necessary, in a format which is appropriate to the physical, sensory and learning impairments, communication difficulties and language of children, birth parents/guardians, prospective/adoptive parents and staff. Arrangements must be made for those who are unable to understand the document to have it read, translated or explained to them.
- 1.5 The adoption agency's policies, procedures and any written guidance to staff accurately reflect the statement of purpose.
- 1.6 All those working in the adoption agency are aware of the contents of the statement of purpose and a copy is readily available.

[Regulation: Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 - *Statement of purpose, Review of statement of purpose* ]

# 2 Securing and promoting children's welfare

## OUTCOME

The needs and wishes, welfare and safety of the child are at the centre of the adoption process.

## Matching

### STANDARD 2

- 2.1 The adoption agency has written plans for the implementation and evaluation of effective strategies to recruit sufficient adopters to meet the needs of the range of children waiting for adoption locally.**
- 2.2 Children are matched with adopters who best meet their assessed needs. Wherever possible this will be with a family which:
- a. reflects their ethnic origin, cultural background, religion and language; and
  - b. allows them to live with brothers and sisters unless this will not meet their individually assessed needs.

Where the child cannot be matched with a family which reflects their ethnic origin, cultural background, religion and language, the adoption agency makes every effort to find an alternative suitable family within a realistic timescale to ensure the child is not left waiting indefinitely in the care system. Where children cannot live with a family as set out in (a) and (b) above, a clear explanation will be given to them, having regard to their age and understanding, and be recorded.

- 2.3 In matching children with approved adopters, the adoption agency takes into account the views and feelings of the child as far as these can be ascertained based on his age and understanding, the child's care plan and recent written assessments of the child and his birth family, potential adoptive parents and their children.

*[Regulations: Adoption Agencies Regulations 1983 - Adoption agency's duties in respect of a child and his parents or guardian, Adoption agency's duties in respect of a prospective adopter, Adoption agency's duties in respect of proposed placement]*



# 3 Prospective and approved adopters

## OUTCOME

The adoption agency recruits and supports sufficient adopters from diverse backgrounds, who can offer children a stable and permanent home to achieve a successful and lasting placement.

## Information

### (i) STANDARD 3

- 3.1 **Plans for recruitment will specify that people who are interested in becoming adoptive parents will be welcomed without prejudice, will be given clear written information about the preparation, assessment and approval procedure and that they will be treated fairly, openly and with respect throughout the adoption process.**
- 3.2 A copy of the written eligibility criteria, information on becoming an adoptive parent and what is expected of adopters is provided on request. Those wishing to adopt from another country are also given information about any law or criteria for adoption which the overseas country has in place that they must operate within. They are informed of the processes that they must follow, the countries they may adopt from, and the eligibility criteria of those countries.
- 3.3 The adoption agency has systems in place to prioritise prospective adopters who are most likely to meet the needs of children waiting for adoptive parents.
- 3.4 Where the adoption agency has a specific eligibility criteria, eg because it has particular religious beliefs, or the prospective adopters do not meet the needs of local children waiting for an adoptive family, the prospective adopter is told what these are at the beginning of the process and, if necessary, is referred to another adoption agency.
- 3.5 Applicants are given information about the preparation and support services available to adopters, and given the opportunity to talk to others who have adopted children.
- 3.6 Clear and accurate information is given about children who need families locally, and to the extent that information is available across the country, to help prospective adopters decide whether to proceed further.

