

WELSH STATUTORY INSTRUMENTS

**2004 No. 1011 (W.108)**

**SOCIAL CARE, WALES**  
**CHILDREN AND YOUNG PERSONS, WALES**

The Adoption Support Services (Local Authorities) (Wales) Regulations 2004

Made - - - - 31st March 2004  
Coming into force - - 1 October 2004

The National Assembly for Wales, in exercise of the powers conferred upon it by sections 2(6) (b) and (7), 4(6) and (7)(b) to (i), 139(2) and 142(4) and (5) of, and paragraph 3 of Schedule 4 to, the Adoption and Children Act 2002<sup>(1)</sup> and by sections 9(3), 57A(1) and (3) and 67(5) of the Adoption Act 1976<sup>(2)</sup>, and all other powers enabling it in that behalf, hereby makes the following Regulations: —

PROSPECTIVE

**Citation, commencement and application**

1.—(1) These Regulations may be cited as the Adoption Support Services (Local Authorities) (Wales) Regulations 2004 and will come into force on 1 October 2004.

(2) These Regulations apply in relation to the provision of adoption support services by local authorities in Wales.

**Commencement Information**

11 Reg. 1 in force at 1.10.2004, see [reg. 1\(1\)](#)

**Interpretation**

2.—(1) In these Regulations—

(1) [2002 c. 38](#). The powers are exercisable by the appropriate Minister: see section 144(1) for the definition of “regulations”. The “appropriate Minister” is defined in section 144(1), in relation to Wales as the National Assembly for Wales.  
(2) [1976 c. 36](#) as amended by the Children Act [1989 c. 41](#) (paragraph 25 of Schedule 10) and the 2002 Act (paragraph 4 of Schedule 4). These powers are exercisable by the National Assembly for Wales by virtue of article 2 of, and Schedule 1 to, the National Assembly for Wales (Transfer of Functions) Order 1999, [S.I.1999/672](#).

*Status: This version of this Instrument contains provisions that are prospective.*

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“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002;

“the 1983 Regulations” (“*Rheoliadau 1983*”) means the Adoption Agencies Regulations 1983(3)

“adoption agency” (“*asiantaeth fabwysiadu*”) has the same meaning as in the Adoption Act 1976(4);

“adoption support services” (“*gwasanaethau cymorth mabwysiadu*”) is to be construed in accordance with regulation 3(1);

“adoption support services user” (“*defnyddiwr gwasanaethau cymorth mabwysiadu*”) means a person specified in the Schedule ;

“adoptive family” (“*teulu mabwysiadol*”) means an adoptive child, the adoptive parent of the adoptive child and any child of the adoptive parent and references to the adoptive family of, or in relation to, a person is to be construed as the adoptive family of which that person is a member;

“adoptive parent” (“*rhiant mabwysiadol*”) means a person —

- (a) who an adoption agency has decided in accordance with regulation 11(1) of the 1983 Regulations would be a suitable adoptive parent for a particular child;
- (b) with whom an adoption agency has placed a child for adoption;
- (c) who has given notice under section 22(1) of the Adoption Act 1976 of his or her intention to apply for an adoption order for a child; or
- (d) who has adopted a child,

but does not include a person where the child is no longer a child, or where the person is the step-parent or natural parent of the child, or was the step-parent of the child before he or she adopted the child;

“child tax credit” (“*credyd treth plant*”) has the same meaning as in the Tax Credits Act 2002(5);

“a child who is looked after” (“*plentyn sy'n derbyn gofal*”) has the same meaning as in section 22(1) of the Children Act 1989(6);

“notify” (“*hysbysu*”) means notify in writing.

(2) In these Regulations—

- (a) subject to paragraph (b), “adoptive child” means a child who has been, or may be, adopted;
- (b) references to a person’s adoptive child are to a child other than the person’s stepchild, who has been, or may be, adopted by that person.

(3) In regulations 8 to 15, “child” (“*plentyn*”) means an adoptive child, and references to a person’s child are to a child, other than the person’s stepchild, who has been or may be adopted by that person.

#### Commencement Information

**I2** Reg. 2 in force at 1.10.2004, see [reg. 1\(1\)](#)

(3) S.I.1983/1964, amended by S.I. 1997/649, S.I. 1983/2308 and S.I. 2001/2237.

(4) By section 1(4) of the Adoption Act 1976, a local authority or appropriate voluntary organisation may be referred to as an adoption agency. The term “appropriate voluntary organisation” is defined in section 1(5) of the 1976 Act, as inserted by section 116 and Schedule 4, paragraph 5 of the Care Standards Act 2000, c. 14.

(5) 2002 c. 21.

(6) 1989 c. 41.

### Provision of adoption support services

3.—(1) For the purposes of section 2(6) of the 2002 Act (definition of “adoption support services”)(7), the following services are prescribed —

- (a) financial support payable under regulation 10;
- (b) services to enable groups of adoption support services users to discuss matters relating to adoption;
- (c) assistance in relation to arrangements for contact between an adoptive child and —
  - (i) a relative of the adoptive child; or
  - (ii) any person with whom the adoptive child has a relationship which appears to the local authority to be beneficial to the welfare of the child having regard to the matters referred to in sub-paragraphs (i) to (iii) of section 1(4)(f) of the 2002 Act;
- (d) services that may be provided to an adoptive parent or adoptive child in relation to the therapeutic needs of the child;
- (e) assistance for the purpose of ensuring the continuance of the relationship between the child and his or her adoptive parent, including —
  - (i) training for adoptive parents for the purpose of meeting any special needs of the child;
  - (ii) respite care.

