

To: Business Committee
From: Jane Hutt AM
Minister for Health and Social Services

EXPLANATORY MEMORANDUM

THE VOLUNTARY ADOPTION AGENCIES AND THE ADOPTION AGENCIES (MISCELLANEOUS AMENDMENTS) REGULATIONS 2003

Summary

The effect of the Regulations is to bring voluntary adoption agencies in England and Wales within the Care Standards regime and establish minimum standards that they must attain in order to be registered. Voluntary adoption agencies with the head office in Wales will be inspected and registered by the Care Standards Inspectorate for Wales and those in England by the National Care Standards Commission.

These regulations and standards are joint England and Wales instruments in recognition of the fact that such agencies, by their nature, operate across England and Wales and that a standard approach to registration and regulation is therefore desirable.

1. This memorandum is submitted to the National Assembly for Wales in relation to the Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments Regulations) 2003, in accordance with Standing Order 23.9.
2. A copy of the Instrument and the associated National Minimum Standards is submitted with this Memorandum.
3. The power(s) enabling this Instrument to be made are contained in under section 9(2) and 2(A) and 67(5) of the Adoption Act 1976 and sections 16(2), 34(1) and 118(5) and (6) of the Care Standards Act 2000.
4. The Care Standards Act 2000 Act provides for the registration and inspection of establishments and agencies, including voluntary adoption agencies, by the registration authority. Part II of the 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.
5. The regulations and the associated standards are joint England and Wales instruments in recognition of the fact that voluntary adoption agencies, by their nature, operate across England and Wales and a standard approach to registration and regulation is therefore desirable.

Financial Implications

6. The financial implications of the making of the Instrument are minimal and specific concessions with regard to registration fees have been introduced to reduce the financial impact on small agencies and branches of agencies. There is only one agency with a head office in Wales and two agencies with branches in Wales. The

majority of the 34 registered agencies are based in England. There are no significant additional financial implications for other bodies on individuals in Wales.

Regulatory Appraisal

7. A regulatory impact appraisal has been carried out in relation to this Instrument and is attached.

Consultation

With Stakeholders

8. The draft Regulations and Minimum Standards were published for consultation in October 2002. The vast majority of respondents are in favour of the proposals. Concerns have been considered and where appropriate addressed through amendments in finalising the Regulations and minimum standards.

With Subject Committee

9. The Order has been included in the list of forthcoming legislation put to committee but has not been identified for scrutiny.

Recommended Procedure

10. As the financial implications of the making of the Instrument are minimal and specific concessions with regard to registration fees have been introduced to reduce the financial impact on small agencies and branches of agencies. I recommend that the Instrument proceeds to Plenary for vote without debate.

Compliance/Statutory Cross-Cutting Themes

11. As far as is applicable, the proposed legislation:

- has due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 Section 120);
- is compatible with the Assembly's scheme for sustainable development (Section 121);
- is compatible with Community law (Section 106);
- is not incompatible with relevant rights under the European Convention on Human Rights (Section 107);
- is compatible with international obligations binding the UK Government and the Assembly (Section 108).

12. This memorandum has been cleared with the Office of the Counsel General.

13. The policy division contact is Mr C J Burdett, ext.3936.

Date..... **Assembly Secretary**.....