## Assessment and preparation

### (ii) STANDARD 4

- 4.1 Prospective adopters are involved in a formal, thorough and comprehensive assessment, preparation and approval process.**
- 4.2 There is a clearly set out preparation programme made available to all prospective adopters. Where applicable this also takes into account the particular needs of those who intend to adopt from another country.
- 4.3 All preparation fits within a framework of equal opportunities, anti-discriminatory practice and is organised to encourage and facilitate attendance by prospective adoptive parents, for example by including convenient times and venues.
- 4.4 The effectiveness of preparation received is evaluated and reviewed annually.
- 4.5 Where the prospective adopters are already foster carers of the child they wish to adopt, they are entitled to the same information and preparation as other prospective adopters.
- 4.6 Applicants are considered in terms of their capacity to look after children in a safe and responsible way that meets their development needs.
- 4.7 Prospective adopters are prepared to become adoptive parent/s in a sensitive way which addresses the issues they are likely to encounter and identifies the competencies and strengths they have or will need to develop.
- 4.8 Status, health and enhanced Criminal Record Bureau (CRB) checks, personal references and enquiries are undertaken about prospective adopters and enhanced CRB checks are undertaken on members of their household aged 18 or over and an explanation is given to prospective adopters as to why the checks are undertaken.
- 4.9 Prospective adopters are kept informed of progress throughout.

## Matching

### STANDARD 5

- 5.1 Approved adopters are given clear written information about the matching, introduction and placement process, as well as any support to facilitate this that they may need. This will include the role of the Adoption Register for England and Wales.**
- 5.2 Before a match is agreed, adopters are given accurate, up-to-date and full written information to help them understand the needs and background of the

child and an opportunity to discuss this and the implications for them and their family.

5.3 The adoption agency has a system in place to:

- ask adoptive parents whether they are prepared to agree to notify the adoption agency if their adopted child dies during childhood or soon afterwards;
- explain the importance for the birth family of having this information; and
- pass on the information to the birth parents if they wish to have it.

Written records are kept of the adoptive parents' decision and subsequent action.

5.4 Clear and appropriate information is obtained for the child from the prospective adopters about themselves and their home and when applicable, their children, family and pets.

## **Adoptive Parents - support**

### **STANDARD 6**

**6.1 Adoptive parents are helped and supported to provide stable and permanent homes for the children placed with them.**

6.2 The adoption agency has a clear strategy for working with and supporting adopters. This includes preparing them in advance of the child coming to live with them.

6.3 The adoption agency has arrangements in place to offer information, support and advice to prospective adopters who receive a proposed match with a child from an overseas authority.

6.4 The adoption agency clearly explains to the adoptive parents the importance of keeping safe any information provided by birth families via agencies and encourages them to provide this to the adopted child on request, or as they feel appropriate.

6.5 The adoption agency helps the adopters to understand the need for, and to develop, strategies to help the child address racism or other forms of discrimination.

6.6 The adoption agency clearly explains to the adoptive parents that to help the child develop and maintain a positive self-identity, they need to help and encourage the child to reflect on and understand her/his history, according to the child's age and ability, and to keep appropriate memorabilia.

6.7 Where there are difficulties in the placement or the adoption disrupts the adoption agencies involved co-operate to provide information and support to the adopters and to the child.

[Regulations: *Adoption Agencies Regulations 1983 – Adoption agency’s duties in respect of a prospective adopter, Criminal convictions of a prospective adopter, Adoption agency’s duties in respect of proposed placement, Placement for adoption*]

# 4 Birth Parents and Birth Families

## OUTCOME

Birth parents are entitled to services that recognise the lifelong implications of adoption. They will be treated fairly, openly and with respect throughout the adoption process.

### (iii) Involvement in adoption plans

(iv)

(v) **STANDARD 7**

**7.1 The service to birth parents recognises the lifelong implications of adoption.**

7.2 The adoption agency works with birth parents to enable effective plans to be made and implemented for their child(ren).

7.3 Birth parents' views about adoption and contact are clearly recorded.

7.4 Birth parents see and have the opportunity to comment on what is written about them or their circumstances before information is passed to the adoption panel or to adopters.

## Maintaining the child's heritage

(vi) **STANDARD 8**

**8.1 Birth parents and birth families are enabled to contribute to the maintenance of their child's heritage.**

8.2 Efforts are made to obtain for the child clear and appropriate information from the birth parents and birth families about themselves and life before the child's adoption. This will include information about the child's birth and early life, the birth family's view about adoption and contact and provide up-to-date information about themselves and their situation.

