

Y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol

HSS(2)-03-07(p3)

Dyddiad: Dydd Mercher 7 Chwefror 2007

Lleoliad: Ystafell Pwyllgor 3, Senedd, Cynulliad Cenedlaethol Cymru

Teitl: Rheoliadau Gwasanaethau Mabwysiadu Awdurdodau Lleol (Cymru) 2007

Pwrpas

Yn ei gyfarfod ar 28 Medi 2006, penderfynodd y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol y dylai drafod Rheoliadau drafft Gwasanaethau Mabwysiadu Awdurdodau Lleol (Cymru). Bydd y rheoliadau'n destun trafod a phleidlais wedi hynny yn y cyfarfod llawn ar 28 Mawrth 2007. Rwyf wedi amgau'r rheoliadau drafft yn Atodiad 1.

Mae rheolau sefydlog 9 a 22 yn caniatáu pwyllgorau pwnc i drafod is-ddeddfwriaeth, deddfwriaeth sylfaenol a chyfreithiau Ewropeaidd sy'n effeithio ar Gymru.

Crynodeb

Mae'r rheoliadau'n cynnig fframwaith ar gyfer rheoleiddio gwasanaethau mabwysiadu awdurdodau lleol ac yn ei gwneud yn ofynnol bod y Cynulliad Cenedlaethol yn eu harchwilio.

Y Cefndir

Yn ôl pennod 6 Deddf Iechyd a Gofal Cymdeithasol (Iechyd a Safonau Cymunedol) 2003, mae'r Cynulliad Cenedlaethol i archwilio gwasanaethau awdurdodau lleol.

Y Rheoliadau

Mae prif amodau'r Rheoliadau wedi'u crynhoi isod:

Mae **Rheoliad 1** yn dweud pryd y bydd y rheoliadau'n dod i rym, a'u bod yn gymwys i Gymru.

Mae **Rheoliad 2** yn diffinio'r termau sy'n ymddangos yn y rheoliadau.

Mae **Rheoliadau 3 a 4 a 5** yn ei gwneud yn ofynnol i bob awdurdod lleol sy'n darparu gwasanaeth mabwysiadu baratoi datganiad o bwrpas fydd yn gosod allan amcanion a nodau'r gwasanaeth. Bydd hefyd yn paratoi llawlyfr i blant. Rhaid cynnal y gwasanaeth mewn ffordd sy'n gyson â'r datganiad o bwrpas, rhaid adolygu'r datganiad yn rheolaidd a rhaid hysbysu'r Cynulliad Cenedlaethol am unrhyw newidiadau iddo o fewn 28 diwrnod.

Mae **Rhan 2** yn ymdrin â'r bobl fydd yn rheoli'r gwasanaeth, ac mae'n gwneud yn ofynnol bod gwybodaeth foddhaol ar gael mewn cysylltiad â'r materion a ragnodir yn Atodlen 3, hynny yw rhaid i'r rheini sy'n cael eu cyflogi i weithio i'r gwasanaeth mabwysiadu ddarparu:

- Prawf adnabod gan gynnwys ffotograff diweddar;
- Canlyniad archwiliadau perthnasol a diweddar gan y Swyddfa Cofnodion Troseddol;
- Dau dystlythyr ysgrifenedig, gan gynnwys un gan y cyflogwr diweddaraf;
- Os oedd y swydd ddiwethaf yn ymwneud â phlant neu oedolion bregus, pam y daeth i ben;
- Tystiolaeth ddogfennol o gymwysterau perthnasol;
- Hanes gyrfaol llawn gyda datganiad ysgrifenedig boddhaol i esbonio cyfnodau heb waith.

Mae **Rhan 3** yn ymdrin ag ymddygiad y gwasanaeth, staffio a ffitrwydd gweithwyr, priodoldeb yr adeiladau, ymdrin â chwynion a chadw cofnodion.

Goblygiadau Ariannol

Nid oes goblygiadau ariannol i'r Cynulliad o wneud y rheoliadau gan fod y Cynulliad eisoes yn eu harchwilio.

Themâu Trawsbynciol

Bu'r Rheoliadau hyn yn destun ymgynghori helaeth gydag awdudodau lleol ac asiantaethau gwirfoddol.

Camau i'r Pwyllgor Pwnc eu Cymryd

Gwahoddir y pwyllgor i ystyried y rheoliadau cyn iddynt fynd yn eu blaenau ar eu taith ddeddfwriaethol trwy'r Cynulliad.

Brian Gibbons

Y Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol

Pwynt Cyswllt: Freda Lewis

To: Business Committee

From: Brian Gibbons AM
Minister for Health and Social Services

EXPLANATORY MEMORANDUM

CHILDREN AND YOUNG PERSONS, WALES

SOCIAL CARE, WALES

LOCAL AUTHORITY ADOPTION SERVICE (WALES) REGULATIONS 2007

Summary

These Regulations will provide a regulatory framework for the inspection of local authority adoption services by the National Assembly for Wales. The Regulations require that each local authority providing an adoption service must have a statement of purpose setting out the aims and objectives of the service and a children's guide. The service must be carried on in a manner, which is consistent with the statement of purpose. They make provision about the persons managing the service and about the conduct of the service, staffing and fitness of workers, the suitability of the premises and about complaints and record keeping.

1. This memorandum is submitted to the Assembly's Business Committee in relation to the Local Authority Adoption Service (Wales) Regulations 2007 in accordance with Standing Order 24.6.
2. A copy of the Instrument is submitted with this Memorandum.

Enabling Power

3. The powers enabling this Instrument to be made are contained in sections 9(1) and (3), 10 and 140(1) of the Adoption and Children Act 2002 and sections 50 and 118(1) and (5) to (7) of the Care Standards Act 2000. These powers have been conferred on the National Assembly for Wales. Responsibility for issues relating to these Regulations has been delegated to my portfolio as Minister for Health and Social Services.

