
STATUTORY INSTRUMENTS

2005 No. 389

The Adoption Agencies Regulations 2005

PART 2

ADOPTION AGENCY - ARRANGEMENTS FOR ADOPTION WORK

Establishment of adoption panel

3.—(1) Subject to paragraph (5), an adoption agency must establish at least one panel, to be known as an adoption panel, in accordance with this regulation.

(2) The adoption agency must appoint to chair the panel a person, not being a disqualified person, who has the skills and experience necessary for chairing an adoption panel.

(3) Subject to paragraph (5), the adoption panel shall consist of no more than ten members, including the person appointed under paragraph (2), and shall include —

- (a) two social workers each with at least three years' relevant post-qualifying experience;
- (b) in the case of a registered adoption society⁽¹⁾, one person who is a director, manager or other officer and is concerned in the management of that society;
- (c) in the case of a local authority, one member of that authority;
- (d) the medical adviser to the adoption agency (or one of them if more than one medical adviser is appointed);
- (e) at least three other persons (in this regulation referred to as “independent members”) including where reasonably practicable at least two persons with personal experience of adoption.

(4) The adoption agency must appoint one member of the adoption panel as vice chair (“vice chair”) who shall act as chair if the person appointed to chair the panel is absent or his office is vacant.

(5) An adoption panel may be established jointly by any two or more local authorities (“joint adoption panel”) and if a joint adoption panel is established—

- (a) the maximum number of members who may be appointed to that panel is eleven;
- (b) by agreement between the local authorities there shall be appointed to that panel—
 - (i) a person to chair the panel, not being a disqualified person, who has the skills and experience necessary for chairing an adoption panel;
 - (ii) two social workers each with at least three years' relevant post-qualifying experience;
 - (iii) one member of any of the local authorities;
 - (iv) the medical adviser to one of the local authorities; and
 - (v) at least three independent members including where reasonably practicable at least two persons with personal experience of adoption;

⁽¹⁾ See section 2(2) of the Act.

- (c) by agreement the local authorities must appoint one member of the panel as vice chair (“vice chair”) who shall act as chair if the person appointed to chair the panel is absent or his office is vacant.
- (6) A person shall not be appointed as an independent member of an adoption panel if—
- (a) in the case of a registered adoption society, he is or has been within the last year a trustee or employee, or is related to an employee, of that society;
- (b) in the case of a local authority, he—
- (i) is or has been within the last year employed by that authority in their children and family social services;
- (ii) is related to a person falling within head (i); or
- (iii) is or has been within the last year a member of that authority; or
- (c) he is the adoptive parent of a child who was—
- (i) placed for adoption with him by the adoption agency (“agency A”); or
- (ii) placed for adoption with him by another adoption agency where he had been approved as suitable to be an adoptive parent by agency A,
- unless at least twelve months has elapsed since the adoption order was made in respect of the child.
- (7) For the purposes of regulation 3(2) and (5)(b)(i) a person is a disqualified person if—
- (a) in the case of a registered adoption society, he is or has been within the last year a trustee or employee, or is related to an employee, of that society; or
- (b) in the case of a local authority, he is or has been within the last year a member or employee, or is related to an employee, of that authority.
- (8) For the purposes of paragraphs (6)(a) and (b)(ii) and (7) a person (“person A”) is related to another person (“person B”) if person A is—
- (a) a member of the household of, or married to or the civil partner⁽²⁾ of, person B;
- (b) the son, daughter, mother, father, sister or brother of person B; or
- (c) the son, daughter, mother, father, sister or brother of the person to whom person B is married or with whom B has formed a civil partnership.

Tenure of office of members of the adoption panel

4.—(1) Subject to the provisions of this regulation and regulation 10, a member of an adoption panel shall hold office for a term not exceeding three years, and may not hold office for the adoption panel of the same adoption agency for more than three terms in total.

(2) The medical adviser member of the adoption panel shall hold office only for so long as he is the medical adviser.