## Support

### STANDARD 9

- 9.1 The adoption agency has a clear strategy for working with and supporting birth parents and birth families (including siblings) both before and after adoption. This includes providing information about local and national support groups and services and helping birth parents to fulfil agreed plans for contact.**

[Regulations: Adoption Agencies Regulations 1983 – *Adoption agency's duties in respect of a child and his parents or guardian*]

# 5 Adoption Panels and Agency decisions

## OUTCOME

1. Each adoption agency has an adoption panel which is organised efficiently and is effective in making quality and appropriate recommendations about children suitable for adoption, the suitability of prospective adopters and the matching of children and approved adopters.
2. The adoption agency's decisions are made to promote and safeguard the welfare of children.

## Functions of Adoption Panels

### STANDARD 10

- 10.1 **Adoption panels have clear written policies and procedures about the handling of their functions and ensure that they are implemented.**
- 10.2 The policies and procedures should include the following though this is not an exhaustive list:
  - the appointment of the chair and vice-chair of the panel
  - dealing with ineffective or disruptive behaviour and attitudes
  - declaring an interest in a case under consideration
  - the rules for ensuring the panel is quorate
  - decision-making when members of the panel are not in agreement
  - emergency procedures for the adoption panel to meet before the next planned meeting to deal with urgent placements
  - the method of providing feedback to the agency on the quality of cases being presented to the panel
  - promotion of good practice and consistency of approach and fairness by panel members in assessing cases and
  - for receiving progress reports on individual cases.
- 10.3 Prospective adopters are given the opportunity to attend the adoption panel and be heard.

## Constitution and membership

### STANDARD 11

- 11.1 The adoption agency shall ensure that each adoption panel is properly constituted, that panel members have suitable qualities and experience to be a panel member and have regular training to allow them to keep up to date with changes in legislation, guidance and practice. Where the adoption agency is involved in intercountry adoption, each member of the adoption panel understands the implications of a child being adopted from overseas and seeks advice, when necessary, on the laws and eligibility criteria for the overseas country.
- 11.2 The adoption agency will provide each new panel member with an opportunity of observing an adoption panel.
- 11.3 No panel member is allowed to begin work until any relevant CRB and all status checks have been satisfactorily completed and they have signed a confidentiality agreement.
- 11.4 The adoption agency has systems in place to ensure:
- each panel member is given induction training which is completed within 10 weeks of becoming a panel member
  - there is an annual joint training day with the agency's adoption staff
  - members have access to appropriate training and skills development
  - members are kept abreast of relevant changes to legislation, regulation and guidance and
  - members receive training in the basic principles of the law and eligibility criteria for overseas adoption, where the voluntary adoption agency provides an intercountry adoption service.



## Timeliness

### STANDARD 12

- 12.1 Adoption panels are efficiently organised and conducted and are convened regularly to avoid any delays in the consideration of prospective adopters and matching children and adopters.**
- 12.2 Members of the adoption panel receive all the necessary information on the prospective/approved adopters and children in advance of the date the adoption panel will consider the cases.
- 12.3 The minutes of panel meetings are accurate and informative, and clearly state the panel's discussion, reasons for conclusions reached, and all recommendations made.

(vii) **Agency's decision**

(viii)

(ix) **STANDARD 13**

- 13.1 The adoption agency's decision is made without delay after taking into account the recommendation of the adoption panel and promotes and safeguards the welfare of the child.**
- 13.2 The decision-maker takes into account all the information surrounding the case and the panel's recommendation before making a considered and professional decision.
- 13.3 The adoption agency has arrangements to convey its decision, orally to the child, and in writing to the parents or guardian of the child and prospective/approved adopters, as appropriate.

[Regulation: Adoption Agencies Regulations 1983 – *Establishment of adoption panel and appointment of members, Tenure of office of members, Adoption agency arrangements for adoption work, Adoption panel functions, Adoption agency decisions and notifications, Adoption agency decisions and notifications – prospective adopters*].

(i) **6** *Fitness to provide or manage an adoption agency*

**OUTCOME**

The voluntary adoption agency is provided and managed by those with the appropriate skills and experience to do so efficiently and effectively and by those who are suitable to work with children.