Effect

4. These Regulations provide a regulatory framework for the inspection of local authority adoption services. They provide for the inspection of local authority adoption services by the Assembly. The aim is to improve successful outcomes for those children whose best interests are served by being placed for adoption by ensuring the quality of services provided.
5. The Adoption and Children Act 2002 was brought fully into force in Wales on 30 December 2005. The inspection of local authority adoption services is currently covered by the Local Authority Adoption Service (Wales) Regulations 2005 but these do not cover the full extended range of adoption services brought in under the Adoption and Children Act 2002 and its associated Regulations on 30 December 2005.
6. The key elements of the regulatory framework are:
 - each local authority providing an adoption service must have a statement of purpose setting out the aims and objectives of the service and a children's guide;
 - the service must be carried on in a manner which is consistent with the statement of purpose;
 - the person managing the service must satisfy certain criteria and specific information must be available; and
 - the provision about the conduct of the service, staffing and fitness of workers, suitability of the premises, complaints and record keeping.

Target Implementation

7. It is intended that these Regulations will be made on 28 March 2007 and will come into force on 2 April 2007. If these target dates are not met then adoption services will not be made subject to comprehensive inspection and the delivery of quality adoption services in line with the provision of the Adoption and Children Act 2002 and its associated Regulations will not be achieved.

Financial Implications

8. There are no financial implications associated with the making of these Regulations. The Assembly currently inspects local authority adoption services so there are no additional financial requirements for the Assembly, local authorities or others arising from the making of these Regulations.

Regulatory Appraisal

9. A Regulatory Appraisal has been carried out in relation to these Regulations and is attached.

Consultation

With Stakeholders

10. The Welsh Assembly Government has consulted other key government interests, including the Social Services Inspectorate Wales and the Care Standards Inspectorate for Wales. These Regulations were issued for full public consultation for three months from 20 June 2006 to 12 September 2006. All relevant

stakeholders were consulted and a list of consultees is attached at annex 1 to the Regulatory Appraisal. 6 written responses were received and a summary of these responses can be found at annex 2 to the Regulatory Appraisal. A consultation event was also held in mid-Wales at which 50 people attended from local authorities, the NHS and the voluntary sector.

11. The key issues raised by those who responded to the consultation exercise related to the requirement for the manager to have a NVQ level 4 or equivalent qualification or to be undertaking the qualification at the time of appointment as it was felt this was unachievable. Following discussion with regulators and the Care Council for Wales there has been no modification to the drafted Regulation.

With Subject Committee

12. These Regulations were notified to the Health and Social Services Committee, via the list of forthcoming legislation, on 28 September 2006 (HSS(2)-13-06 (p.2a) item no. HSS 32 (06)), and were identified for detailed scrutiny on the same day. The Regulations are scheduled for scrutiny at Committee on 7 February 2007.

Recommended Procedure

13. Subject to the views of the Business Committee, I recommend that these Regulations proceed to plenary under the Standard procedure, to give Members an opportunity to debate them.

Compliance

14. The proposed legislation will (as far as is applicable):
- have due regard to the principle of equality of opportunity for all people (Government of Wales Act 1998 section 120);
 - be compatible with the Assembly's scheme for sustainable development (section 121);
 - be compatible with Community law (section 106);
 - be compatible with the Assembly's human rights legislation (section 107);
 - be compatible with any international obligations binding the UK Government and the Assembly (section 108).

15. The information in this Memorandum has been cleared by the Directorate of Legal Services (DLS).

16. Drafting Lawyer : Huw Rowlands ext 5034
17. Head of Team: Mike Burns ext 6535
18. Policy Division Contact: Freda Lewis ext 3676

BRIAN GIBBONS AM
MINISTER FOR HEALTH AND SOCIAL SERVICES

JANUARY 2007

REGULATORY APPRAISAL

CHILDREN AND YOUNG PERSONS, WALES

SOCIAL CARE, WALES

THE LOCAL AUTHORITY ADOPTION SERVICE (WALES) REGULATIONS 2007

Purpose and intended effect of the measure

1. These Regulations provide a regulatory framework for the inspection of local authority adoption services. They provide for the inspection of local authority adoption services by the Assembly. The aim is to improve successful outcomes for those children whose best interests are served by being placed for adoption by ensuring the quality of services provided.
2. The aim of these Regulations is to improve outcomes for those children whose best interests are served by being placed for adoption by ensuring the quality of services provided.
3. The key elements of the regulatory framework are:
 - each local authority providing an adoption service must have a statement of purpose setting out the aims and objectives of the service and a children's guide;
 - the service must be carried on in a manner which is consistent with the statement of purpose;
 - the person managing the service must satisfy certain criteria and specific information must be available; and
 - to make provision about the conduct of the service, staffing and fitness of workers, suitability of the premises, complaints and record keeping.

Risk Assessment

The Regulations implement a framework to support inspection of local authority adoption services. These services are currently inspected by the Care Standards Inspectorate for Wales, but following the full implementation of the Adoption and Children Act 2002 these revised Regulations will enable the inspection of services against requirements under Regulations made under the 2002 Act. Without these Regulations the inspection of local authority adoption services would be based on outdated provisions which would result in key elements of adoption services not being subject to inspection.

Options

Option 1: Do Nothing

5. This option would mean inspection of local authority adoption services would not cover key elements of the service covered by Regulations made under the Adoption and Children Act 2002.

Option 2: Make the Legislation

6. Making the Regulations would enable a comprehensive inspection of adoption services.

Benefits

7. The making of these Regulations will ensure that adoption services are subject to comprehensive inspection and will support the delivery of quality adoption services in line with the provision of the Adoption and Children Act 2002 and its associated Regulations.

Costs

8. There are no financial implications associated with the making of these Regulations. The Assembly currently inspects local authority adoption services so there are no additional financial requirements for the Assembly, local authorities or others arising from the making of these Regulations.

Enforcement and Sanctions

9. Local authorities will be required to comply with these Regulations. The Care Standards Act 2000 established the National Assembly for Wales as the registration authority in Wales. The Assembly, through the Care Standards Inspectorate for Wales is responsible for the inspection of local authority adoption services in Wales.
10. The Welsh Assembly Government does not expect that any significant extra work for the registration authority will ensue from these Regulations.
11. If these Regulations are breached, the registration authority will decide what action to take. If the breach was considered to be minor, it is likely the registration authority would note this in its inspection report and send a written warning. If the Regulations had been persistently flouted, or the breach was substantial or serious, the registration authority will consider referring the matter to the Social Services Inspectorate for Wales, with the possibility of action being taken against the authority under the powers in the Local Authority Social Services Act 1970.
12. In addition, the Adoption and Children Act 2002 provides powers for an offence to have been committed when Regulations made under that Act have been contravened. Ministers will be notified about any failure of local authorities through a variety of sources, including the Care Standards Inspectorate for Wales (CSIW) and the Social Services Inspectorate Wales (SSIW).

