

SL(5)511 – The Adoption Agencies (Wales) (Amendment) Regulations 2020

Background and Purpose

The Adoption Agencies (Wales) (Amendment) Regulations 2020 (“the Regulations”) are to be read in conjunction with the Adoption Agencies (Wales) (Amendment) (no.2) Regulations 2020.

The Regulations amend the Adoption Agencies (Wales) Regulations 2005 which 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 by:

- Substituting a new Part 4 (Duties of Adoption Agencies in Respect of a Prospective Adopter) which:
 - makes provision for the assessment and approval of prospective adopters by adoption agencies by introducing a new time-limited two-stage process for that assessment and approval, which can be extended in certain circumstances. In Stage One (the pre-assessment process, which is limited to two months) all prescribed checks, including criminal record and health checks, are conducted. In Stage Two (the assessment decision, which is limited to four months) the adoption agency reaches a decision about the suitability of the prospective adopter;
 - introduces a fast-track process to allow certain previous adopters or foster parents to proceed straight to the Stage Two assessment process.
- Inserting a requirement on adoption agencies to refer a child to the Adoption Register for Wales within one month of the date on which the adoption agency was authorised to place the child for adoption, and to refer a prospective adopter to the Adoption Register within one month of the date on which the agency decided that the prospective adopter was suitable to adopt a child.
- Clarifying that the requirement on an adoption agency to request a Welsh family proceedings officer or an officer of CAFCASS to witness the consent of a parent or guardian to the placement or adoption of a child in their care only applies where the parent or guardian resides in England and Wales.
- Requiring an adoption agency to arrange for the appointment of an authorised person to witness a parent or guardian’s consent to the placement or adoption of a child in their care, where the parent or guardian resides outside England and Wales.

The Regulations are made under sections 9(1)(a), 11(2) and (3), 12(1), 45(1), 54, 83(4) and (5), 140(7) and (8) and 142(5) of the Adoption and Children Act 2002, and sections 174(7) and 196(2) of the Social Services and Wellbeing (Wales) Act 2014.

Procedure

Negative.



Technical Scrutiny

One technical point is identified for reporting under Standing Order 21.2(vi) in respect of this instrument.

It is unclear why the information set out in new paragraph 26(f) (inserted by regulation 10 of the Regulations) is not required to be submitted to the Adoption Panel with the other information set out in new sub-paragraph 30(6)(b), as it is of a similar nature.

Merits Scrutiny

No merits points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Implications arising from exiting the European Union

No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

The technical point is noted. It is Welsh Government's intention that the information set out in new regulation 26(f) is required to be submitted to the adoption panel with the other information set out in new regulation 30(6)(b). The reference in new regulation 30(6)(b) to regulation 26(b) to (e) should be a reference to regulation 26(b) to (f). Welsh Government is considering the means by which to correct this typographical error at the earliest opportunity.

Legal Advisers

Legislation, Justice and Constitution Committee

2 March 2020