**Skills to carry on or manage**

**STANDARD 14**

**14.1 The people involved in carrying on and managing the adoption agency:**

- **possess the necessary knowledge and experience of child care and adoption law and practice and**
- **have management skills and financial expertise to manage the work efficiently and effectively and**
- **ensure that it is run on a sound financial basis and in a professional manner.**

**14.2 The manager of a VAA has:**

- a professional qualification relevant to working in a child care setting, which must be either Care NVQ level 4, DipSW or professional social work equivalent and
- by 1 April 2005, a qualification at level 4 NVQ in management or another qualification which matches the competencies required by the NVQ Level 4 and
- by 1 April 2005 at least two years' experience of working in a child care setting, which may include managing a voluntary adoption agency or a local authority adoption service, within the past five years.

**14.3 For the transitional period in relation to management qualifications, appointees to the post of manager who have no such qualifications begin appropriate management training within six months of appointment.**

**14.4 The manager of a branch has:**

- a professional qualification relevant to working with children, which must be either Care NVQ level 4, DipSW or professional equivalent and
- by 1 April 2005 at least two years' experience of working in a child care setting, which may include managing a branch of a voluntary adoption agency or a local authority adoption service, within the past five years.

14.5 The manager exercises effective leadership of the staff and operation, such that the adoption agency is organised, managed and staffed in a manner that delivers the best possible child care.

14.6 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 agency, and states the person to whom the manager is accountable and who is responsible for ensuring that the manager carries out their duties and responsibilities. Any change in the person to whom they are accountable must be notified in writing to the manager.

## Suitability to carry on or manage

### STANDARD 15

**15.1 Any persons carrying on or managing the adoption agency are suitable people to run a voluntary organisation concerned with safeguarding and promoting the welfare of children.**

15.2 For the references set out in Schedule 2 of the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003, telephone enquiries are made to each referee to verify the written references.

15.3 The manager must have a satisfactory enhanced disclosure from the CRB.

15.4 CRB checks are renewed every three years.

[Regulations: Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 - *Fitness of registered provider, Appointment of manager, Fitness of manager, Registered provider and manager – general requirements, Notification of offences, Notice of absence, Notice of changes*]

# 7 Provision and management of the adoption agency

## OUTCOME

The adoption agency is organised and managed efficiently, delivering a good quality service and avoiding confusion and conflicts of role.

## **Managing effectively and efficiently**

### **STANDARD 16**

#### **16.1 The adoption agency is managed effectively and efficiently.**

- 16.2 The adoption agency ensures that it is run in accordance with its Statement of Purpose.
- 16.3 Clear arrangements are in place to identify the person in charge when the manager is absent.
- 16.4 There are clear roles for managers and staff and well established lines of communication and of accountability between manager and staff.
- 16.5 The adoption agency informs managers and staff of their responsibility to declare any possible conflicts of interest.
- 16.6 The adoption agency ensures that systems are in place which ensure that staff who work with children, prospective/approved adopters and birth parents, take into account and respect their racial origin, religion, culture, language, sexuality, gender and disability; for prospective adopters, their familiarity with adoption; and for birth parents their experience and understanding of adoption.
- 16.7 The adoption agency has clear and concise written procedures that cover arrangements for the use of services provided by the Adoption Register for England and Wales. This includes the provision of full and accurate information to the Register about:
- children who have a best interest decision in favour of adoption and, where care proceedings, where applicable, have been completed and
  - approved prospective adopters waiting for the identification of a child/ren.

## **Monitoring and controlling**

### **(4) STANDARD 17**

#### **17.1 There are clear written procedures for monitoring and controlling the activities of the adoption agency and ensuring quality performance.**

- 17.2 Information is provided to purchasers of services and others with a legitimate interest. This includes:
- charges for each of its services
  - statement of any amounts paid to adopters, and
  - itemised amounts paid for services.

- 17.3 Trustees or management committee members satisfy themselves that:
- all conditions of registration imposed on the adoption agency are met
  - the adoption agency is effective and achieves good outcomes for children.
- 17.4 Trustees or management committee members receive written reports on the management and outcomes of the services of the adoption agency every six months to be able to monitor progress.