Consultation

With Stakeholders

13. The Welsh Assembly Government has consulted other key government interests, including the Social Services Inspectorate Wales and the Care Standards Inspectorate for Wales. These Regulations were issued for full public consultation for three months from 20 June 2006 to 12 September 2006. All relevant stakeholders were consulted and a list of consultees is attached at annex 1. 6 written responses were received and a summary of those responses can be found at annex 2. A consultation event was also held in mid-Wales at which 50 people attended from local authorities, the NHS and the voluntary sector.

The key issues raised by those who responded to the consultation exercise related to the requirement for the manager to have a NVQ level 4 or equivalent qualification or to be undertaking the qualification at the time of appointment as it was felt this was unachievable, the regulations have therefore been amended to allow those appointed to the post of manager 3 years to complete the qualification .

With Subject Committee

14. These Regulations were notified to the Health and Social Services Committee, via the list of forthcoming legislation, on 28 September 2006 (HSS(2)-01-04 (P.4a) item no. HSS 32 (06)), and were identified for detailed scrutiny.

Summary and Recommendation

15. The Welsh Assembly Government considers that, as drafted, these Regulations will support the inspection of local authority adoption services and should be made.

Annex 1 – List of Consultees

The Chief Executive
The Director of Social Services
The Director of Education
The Head of Legal Services
The Head of Children’s Services
The Adoption Manager
Local Authorities, Wales
The Chief Executive, Local Health Boards, Wales
The Chief Executive, NHS Trusts, Wales
The Chief Executive CSIW
The Chief Officer of Voluntary Adoption Agencies, Wales
The Children’s Commissioner for Wales
The Secretary, Welsh Local Government Association
The Secretary, ADSS in Wales
The Chief Executive, Children in Wales
The Chief Executive, Voices from Care
The Director, CAF/CASS Cymru
Designated Doctors and Nurses

Annex 2 – Summary of consultation responses

'The Draft Local Authority Adoption Services (Wales) Regulations 2006 & Draft National Minimum Standards' document was widely distributed to interested parties inviting comments on the proposed regulations by the 12th September 2006. Some written replies were received and this was in addition to a consultation event held in Newtown, Powys where 50 people attended representing Local Authorities, Health Services and the Voluntary Sector.

General Responses

The responses were received as a written reply as follows:

RESPONDENT	WRITTEN	EVENT
Local Authority	5	50
Health Services	1	0
Voluntary Adoption Agency	0	0
User Group	0	0
Miscellaneous	0	0
TOTAL	6	50

The consultation events provided a discussion forum indicating broad agreements across the sectors; this was reflected in the written responses. All who took part in this consultation welcomed the consultation and the proposals.

The main findings of the consultation, which are summarised below, have been noted and the final regulations and guidance for The Draft Local Authority Adoption Services (Wales) Regulations 2006 & Draft National Minimum Standards ' will reflect this.

Draft Local Authority Adoption Service (Wales) Regulations 2006 & National Minimum Standards

Question 1: We intend that the regulations and standards should be service user centred and proportionate, achievable and affordable over time. Have we achieved these aims?

The majority of respondents agreed that the aims had been met. Although one respondent felt that the language was a little technical for a public document.

Question 2: Are the draft regulations clear and understandable?

The majority of respondents agreed that they were. Again it was felt that the language needed to recognise public access and be contextualized to legal and practice outcomes.

Question 3: Are the standards clear and helpful? Have we achieved these aims?

The standards were thought to be clear, understandable and helpful with the aims achieved.

Question 4: Do the regulations and standards fit together to give a complete picture?.

All respondents agreed that they did.

Question 5: Your comments on the text of the individual standards would be very helpful. If you wish to comment on any individual standard, please complete below:

Standard number Standard 2, 7& 10

a) Do you agree or disagree with the standard? Disagree

b) if you disagree, please give your proposed amendment/alternative.

Standard 2: It was suggested that the requirement for a summary of the Statement of Purpose be removed from inclusion in the Children's Guide. The concern being that the required contents in the standards are overly loaded towards providing information about organisations rather than promoting and understanding of adoption for the child. It was pointed out that the great majority of children receiving the guide will be under 8.

Standard 7: The regulation refers to 'natural parents' but the standard refers to 'birth parents' Suggest term 'birth parents' be used throughout for consistency.

Standard 10: The requirement for the manager to have a NVQ level 4 or equivalent or to be undertaking the qualification at the time of appointment is unachievable. Normally staff will have to be acting in a managerial capacity to commence this qualification. Social workers who are not currently managers would be disqualified from applying and will be unable to appoint to this key post. This should be replaced by a requirement that the manager undertakes the qualification post appointment and completes it within 2 years

Question 6 : Overall

Overall, in assisting you in interpreting the requirements set out in the Regulations do you find the standards:

Very helpful?

Helpful?

Not very helpful?

Not at all helpful?

Comment:

How could we make the standards more helpful and accessible?

It was felt that the standards were helpful but one local authority felt that 'planning' and progressing plans and matching were missing from the standards and they would want this included.

REGULATORY IMPACT ASESMENT

Question 7: Impact of the Regulations

Do you agree with the assessment made on the likely impact of the draft regulations?

No, assessment too high?

Yes, assessment about right?

No, assessment too low?

No view?

With the exception of one response who commented that it was too low all other respondents felt it was about right.

Question 8-Benefits

Is the assessment of the benefits of the Regulations

Too positive

About right

Too negative

No view

Again all respondents apart from one felt that the assessment of the benefits was 'about right'.

Comment:

Question 9 - General comments:

Please use this space for any general comments that you may have. Comments on the layout of this consultation would also be welcome.

Comment:

Part 3 - paragraph 13 - **Protection of Children**

There appear to be no arrangements in the adoption regulations for referral of an existing adopter or approved adopter, to the Protection of Children Act list, if there are significant concerns regarding harm to children.

Costs and Benefits section- paragraphs 21-28

These paragraphs clearly state that there will be no additional costs to Local authorities or the NafW.