(3) A member of an adoption panel may resign his office at any time by giving one month’s notice in writing to the adoption agency.

(4) Where an adoption agency is of the opinion that any member of the adoption panel is unsuitable or unable to remain in office, it may terminate his office at any time by giving him notice in writing with reasons.

(2) For the definitions of “civil partner” and “civil partnership” see Schedule 1 to the Interpretation Act 1978 inserted by the Civil Partnership Act 2004 (c. 33), Schedule 27, paragraph 59.

(5) If the member whose appointment is to be terminated under paragraph (4) is a member of a joint adoption panel, his appointment may only be terminated with the agreement of all the local authorities whose panel it is.

Meetings of adoption panel

5.—(1) Subject to paragraph (2), no business shall be conducted by the adoption panel unless at least five of its members, including the person appointed to chair the panel or the vice chair and at least one of the social workers and one of the independent members, meet as the panel.

(2) In the case of a joint adoption panel, no business shall be conducted unless at least six of its members, including the person appointed to chair the panel or the vice chair and at least one of the social workers and one of the independent members, meet as the panel.

(3) An adoption panel must make a written record of its proceedings, its recommendations and the reasons for its recommendations.

Payment of fees to member of local authority adoption panel

6. A local authority may pay to any member of their adoption panel such fee as they may determine, being a fee of a reasonable amount.

Adoption agency arrangements for adoption work

7. An adoption agency must, in consultation with the adoption panel and, to the extent specified in regulation 9(2) with the agency's medical adviser, prepare and implement written policy and procedural instructions governing the exercise of the functions of the agency and the adoption panel in relation to adoption and such instructions shall be kept under review and, where appropriate, revised by the agency.

Requirement to appoint an agency adviser to the adoption panel

8.—(1) The adoption agency must appoint a senior member of staff, or in the case of a joint adoption panel the local authorities whose panel it is must by agreement appoint a senior member of staff of one of them, (referred to in this regulation as the "agency adviser")—

- (a) to assist the agency with the appointment (including re-appointment), termination and review of appointment of members of the adoption panel;
- (b) to be responsible for the induction and training of members of the adoption panel;
- (c) to be responsible for liaison between the agency and the adoption panel, monitoring the performance of members of the adoption panel and the administration of the adoption panel; and
- (d) to give such advice to the adoption panel as the panel may request in relation to any case or generally.

(2) The agency adviser must be a social worker and have at least five years' relevant post-qualifying experience and, in the opinion of the adoption agency, relevant management experience.

Requirement to appoint a medical adviser

9.—(1) The adoption agency must appoint at least one registered medical practitioner to be the agency's medical adviser.

(2) The medical adviser shall be consulted in relation to the arrangements for access to, and disclosure of, health information which is required or permitted by virtue of these Regulations.

Establishment of new adoption panels on 30 December 2005

10.—(1) All members of an adoption panel established before 30th December 2005 (referred to in this regulation as the “old adoption panel”) shall cease to hold office on that date.

(2) With effect from 30th December 2005 an adoption agency shall establish a new adoption panel in accordance with regulations 3 and 4.

(3) This paragraph applies where the term of office of a member of the old adoption panel was extended by the adoption agency in accordance with regulation 5A(1A) of the Adoption Agencies Regulations 1983⁽³⁾.

(4) This paragraph applies where a member of the old adoption panel was in his first term of office as a member of the old adoption panel.

(5) A member of the old adoption panel who holds office immediately before 30th December 2005 may not hold office as a member of the new adoption panel of the same adoption agency—

- (a) where paragraph (3) applies, for more than one term, not exceeding one year;
- (b) where paragraph (4) applies, for more than two terms, each term not exceeding three years;
- (c) in any other case, for more than one term, not exceeding three years.

(3) S.I.1983/1964. Regulation 5A(1A) was inserted in relation to England by the Adoption Agencies (Amendment) Regulations 2003 (S.I. 2003/2555).