### **Specialist Advisers**

#### **STANDARD 18**

- 18.1 The adoption agency has access to specialist advisers and services appropriate to its needs.**
- 18.2 There is a medical adviser available for consultation by staff and as a member of the adoption panel. The medical adviser can access specialist medical advice on behalf of the adoption agency.
- 18.3 There is a legal adviser available for consultation by staff and the adoption panel.
- 18.4 The adoption agency has procedures in place to access other specialisms according to its needs. This includes issues of race and culture, and specialist advice associated with adopting from another country.

18.5 There is a written protocol governing the role of specialist advisers, who should be suitably qualified and where applicable registered by the appropriate professional body.

[Regulations: Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 - *Fitness of registered provider, Appointment of manager, Fitness of manager, Registered provider and manager – general requirements, Arrangements for the protection of children*]

# 8 Employment and management of staff

## OUTCOME

The people who work in the adoption agency are suitable to work with children and young people and they are managed, trained and supported in such a way as to ensure the best possible outcomes for children waiting to be adopted or who have been adopted. The number of staff and their range of qualifications and experience are sufficient to achieve the purposes and functions of the adoption agency.

### (5) Suitability to work with children

#### (6) STANDARD 19

- (7) 19.1 Any one working in or for the adoption agency are suitable to work with children and young people and to safeguard and promote their welfare.
- 19.2 There are clear written recruitment and selection procedures for appointing staff which follow good practice in safeguarding children and young people. All personnel responsible for recruitment and selection of staff are trained in, understand and operate these.
- 19.3 All people working in or for the adoption 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.
- 19.4 All people working for the adoption 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.
- 19.5 No person is allowed to begin work until written confirmation has been received that the outcomes of all status, CRB and reference checks are satisfactory.
- 19.6 CRB checks for current staff which need to be updated because it is 3 years or more since the check was last carried out, remain effective for a further 12 months from the date the Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 came into force.

## **Qualifications**

### **Social Workers**

- 19.7 All social workers have a DipSW or equivalent professional social work qualification and have a good understanding of adoption.
- 19.8 By 1 April 2006 at least 20% of the adoption agency's social workers should have or be in the course of obtaining the Post Qualifying Child Care Award.
- 19.9 Social workers have appropriate knowledge and skills. These include:
- an understanding of: the Adoption Act 1976, the Adoption and Children Act 2002. The Adoption (Intercountry Aspects) Act 1999 and adoption regulations and guidance, relevant national policies and procedures, the Children Act 1989, the Children Act regulations and guidance, Working Together to Safeguard Children and associated child protection guidance, the Framework for the Assessment of Children in Need and their Families, the Integrated Children's System; the regulatory requirements under the Care Standards Act 2000, the UN Convention of the Rights of the Child and the Human Rights Act 1998.
  - Capacity to assess prospective adopters.
  - Knowledge of the growth and development of children and the effect of neglect, abuse and loss.
  - An ability to communicate with children and young people.
  - Understanding the importance of a complaint procedure.
  - An ability to promote equality, diversity and the rights of individuals and groups and
  - knowledge of the roles of other agencies, in particular health and education.
- 19.10 Social workers undertaking the assessment of adoptive parents for children, have experience of adoption and family placement work and are trained and experienced in assessment. Students and others who do not meet this requirement may carry out assessments under the supervision of someone who does, and who takes responsibility for the assessments.
- 19.11 Birth records counselling under section 51 of the 1976 Act is provided by workers who are trained and experienced in this type of counselling and have a thorough understanding of the legislation surrounding access to birth records and the impact of reunion on all parties.

### **Other Professional staff**



19.12 All medical advisers, educationalists, psychologists, therapists and other professional staff are professionally qualified and appropriately trained to work with children and young people, their families and adoptive parents, and have a good understanding of adoption.

### **Other staff**

19.13 Where unqualified staff carry out social work functions they do so under the direct supervision of qualified social workers, who are accountable for, and check, all their work.