However the new adoption regulations have never consider the impact on NHS Trusts (and LHB's) of:

Providing the medical advisor (registered medical practitioner with expertise in adoption, usually a paediatrician) to the adoption panel.

Providing sufficient protected time for the medical advisor to perform to the high standard required in:

Attending adoption panel

Preparing for the adoption panel which would include:

- Considerations in respect of prospective adopters
- Home visits to prospective adopters
- Assessment of children for adoption
- Post-adoption support
- Maintenance for CPD for adoption work

The regulations state an adoption panel must have a medical advisor. Perhaps it could be clarified in regulations if it is not already there, that LHB's in their commissioning arrangements with NHS Trusts have a responsibility to ensure that medical advisors with expertise in adoption work are available and have sufficient protected time for the work

It was felt that ministers should be informed of the concerns expressed on the consultation day regarding the CRB disclosure issues:-

That CRB disclosures are not possible on 16 and 17 year olds living in the household.

That the relevant Police Act does not allow for CRB disclosures in respect of Adoption Panel members (the POCA guidance implies that POCA checks are possible- so is there a conflict?)

The time element for the medical advisor is onerous and has never been fully costed by recent consultations/regulations. In addition LHB's and NHS Trusts need to be properly informed by WAG of their statutory responsibility in respect of the above. This has never been reflected in any financial impact assessment and funding streams.

The standards have been effectively 'pruned down' to the basic requirements and are presented in a helpful format.

Conclusions

The written responses highlighted concerns for medical advisors working in the field of adoption but the majority of written responses were positive with regard to both the regulations and the standards.

NATIONAL ASSEMBLY FOR WALES

S T A T U T O R Y I N S T R U M E N T S

2007 No. (W.)

SOCIAL CARE, WALES

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Local Authority Adoption
Service (Wales) Regulations 2007**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Adoption and Children Act 2002 (“the 2002 Act”) and the Care Standards Act 2000 (“the 2000 Act”) and apply to Welsh local authorities. They replace the Local Authority Adoption Service (Wales) Regulations 2005. They provide a regulatory framework for local authority adoption services. Chapter 6 of the Health and Social Care (Community Health and Standards) Act 2003 provides for the inspection of local authority services by the National Assembly for Wales (“the National Assembly”).

Regulations 3 and 4 require that each local authority providing an adoption service must have a statement of purpose setting out the aims and objectives of the service and a children’s guide. The service must be carried on in a manner which is consistent with the statement of purpose.

Part 2 makes provision about the persons managing the service, and requires satisfactory information to be available in relation to the matters prescribed in Schedule 3.

Part 3 makes provision about the conduct of the service, staffing and fitness of workers, the suitability of the premises, complaints and record keeping, and for reviewing the quality of service.

2007 No. (W.)

SOCIAL CARE, WALES

**The Local Authority Adoption
Service (Wales) Regulations 2007**

Made 28 March 2007

Coming into force 2 April 2007

ARRANGEMENT OF REGULATIONS

PART 1

GENERAL

1. Title, commencement and application
2. Interpretation
3. Statement of purpose
4. Children's guide
5. Review of statement of purpose and children's guide
6. Requirement to open a child's case record
7. Natural Parents
8. Prospective adopters and approved adopters
9. Adoption Panels

PART 2

MANAGERS

10. Appointment of manager
11. Fitness of manager
12. General requirements
13. Notification of offences

PART 3

**CONDUCT OF LOCAL AUTHORITY
ADOPTION SERVICE**

14. Arrangements for the protection of children
15. Staffing
16. Fitness of workers
17. Employment of staff
18. Staff disciplinary procedure
19. Arrangements for the absence of manager
20. Records with respect to staff

21. Fitness of premises
22. Review of quality of service
23. Assessment of service
24. Compliance notification
25. Complaints
26. Notifiable events

**PART 4
MISCELLANEOUS**

27. Revocation of regulations

**SCHEDULE 1
INFORMATION TO BE INCLUDED IN THE
STATEMENT OF PURPOSE**

**SCHEDULE 2
INFORMATION TO BE INCLUDED IN THE
CHILDREN'S GUIDE**

**SCHEDULE 3
INFORMATION REQUIRED IN RESPECT
OF PERSONS SEEKING TO MANAGE OR
WORK FOR THE PURPOSES OF THE
ADOPTION SERVICE**

**SCHEDULE 4
RECORDS TO BE KEPT IN RELATION TO
EACH PERSON WORKING FOR THE
PURPOSES OF THE ADOPTION SERVICE**

The National Assembly for Wales in exercise of the powers conferred upon it by sections 9(1) and (3), 10 and 140(1) of the Adoption and Children Act 2002⁽¹⁾ and sections 50 and 118(1) and (5) to (7) of the Care Standards Act 2000⁽²⁾ hereby makes the following Regulations:-

⁽¹⁾ 2002 c.38
⁽²⁾ 2000 c.14

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Local Authority Adoption Service (Wales) Regulations 2007 and they come into force on 2 April 2007.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“adoption service” (“*gwasanaeth mabwysiadu*”) means the discharge by a local authority of relevant adoption functions within the meaning of section 43(3)(a) of the Care Standards Act 2000;

“adoption support services advisor” (“*cyngorydd gwasanaethau cymorth mabwysiadu*”) means the person appointed pursuant to regulation 6 of the Adoption Support Services (Local Authorities) (Wales) Regulations 2005⁽¹⁾.

“appropriate office” (“*swyddfa briodol*”) means in relation to a local authority adoption service—

- (a) if an office controlled by the National Assembly has been specified by it as the appropriate office in relation to that local authority, that office;
- (b) in any other case, any office of the National Assembly;

“child’s case record” (“*cofnod achos plentyn*”) has the meaning given to it in regulation 6;

“children’s guide” (“*arweiniad plant*”) means the written guide produced in accordance with regulation 4;

“guardian” (“*gwarcheidwad*”) has the meaning given to it in section 5 of the Children Act 1989;

“Local Safeguarding Children Board” means the board established under s31 of the Children Act 2004;

“manager” (“*rheolwr*”) is to be construed in accordance with regulation 10;

“National Assembly” (“*Cynulliad Cenedlaethol*”) means the National Assembly for Wales;

“social worker” (“*gweithiwr cymdeithasol*”) means a person who is registered in the register for social workers maintained in accordance with section 56 of the 2000 act;

(1) S.I. 2005/1512 (W.116).

