
STATUTORY INSTRUMENTS

2005 No. 389

The Adoption Agencies Regulations 2005

PART 5

**DUTIES OF ADOPTION AGENCY IN RESPECT OF PROPOSED
PLACEMENT OF CHILD WITH PROSPECTIVE ADOPTER**

Proposed placement

31.—(1) Where an adoption agency is considering placing a child for adoption with a particular prospective adopter (“the proposed placement”) the agency must—

- (a) provide the prospective adopter with a copy of the child’s permanence report and any other information the agency considers relevant;
- (b) meet with the prospective adopter to discuss the proposed placement;
- (c) ascertain the views of the prospective adopter about—
 - (i) the proposed placement; and
 - (ii) the arrangements the agency proposes to make for allowing any person contact with the child; and
- (d) provide a counselling service for, and any further information to, the prospective adopter as may be required.

(2) Where the adoption agency considers that the proposed placement should proceed, the agency must—

- (a) where the agency is a local authority, carry out an assessment of the needs of the child and the prospective adopter and any children of the prospective adopter (“the adoptive family”) for adoption support services in accordance with regulations made under section 4(6) of the Act;
- (b) where the agency is a registered adoption society, notify the prospective adopter that he may request the local authority in whose area he has his home (“the relevant authority”) to carry out an assessment of his needs for adoption support services under section 4(1) of the Act and pass to the relevant authority, at their request, a copy of the child’s permanence report and a copy of the prospective adopter’s report;
- (c) consider the arrangements for allowing any person contact with the child; and
- (d) prepare a written report (“the adoption placement report”) which shall include—
 - (i) the agency’s reasons for proposing the placement;
 - (ii) the information obtained by the agency by virtue of paragraph (1);
 - (iii) where the agency is a local authority, their proposals for the provision of adoption support services for the adoptive family;
 - (iv) the arrangements the agency proposes to make for allowing any person contact with the child; and

(v) any other relevant information.

(3) The adoption agency must notify the prospective adopter that the proposed placement is to be referred to the adoption panel and give him a copy of the adoption placement report, inviting him to send any observations in writing to the agency within 10 working days, beginning with the date on which the notification is sent.

(4) At the end of the period of 10 working days referred to in paragraph (3) (or earlier if observations are received before the 10 working days has expired) the adoption agency must send—

- (a) the adoption placement report;
- (b) the child’s permanence report; and
- (c) the prospective adopter’s report and his observations,

to the adoption panel.

(5) The adoption agency must obtain so far as is reasonably practicable any other relevant information which may be requested by the adoption panel in connection with the proposed placement and send that information to the panel.

(6) This paragraph applies where an adoption agency (“agency A”) intends to refer a proposed placement to the adoption panel and another agency (“agency B”) made the decision (in accordance with these Regulations) that—

- (a) the child should be placed for adoption; or
- (b) the prospective adopter is suitable to be an adoptive parent.

(7) Where paragraph (6) applies agency A may only refer the proposed placement to the adoption panel if it has consulted agency B about the proposed placement.

(8) Agency A must—

- (a) where paragraph (6)(a) applies, open a child’s case record; or
- (b) where paragraph (6)(b) applies, open a prospective adopter’s case record,

and place on the appropriate record, the information and documents received from agency B.

Function of the adoption panel in relation to proposed placement

32.—(1) The adoption panel must consider the proposed placement referred to it by the adoption agency and make a recommendation to the agency as to whether the child should be placed for adoption with that particular prospective adopter.

(2) In considering what recommendation to make the adoption panel shall have regard to the duties imposed on the adoption agency under section 1(2), (4) and (5) of the Act (considerations applying to the exercise of powers in relation to the adoption of a child) and—

- (a) must consider and take into account all information and the reports passed to it in accordance with regulation 31;
- (b) may request the agency to obtain any other relevant information which the panel considers necessary; and
- (c) may obtain legal advice as it considers necessary in relation to the case.

(3) The adoption panel must consider—

- (a) in a case where the adoption agency is a local authority, the authority’s proposals for the provision of adoption support services for the adoptive family;
- (b) the arrangements the adoption agency proposes to make for allowing any person contact with the child; and

- (c) whether the parental responsibility of any parent or guardian or the prospective adopter should be restricted and if so the extent of any such restriction.
- (4) Where the adoption panel makes a recommendation to the adoption agency that the child should be placed for adoption with the particular prospective adopter, the panel may at the same time give advice to the agency about any of the matters set out in paragraph (3).
- (5) An adoption panel may only make the recommendation referred to in paragraph (1) if—
 - (a) that recommendation is to be made at the same meeting of the adoption panel at which a recommendation has been made that the child should be placed for adoption; or
 - (b) the adoption agency, or another adoption agency, has already made a decision in accordance with regulation 19 that the child should be placed for adoption,and in either case that recommendation is to be made at the same meeting of the panel at which a recommendation has been made that the prospective adopter is suitable to adopt a child or the adoption agency, or another adoption agency, has made a decision in accordance with regulation 27 that the prospective adopter is suitable to adopt a child.

Adoption agency decision in relation to proposed placement

33.—(1) The adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter.

- (2) No member of the adoption panel shall take part in any decision made by the adoption agency under paragraph (1).
- (3) As soon as possible after making its decision the adoption agency must notify in writing—
 - (a) the prospective adopter of its decision; and
 - (b) if their whereabouts are known to the agency, the parent or guardian and, where regulation 14(3) applies and the agency considers it is appropriate, the father of the child, of the fact that the child is to be placed for adoption.
- (4) If the adoption agency decides that the proposed placement should proceed, the agency must, in an appropriate manner and having regard to the child’s age and understanding, explain its decision to the child.
- (5) The adoption agency must place on the child’s case record—
 - (a) the prospective adopter’s report;
 - (b) the adoption placement report and the prospective adopter’s observations on that report;
 - (c) the written record of the proceedings of the adoption panel under regulation 32, its recommendation, the reasons for its recommendation and any advice given by the panel to the agency; and
 - (d) the record and notification of the agency’s decision under this regulation.

Function of the adoption agency in a section 83 case

34.—(1) This paragraph applies where in a section 83 case the adoption agency receives from the relevant foreign authority information about a child to be adopted by a prospective adopter.

- (2) Where paragraph (1) applies, the adoption agency must—
 - (a) send a copy of the information referred to in paragraph (1) to the prospective adopter unless it is aware that the prospective adopter has received a copy;
 - (b) consider that information and meet with the prospective adopter to discuss the information; and

- (c) if appropriate, provide a counselling service for, and any further information to, the prospective adopter as may be required.