19.14 Any support workers involved with birth parents have knowledge and understanding of the adoption process and whose work is supervised by a social worker.

### **Organisation and management of staff**

(8) STANDARD 20

**20.1 Staff are organised and managed in a way which delivers an efficient and effective service.**

20.2 Staff are managed and monitored by people who have appropriate skills and qualifications.

20.3 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.

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

20.5 There are structures and systems in place to ensure assessments and approvals of prospective adopters are managed and implemented effectively.-

20.6 Professional supervision and consultation are provided regularly for social workers by appropriately qualified and experienced staff.

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

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

20.9 Administrative procedures are appropriate for dealing promptly and courteously with enquiries from prospective adopters.

20.10 There is access to the range of advice needed to provide a full service for children and young people and to support prospective/approved adopters. This includes appropriate childcare, medical, educational and other professional and legal advice.

20.11 All employees, sessional workers and consultants are provided with appropriate written contracts, job descriptions and conditions of service which comply with the General Social Care Council (England) (GSCC) or Care Council for Wales (CCW) code of practice.

20.12 Staff have a copy of the:

- statement of purpose
- policies and working practices in respect of grievances and disciplinary matters
- services offered
- equal opportunities policy
- health and safety procedures
- complaint procedure
- GSCC's or CCW's Code of Practice.

(9) Sufficient staff with the right skills/experience

(10) STANDARD 21

**21.1 There is an adequate number of sufficiently experienced and qualified staff to meet the needs of the adoption agency and they are appropriately supported and assisted in providing a service.**

21.2 The full time equivalent staffing complement, in terms of numbers, grades, experience and qualifications, is adequate to meet, at all times, the needs of the adoption agency and is in line with the Statement of Purpose.

21.3 Where a shortfall in staffing levels occurs, there are contingency plans to resolve the situation in the short and long term.

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

## **Fair and competent employer**

(11) STANDARD 22

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

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

22.3 There is a written whistleblowing policy which is made known to all staff.

## **Training**

(12) STANDARD 23

**23.1 There is a good quality training programme to enhance individual skills and to keep staff up-to-date with professional and legal developments.**

23.2 There is a clear plan for the on-going training and appropriate professional and skills development of all staff involved in child care and adoption work through induction, NVQ training for non-social workers, 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 six weeks linked to TOPSS Induction Standards in England and, in Wales, in line with the induction framework produced by the CCW.

23.3 There is an appraisal or joint review scheme which identifies the training and development needs of all staff involved in adoption work. Individual programmes of training are available, outcomes are monitored and linked to assessment of staff needs, and relate to the tasks assigned to them.

23.4 The adoption agency keeps all staff abreast of any changes in legislation, guidance and case law relevant to their job and gives them the opportunity to attend regular staff and team meetings and discuss current practice.

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

23.6 Training programmes reflect the policies and legal obligations of the adoption agency.

## **Right to make a complaint**

(i)

(ii) **STANDARD 24**

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

24.2 The adoption agency will advise staff, others involved with the adoption agency, those in receipt of a service or those who have been refused a service, about their right to make a complaint. Procedures are in place to help children to make a complaint if this is required.

24.3 The written complaint procedure is provided to all staff and is readily available on request.

24.4 The complaints procedure:

- includes information on how to make a complaint

- does not restrict the issues that may be complained about
- specifies how complaints will be handled
- provides information on other avenues for complaint, where appropriate, the right and means for all concerned to access the complaints procedure of local authorities, the NCSC's Children's Rights Director, the Care Standards Inspectorate for Wales, the National Commissioner for Local Administration and the Children's Commissioner for Wales
- is accessible to the disabled and to those with sensory and learning impairments and to those whose first language is not English

24.5 Any complaint is addressed seriously and without delay.

24.6 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 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.

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

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

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

[Regulations: Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 - *Staffing of agency, Fitness of workers, Employment of staff, Staff disciplinary procedure, Complaints, Complaints - further requirements*]

# 9 Records

## **OUTCOME**

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

## **Case records for children and prospective/approved adopters**

### **STANDARD 25**

**25.1 The adoption agency ensures comprehensive and accurate case records are maintained for each child, prospective and approved adopters with whom the adoption agency has worked.**

25.2 The adoption agency has written policy and procedural instructions to:

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

Staff, panel members and specialist advisers understand the instructions and compliance is monitored.