"statement of purpose" (*"datganiad o ddiben"*) means the written statement compiled in accordance with regulation 3(1);

"the 2000 Act" (*"Deddf 2000"*) means the Care Standards Act 2000(1)

"the 2002 Act" (*"Deddf 2002"*) means the Adoption and Children Act 2002(2)

"the 2005 Regulations" (*"Rheoliadau 2005"*) means the Restriction on the Preparation of Adoption Reports Regulations 2005(3)

"working days" (*"dyddiau gwaith"*) means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971(4)

(2) In these Regulations, a reference—

- (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
- (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
- (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

(3) in these Regulations, unless the contrary intention appears, references to employing a person include—

- (a) employing a person whether or not for payment;
 - (b) employing a person under a contract of service or a contract for services; and
 - (c) allowing a person to work as a volunteer;
- and references to an employee or to a person being employed are to be construed accordingly.

Statement of purpose

3.—(1) Each local authority must compile in relation to the adoption service a written statement (in these Regulations referred to as "the statement of purpose") which must consist of a statement as to the matters listed in Schedule 1.

(2) The authority must supply a copy of the statement of purpose to the National Assembly and must make a copy of it available, upon request, for inspection by—

(1) 2000c.14
(2) 2002 c.38
(3) 2005/1711
(4) 1971 c.80

- (a) children who may be adopted, their parents and guardians;
- (b) persons wishing to adopt a child;
- (c) adopted persons, their parents, natural parents and former guardians;
- (d) persons who are seeking an assessment of their needs for the provision of adoption support services by the authority;
- (e) every person working for the purposes of the adoption service.

(3) Subject to paragraph (4), the authority must ensure that their adoption service is at all times conducted in a manner which is consistent with its statement of purpose.

(4) Nothing in paragraph (3) requires or authorises the authority to contravene, or not to comply with any other provision of these Regulations.

Children’s guide

4.—(1) Each local authority must produce a written guide to the adoption service (in these Regulations referred to as “the children’s guide”) which must consist of a statement as to the matters listed in Schedule 2.

(2) The authority must provide a copy of the children’s guide to—

- (a) the National Assembly;
- (b) every prospective adopter with whom the authority has placed a child for adoption; and
- (c) every child (subject to the age and understanding of that child), who may be or has been placed for adoption by the authority.

Review of statement of purpose and children’s guide

5.—(1) Each local authority must—

- (a) keep under review and, where appropriate, revise the statement of purpose and children’s guide; and
- (b) notify the National Assembly of any such revision within 28 days.

Requirement to open a child's case record

6. - (1) Each local authority must set up a case record ("the child's case record") in respect of each child and place on it -

- (a) the information and reports obtained by the local authority in respect of the child;
- (b) the child's permanence report;
- (c) the written record of the proceedings of the adoption panel under regulation 18 of the Adoption Agencies (Wales) Regulations 2005, its recommendation and the reasons for its recommendation and any advice given by the panel to the agency;
- (d) the record of the agency's decision and any notification of that decision under regulation 19 of the Adoption Agencies (Wales) 2005 Regulations;
- (e) any consent to placement for adoption under section 19 of the 2002 Act (placing children with parental consent);
- (f) any consent to the making of a future adoption order under section 20 of the 2002 Act (advance consent to adoption);
- (g) any form or notice withdrawing consent under section 19 or 20 of the 2002 Act or notice under section 20(4)(a) or (b) of the 2002 Act;
- (h) a copy of any placement order in respect of the child; and
- (i) any other documents or information obtained by the local authority which it considers should be included in that case record.

Natural Parents

7.- (1) Each local authority where it considers that adoption is the preferred option for a child, or where a child is relinquished, must provide natural parents with:-

- (a) a counselling service
- (b) as much information as the natural parents may reasonably require, and which the local authority is able to give;

(c) an explanation and written information in respect of the following matters:-

(i) the procedure in respect of both placement for adoption and adoption, including information about the Adoption Register for England and Wales;

(ii) the legal implications of –

(aa) giving consent to placement for adoption under section 19 of the 2002 Act (placing children with parental consent);

(bb) giving consent to the making of a future adoption order under section 20 of the 2002 Act; (advance consent to adoption);

(cc) a placement order ;

(dd) adoption; and

(2) Ascertain the wishes and feelings of the parent and guardian of the child and of any other significant person the local authority considers relevant in relation to-

(a) the matters set out in section 1(4)(f)(ii) and (iii) of the 2002 Act (matters the agency must have regard to);

(b) the placement of the child for adoption and their adoption, including any wishes and feelings about the child's religious and cultural upbringing; and

(c) contact with the child if the agency is authorised to place the child for adoption or the child is adopted.

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

(4) where paragraph (3) applies and the local authority is satisfied it is appropriate to do so the local authority must-

(a) carry out in respect of the father the requirement of paragraphs 1(a),1(b), and 1(c) as if they applied to the father and

(b) ascertain so far as possible whether the father-

(i) wishes to acquire parental responsibility for the child under section 4 of the Children Act 1989; or

(ii) intends to apply for a residence order or contact order with respect to the child under section 8 of the Children Act 1989, or where the child is subject to a care order, an order under section 34 of the Children Act 1989 (parental contact with children in care).

Prospective and approved Adopters

8. Each local authority must—
- (a) have written plans on its strategy to recruit sufficient numbers of adopters
 - (b) have comprehensive plans for preparation and approval process for adopters contained within its policies and procedures
 - (c) provide prospective adopters with written information about the adoption process including information about:-
 - (i) the policy and procedures in respect of the adoption process,
 - (ii) arrangements for the assessment of and the provision of Adoption Support Services,
 - (iii) the Adoption Register for England and Wales, and
 - (iv) local consortium arrangements
 - (d) provide assistance where disruption of a placement has occurred or is in danger of occurring, including mediation and organising and holding meetings to discuss disruptions in adoption placements.

Adoption Panels

9. -(1) Each local authority must-
- (a) establish an adoption panel in accordance with regulations 3 and 5 of the Adoption Agencies (Wales) Regulations 2005⁽¹⁾.
 - (b) have in place written policies that ensure that the panel is organised effectively and operates efficiently.
 - (c) ensure that adoption panels are properly advised by an appropriately qualified person in relation to adoptions with a foreign element if such a case is being considered.
 - (d) where it considers that adoption is the preferred method for permanence of the child it must prepare a written report which must include:-
 - (i) the information about the child and the child's family as specified in Parts 1, 3 and 4 of Schedule 1 of the Adoption Agencies (Wales) Regulations 2005;
 - (ii) a summary written by the local authority's medical adviser, of the child's state of health, the child's health history and any need for health care which might arise in the future;

⁽¹⁾ S.I. 2005/1313 (w.95)

- (iii) the wishes and feeling of the child regarding the matters set out in regulation 13(1)(c) of the Adoption Agencies (Wales) Regulations 2005;
- (iv) the wishes and feelings of the child's parent or guardian, and where regulation 14(4)(a) of the Adoption Agencies (Wales) Regulations 2005 applies, the child's father and any other person the local authority considers relevant, regarding matters set out in regulation 14(1)(c) of the Adoption Agencies (Wales) Regulations 2005;
- (v) the views of the local authority about the child's need for contact with the child's parent or guardian or other with any other person the local authority considers relevant (including the child's father where regulation 14(4)(a) of the Adoption Agencies (Wales) Regulations 2005 applies) and the arrangements the local authority proposes to make for allowing any person contact with the child;
- (vi) an assessment of the child's emotional and behavioural development and any related need;
- (vii) an assessment of the parenting capacity of the child's parent or guardian, and if regulation 14(4)(a) of the Adoption Agencies (Wales) Regulations 2005 applies, the child's father;
- (viii) a chronology of the decisions taken by the local authority with regard to the child;
- (ix) an analysis of the options for the future care of the child which have been considered by the local authority and why placement for adoption is considered the preferred option; and
- (x) any other information which the local authority considers relevant.

(e)the local authority must send the written report as soon as reasonably practicable as well as other relevant information which might be requested by the adoption panel and send that information to the adoption panel;

(f)the local authority must obtain, so far as is practicable, any other relevant information which might be requested by the adoption panel and send that information to the adoption panel.

8.-(2) (a)Where the local authority, after having followed the procedures referred to in regulations 23 and 25 of the Adoption Agencies (Wales) regulations 2005, considers the prospective adopter may be suitable to be an adoptive parent, it must carry out an assessment in accordance with the Adoption Agencies (Wales) Regulations 2005;

(b) The local authority must obtain such particulars about the prospective adopter as are referred to in Part 1 of Schedule 4 of the Adoption Agencies (Wales) Regulations 2005;

(c) The local authority must obtain:-

-

(i) a written report from a registered medical practitioner about the health of the prospective adopter which must deal with the matters specified in Part 2 of Schedule 4 of the Adoption Agencies (Wales) Regulations 2005 unless such a report has been made within 6 months of the panel's consideration of the case under regulation 27 of the Adoption Agencies (Wales) Regulations 2005 and is available to the local authority;

(ii) a written report of each of the interviews with the persons nominated by the prospective adopter as personal referees; and

(iii) a written report from the local authority in whose area the prospective adopter lives, and where the prospective adopter has lived in that area for a period of less than twelve months the local authority must obtain a written report also from the local authority in whose area the prospective adopter lived previously.

(d) The local authority must prepare a written report which must include -

(i) the details of the prospective adopter as set out in Part 1 of Schedule 4 of the Adoption Agencies (Wales) Regulations 2005;

(ii) a summary, written by the agency's medical adviser, of the state of health of the prospective adopter;

(iii) the local authority's assessment of the prospective adopter's suitability to adopt a child, and in determining the suitability of a couple to adopt a child the local authority must have proper regard to the need for stability and permanence in their relationship;

(iv) any relevant information the local authority obtains under Regulation 26 (4)(f) of the Adoption Agencies (Wales) Regulations 2005;

(v) any observations of the agency on the matters referred to in regulations 22, 23, and 25 of the Adoption

Agencies (Wales)
Regulations 2005;

(vi) any other information which the local authority considers relevant.

(e) In a section 83 case the report must include -

(i) the name of the country ("country of origin") from which the prospective adopter wishes to adopt;

(ii) confirmation that the prospective adopter meets the eligibility requirements to adopt from the country of origin;

(iii) additional information obtained as a consequence of the country of origin; and

(iv) the local authority's assessment of the prospective adopter's suitability to adopt a child who is habitually resident outside the British Islands.

(f) The local authority must notify the prospective adopter if their application is to be referred to the adoption panel and at the same time send the prospective adopter a copy of the local authority's report referred to in paragraph (d) above, and invite any observations on the report to be sent in writing to the local authority within 10 working days, beginning with the date on which the notification was sent.

(g) At the end of the period of 10 working days referred to in paragraph (f) above (or earlier if any observations made by the prospective adopter are received before the 10 working days have expired) the local authority must send -

(i) the report referred to in paragraph (d) above, together with any observations provided by the prospective adopter under paragraph (f) above;

(ii) the written reports referred to in paragraph (c) above; and

(iii) any other relevant information obtained by the agency under this regulation to the adoption panel.

(h) the local authority must obtain, so far as is reasonably practicable, any other relevant information which may be required by the adoption panel and send that information to the panel.

(i) Where the local authority considers that the proposed placement should proceed, the local authority must-

(i) carry out an assessment of the needs of the child and the prospective adoptive family for adoption support services in accordance with regulations made under section 4(6) of the

Adoption and Children Act
2002;

(ii) consider the arrangements
for allowing any person contact
with the child;

(iii) consider whether the
parental responsibility of any
parent or guardian, or of
prospective adopters, is to be
restricted to any extent;

(iv) prepare a written report
which must include-

(aa) the local authority's reasons
for proposing the placement;

(bb) the information obtained by
virtue of paragraphs 32(3)(d) of
the Adoption Agencies (Wales)
Regulations 2005;

(cc) its proposals for the
provision of adoption support
services, if any, in accordance
with regulations made under
section 4(6) of the 2002 Act;

(dd) the arrangements the local
authority proposes to make for
allowing any person contact with
the child;

(ee) the local authority's
proposals for restricting the
parental responsibility of any
parent or guardian, or
prospective adopter; and

(ff) any other information
relevant to the proposed
placement.