25.3 Records are kept of status, health and CRB checks, enquiries and written references that have been obtained for adopters and CRB checks that have been obtained for adults aged 18 or over living in their household, and their outcomes.

25.4 The system for keeping records is congruent with the Looking After Children System/Integrated Children's System.

25.5 Decisions by supervisors are recorded on case files and are legible, clearly expressed, signed and dated.

## **Access to records**

### **STANDARD 26**

**26.1 The adoption agency provides all relevant information from its case files, in a timely way, to other adoption agencies and local authorities with whom it is working to effect the placement of a child.**

26.2 The adoption agency has a written policy and procedural instructions which takes into account the requirements of the Data Protection Act and the Human Rights Act and covers:

- 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 Agencies Regulations 1983, both within and outside the agency, for the purposes of its functions as an adoption 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 agency may make case records or information available, a written agreement must be obtained from the person to whom the adoption 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 agency, including the adoption agency's own members and employees, and members of its adoption panel.

## **Administrative records**

### **STANDARD 27**

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

27.2 Separate records are kept for:

- staff, employed and independent/sessional, and students
- complaints
- allegations.

27.3 There is a system to monitor the quality and adequacy of records, and remedial action is taken when necessary.

- 27.4 Confidential records are stored securely at all times and there is a clear written policy on access.
- 27.5 Written entries in records are legible, clearly expressed, non-stigmatising, distinguish between fact, opinion and third party information and are signed and dated.
- 27.6 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, prospective/approved adopters, birth parents, birth family and children – including details of the investigation, conclusion reached and action taken. Separate records are also kept which bring together data on allegations and on complaints.

## **Personnel files for members of staff and members of adoption panels**

### **STANDARD 28**

**28.1 Up-to-date, comprehensive personnel files are maintained for each member of staff and member of the adoption panel.**

28.2 Records are kept of:

- qualifications
- status
- CRB checks, enquiries and references that have been obtained and their outcomes.
- experience of working in a child care setting
- training undertaken
- complaints made against a member of staff or a member of the adoption panel
- disciplinary action

CRB checks are renewed every three years.

[Regulations: The Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 - *Records with respect to staff*. Adoption Agencies Regulations 1983 - *Adoption agency's duties in respect of a child and his parents or guardian, Adoption agency's duties in respect of a prospective adopter, Confidentiality and preservation of case records, Access to case records and disclosure of information, Transfer of case records* ]

# 10 Fitness Of Premises

## (iii) OUTCOME

The premises used by the adoption agency are suitable for the purpose.

### Premises

#### Standard 29

##### **29.1 Premises used by the adoption agency are appropriate for the purpose.**

29.2 There are identifiable office premises to which staff and others with a legitimate interest have access during normal office hours.

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

- facilities for the secure retention of records in a lockable room
- appropriate measures to safeguard IT systems and
- an appropriate security system.

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

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

[Regulation: Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 - *Fitness of premises*]



# 11 Financial Requirements

## (iv) OUTCOME

The Voluntary Adoption Agency is non-profit making and is financially viable.

### Financial viability

#### STANDARD 30

**30.1 The adoption agency ensures it is financially viable at all times and has sufficient financial resources to fulfil its obligations.**

30.2 Procedures exist to deal with situations of financial crisis. This may include disclosing information to purchasers and liaising with them to safeguard the welfare of children receiving services through the adoption agency.

### Financial processes

#### STANDARD 31

**31.1 The financial processes/systems are properly operated and maintained in accordance with sound and appropriate accounting standards and practice.**

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

31.3 The adoption 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, directors and trustees.

which are communicated to its managers and accountants.

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

31.5 The adoption agency's trustees or management committee members regularly receive written information on the financial state of the adoption agency.

[Regulations: Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003 - *Financial position, Appointment of liquidators etc, Notice of changes*]