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PART 2

MANAGERS

Appointment of manager

10.—(1) Each local authority must appoint one of its officers to manage the adoption service and must forthwith notify the National Assembly of—

(a) the name of the person appointed in accordance with this regulation; and

(b) the date on which the appointment is to take effect.

(2) The officer appointed by the local authority to manage the adoption service must—

(a) be a social worker; and

(b)

(i) have a qualification of at least level 4 NVQ in management or another qualification which matches the competencies required by the NVQ level 4, or

(ii) will commence undertaking the qualification when appointed to manage the adoption service, and will obtain the qualification within 3 years of the date of appointment, or

(iii) will obtain the qualification by such later date as the National Assembly may in exceptional circumstances agree;

and

(c) have 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.

(3) The authority must forthwith notify the National Assembly if the person appointed under paragraph (1) ceases to manage the adoption service.

Fitness of manager

11.—(1) Only a person who is fit to do so may manage an adoption service.

(2) A person is not fit to manage an adoption service unless that person—

- (a) is of integrity and good character;
 - (b) having regard to the size of the authority and its statement of purpose—
 - (i) has the qualifications, skills and experience necessary for managing the adoption service; and
 - (ii) is physically and mentally fit to manage the adoption service; and
- © full and satisfactory information is available in relation to that person in respect of each of the matters specified in Schedule 3.

General requirements

12—(1) The manager must, having regard to—

- (a) the size of the local authority and its 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 authority,
- manage the adoption service with sufficient care, competence and skill.

(2) The manager must from time to time undertake such training as is appropriate to ensure that he or she has the experience and skills necessary to manage the adoption service.

Notification of offences

13.—(1) A manager who is convicted of any criminal offence, whether in Wales or elsewhere, must give immediate notice in writing to the National Assembly of—

- (i) the date and place of the conviction;
- (ii) the offence; and
- (iii) the penalty imposed in respect of the offence.

PART 3

CONDUCT OF LOCAL AUTHORITY ADOPTION SERVICE

Arrangements for the protection of children

14.—(1) Each local authority must prepare and implement a written policy which—

- (a) is intended to safeguard from abuse or neglect every child placed for adoption by the authority or who may receive or is receiving adoption support services from the authority; and

(b) sets out the procedure to be followed in the event of any allegation of abuse or neglect; and

(c) ensures that the procedure in (b) is consistent with the Local Safeguarding Children Board procedures; and

(d) ensures that all allegations and incidents of abuse in relation to the agency's staff or volunteers are investigated promptly and details of the investigation and action taken are recorded on a file set up and kept specially for that purpose, and that details are also placed on the service user's record.

(e) ensures that separate records are kept in respect of:

(i) all staff, and any other persons employed or who are contracted for services,

(ii) complaints,

(iii) any allegations made against any person.

Staffing

15.-(1) Each local authority must ensure that, having regard to—

(a) the size of the authority and its statement of purpose; and

(b) the need to safeguard and promote the health and welfare of children who may be, or have been, placed for adoption by or who may receive or are receiving adoption support services from the authority,

there is a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the adoption service, and that the local authority has a clear written recruitment policy for recruiting its staff.

Fitness of workers

16.—(1) A local authority must not—

(a) employ a person to work for the purposes of their adoption service unless that person is fit to work for the purposes of an adoption service; or

(b) allow a person to whom paragraph (2) applies, to work for the purposes of the adoption service unless that person is fit to work for the purposes of an adoption service.

(2) This paragraph applies to any person employed, other than by the authority in a position in which that person may in the course of that person's duties have regular contact with children who may be, or have been placed for adoption by the authority or who may receive or are receiving adoption support services from the authority.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of an authority's adoption service unless that person—

- (a) is of integrity and good character;
- (b) has the qualifications, skills and experience necessary for the work which that person is to perform;
- (c) is physically and mentally fit for the work which that person is to perform; and unless
- (d) full and satisfactory information is available in relation to that person in respect of each of the matters specified in Schedule 3.
- (e) has an up to date CRB certificate of the appropriate level, such CRB certificate to be renewed every 3 years.

(4) The authority must take reasonable steps to ensure that any persons working for the purposes of the adoption service who are not employed by the authority and to whom paragraph (2) does not apply are appropriately supervised while carrying out their duties.

Employment of staff

17—(1) Each local authority must—

- (a) ensure that all permanent appointments made by the authority for the purposes of the adoption service are subject to the satisfactory completion of a period of probation; and
- (b) provide all employees employed by the authority for the purposes of their adoption service with a job description outlining their responsibilities.

(2) The authority must ensure that all persons employed by the authority for the purposes of the adoption service—

- (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

18—(1) Each local authority must 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 who may be or have been placed for adoption by the authority or who may receive or are receiving adoption support services from the authority;

- (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 who has been or may be placed for adoption by the authority or who may receive or is receiving adoption support services from the authority is a ground on which disciplinary proceedings may be instituted .

(2) For the purposes of paragraph (1)(b), an appropriate person is—

- (a) the manager of the adoption service;
- (b) an officer of the National Assembly;
- (c) a police officer;
- (d) an officer of the National Society for the Prevention of Cruelty to Children;
- (e) an officer of the local authority in whose area the child is placed for adoption where this is a different authority.

Arrangements for the absence of manager

19. Each local authority must establish a system to ensure that where the manager proposes to be or is absent from the local authority for a continuous period of 20 working days or more an identified person is responsible for the management of the adoption service until such time as the manager returns to the adoption service or (as the case may be) a new manager is appointed by the authority.

Records with respect to staff

20.(1) Each local authority must maintain and keep up to date the records specified in Schedule 4.

(2) The records specified in paragraph (1) must be retained for at least 15 years from the date of the last entry.

Fitness of premises

21.—(1) The local authority must use premises for the purposes of their adoption service which are suitable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The authority must ensure—

- (a) that there are adequate security arrangements at the premises, and 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 authority's premises are kept in conditions of appropriate security; and
- (c) case records set up under regulations 12 and 22 of the Adoption Agencies Wales

Regulations 2005(1) are kept for at least 100 years.

Review of Quality of Service

22.—(1) The local authority must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of adoption services provided by the local authority

(2) The system established under paragraph (1) must make provision by the agency for —

- (a) the quality of service to be reviewed at least annually; and
- (b) the local authority to obtain the views of
 - (i) adoptive and natural parents and children being adopted
 - (ii) any person receiving services from the agency, or their representatives in relation to adoption ;
 - (iii) staff employed by the agency; and
 - (iv) any local authority,

on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the local authority must within 28 working days prepare a report of that review and make a copy of the available report in an appropriate format when requested by —

- (a) the National Assembly;
- (b) service user
 - (c) representatives of service user
 - (d) staff employed by the local authority

Assessment of Service

23.—(1) The National Assembly can at any time request the local authority to undertake an assessment of the service provided to service users at the care home.

(2) Within 28 days of receiving a request under paragraph (1) the local authority must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The local authority must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

(1) 2005/3115 (W.235)

Compliance Notification

24.—(1)The National Assembly can at any time notify the local authority of the action that in the National Assembly’s view the local authority must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the local authority must take the action required under paragraph (1).

(3) The local authority must advise the appropriate office of the National Assembly of the completion of any action required under paragraph (1).”.

Complaints

25.—(1) Each local authority must—

- (a) 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 that the record is retained for at least 3 years from the date it is made; and
- (b) supply to the National Assembly at its request a statement containing a summary of any complaints made in respect of their adoption service during the preceding 12 months and the action (if any) taken as a result of the outcome of the investigation; and
- (c) supply to the National Assembly a summary of any allegations of abuse against children in the last 12 months and outcomes of investigations and action taken

Notifiable events

26. —(1)If, in relation to a local authority, any of the events listed in the table in Schedule 5 occur, the local authority must without delay notify the persons listed in the columns of the table in respect of the event.

(2)Any notification made in respect of this order orally, must also be put in writing.

PART 4
MISCELLANEOUS

Revocation of regulations

27. The Local Authority Adoption Service (Wales) Regulations 2005(1) (“the 2005 Regulations”) are revoked.

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

Date

The Presiding Officer of the National Assembly

(1) 1998 c.38.

SCHEDULE 1

INFORMATION TO BE INCLUDED IN THE STATEMENT OF PURPOSE

Regulation 3(1)

1. The aims and objectives of the local authority in relation to the adoption service, including cases involving intercountry adoption.

2. The arrangements that the local authority has put in place to assess and make provision for adoption support services.

3. The name and address of the manager.

4. The relevant qualifications and experience of the manager.

5. The number, relevant qualifications and experience of the staff employed by the authority for the purposes of the authority's adoption service.

6. The organisational structure of the adoption service.

7. The system in place to monitor and evaluate the provision of services to ensure that the services provided by the authority are effective and the quality of the adoption service is of an appropriate standard.

8. The procedures for recruiting, preparing, assessing, approving and supporting prospective adoptive parents.

9. Details of the adoption support service advisor and the procedures for the assessment for and provision of adoption support services.

10. A summary of the complaints procedures established in accordance with the Representations Procedure (Children) (Wales) Regulations 2005 **(1)**, the Social Services Complaints Procedure (Wales) Regulations 2005 **(2)** and section 114 of the Health and Social Care (Community Health and Standards) Act 2003**(3)**.

11. The address and telephone number of the appropriate office of the National Assembly.

(1) S.I. 2005/ 3365 W. 262

(2) S.I.2005/ 3366 W.263

(3) 2003(c.43).

SCHEDULE 2

INFORMATION TO BE INCLUDED IN THE CHILDREN'S GUIDE

Regulation 4(1)

1. A summary of the statement of purpose
2. A summary of the procedures where adoption is identified as the appropriate plan for the child.
3. Information about the role of the adoption support services advisor and a summary of the procedures for seeking an assessment for the provision of adoption support services.
4. A summary of the complaints procedures established in accordance with section 26 of the Children Act 1989, the Local Authority Social Services (Complaints Procedure) Order 1990 and section 114 of the Health and Social Care (Community Health and Standards) Act 2003.
5. Details of how a child may have access to the services of an advocate who is independent of the authority to assist him in bringing a complaint or making a representation under the complaints procedures referred to in paragraph 4.
6. The address and telephone number of the appropriate office of the National Assembly.
7. The name, address and telephone number of the Children's Commissioner for Wales.

SCHEDULE 3

INFORMATION REQUIRED IN RESPECT OF PERSONS SEEKING TO MANAGE OR WORK FOR THE PURPOSES OF THE ADOPTION SERVICE

Regulations 10 and 15(3)(d)

1. Proof of identity including a recent photograph.
2. Either—
 - (a) where the position falls within section 115(3) of the Police Act 1997, an enhanced certificate issued under section 115 of that Act in respect of which less than three years have elapsed since it was issued; or
 - (b) in any other case, a criminal record certificate issued under section 113 of the Police Act 1997 in respect of which less than three years have elapsed since it was issued, including, to the extent permitted under the Police Act 1997, the matters specified in section 113(3A) or 115(6A) of that Act.
3. A minimum of 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 4

RECORDS TO BE KEPT IN RELATION TO EACH PERSON WORKING FOR THE PURPOSES OF THE ADOPTION SERVICE

Regulation 20(1)

A record including in respect of each persons working for the local authority—

1. Full name.
2. Sex.
3. Date of birth.
4. Home address.
5. Criminal Records Bureau checks (where appropriate), to be updated every three years and satisfactory.
6. Written references and confirmation of them having been checked by phone.
7. A full employment history, together with a satisfactory written explanation of any gaps in employment,
8. Qualifications relevant to, and experience of work involving children.
9. The dates on which he or she commences and ceases to be so employed.
10. Whether he or she is employed by the local authority under a contract of service or a contract for services, or is employed by someone other than the authority.
11. His or her job description and whether he or she works full-time or part-time and the number of hours for which he or she is employed by or contracted to work for, the authority's adoption service each week.
12. Training undertaken by him or her, supervision, appraisal, disciplinary action (if any) taken against him or her and the outcome of that action, records of complaints (if any) made against or concerning him or her and the outcome of that complaint and any other records in relation to his or her employment.

SCHEDULE 5

NOTIFIABLE EVENTS

regulation 26

<i>Column 1</i>	<i>Column 2</i>			
<i>Event:</i>	<i>To be notified to:</i>			
	<i>Appropriate office of the National</i>	<i>Local authority for the</i>		

	<i>Assembly</i>	area in which the child is placed for adoption		
Death of a child placed with prospective adopters where an adoption order has yet to be made	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 a adoption service	Yes			