(2) For the purposes of paragraph 3(1) of Schedule 4 to the 2002 Act, the arrangements which local authorities are required to make are arrangements for providing any service specified in column (1) of the Schedule for persons who are of a description specified in the corresponding entry in column (2) of that Schedule;

(3) The arrangements referred to in paragraph (2) in respect of any service are required to be made whether or not the local authority have decided to provide the service to any person.

#### Commencement Information

**I3** Reg. 3 in force at 1.10.2004, see [reg. 1\(1\)](#)

### Adoption support services adviser

4.—(1) The local authority shall appoint a person (an “adoption support services adviser”) to carry out the function specified in paragraph (2).

(2) The functions of the adoption support services adviser are to give advice and information, to persons who may be affected by the adoption or proposed adoption of a child, as to —

- (a) services that may be appropriate to those persons; and
- (b) how those services may be made available to them.

(3) The local authority must only appoint a person as an adoption support services adviser if satisfied that his or her knowledge and experience of —

- (a) the process of adoption; and
- (b) the effect of the adoption of a child on persons likely to be affected by the adoption,

is sufficient for the purposes of the role of an adoption support services adviser.

(7) By section 2(6) of the 2002 Act, the term “adoption support services” is defined as (a) counselling, advice and information, and (b) any other services prescribed by regulations in relation to adoption.

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## Commencement Information

**I4** Reg. 4 in force at 1.10.2004, see [reg. 1\(1\)](#)

## Requirement for assessment

**5.—(1)** A local authority must, at the request of an adult or child specified in the Schedule, carry out an assessment of his or her needs for adoption support services.

(2) A local authority may, at the request of any other person, carry out an assessment of his or her needs for adoption support services

(3) Where a local authority are considering adoption for a child who is looked after, they must, before completing the written report required under regulation 7(2)(e) of the 1983 Regulations, carry out an assessment of a child's needs for adoption support services.

(4) Where a local authority propose to place a particular child for adoption with a prospective adopter, they must, before completing the written report required under regulation 9(1) of the 1983 Regulations, carry out an assessment of the needs of each member of the adoptive family for adoption support services.

(5) Where —

(a) a local authority are reviewing the placement for adoption of a child under regulation 12(2)(k) of the 1983 Regulations; and

(b) they have not carried out an assessment in accordance with paragraph (4) in respect of each member of the adoptive family,

they must, before completing the review, carry out an assessment of the needs of each member of the adoptive family for adoption support services.

(6) Where a local authority (“the placing authority”) are considering the placement of a child who is looked after with a prospective adopter who is resident in the area of another local authority (“the recovering authority”) the placing authority must consult the recovering authority in writing about the placement and the result of the assessments undertaken in accordance with paragraphs (3) and (4) and in particular upon the abilities of the agencies in the area of the recovering authority to provide any identified adoption support services.

(7) A recovering authority in Wales must respond in writing to the consultation undertaken in accordance with paragraph (6) within twenty-eight days of receiving it.

(8) Where a recovering authority has responded in writing to the consultation undertaken in accordance with paragraph (6), these written comments must be taken into account by the adoption panel when considering the placement of the child in accordance with regulation 10 of the 1983 Regulations and by the adoption agency when considering its decision in accordance with regulation 11 of the 1983 Regulations.

(9) Where the person's request under paragraph (1) or (2) relates to a particular service specified in regulation 3(1), or it appears to the local authority that the person's needs for adoption support services may be adequately assessed by reference to a particular service so specified, the local authority may carry out the assessment by reference only to that service.

(10) The local authority is not required under paragraph (1) to carry out an assessment of a person's needs unless —

(a) paragraph (11) applies;

(b) paragraph (12) applies and the person requests the assessment —

(i) not more than one year after the date of the adoption order; or

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- (ii) not more than three years after the date on which the adoptive child was placed with the adoptive parents; or
  - (c) sub-paragraphs (a) and (b) do not apply and the person lives in the area of the local authority.
- (11) This paragraph applies where an adoptive child —
- (a) is looked after by the local authority; or
  - (b) has not been adopted but has been placed for adoption by the local authority.
- (12) This paragraph applies where an adoptive child —
- (a) has been adopted by his or her adoptive parents; and
  - (b) before the adoption order was made, was placed for adoption with the adoptive parents by the local authority.

#### **Commencement Information**

**I5** Reg. 5 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### **Procedure for assessment**

**6.—(1)** The assessment of a person's needs for adoption support services must be carried out by, or under the supervision of, a person who has suitable qualifications, experience and skills necessary for the purposes of the assessment.

(2) In carrying out the assessment, the local authority must have regard to the following considerations —

- (a) the needs of the person;
  - (b) the needs of the person's adoptive family;
  - (c) in the case of an adoptive child who has been placed for adoption, the circumstances that led to the child being placed for adoption;
  - (d) any special needs of the adoptive child arising from the fact that —
    - (i) the child has been looked after by a local authority;
    - (ii) the child has been habitually resident outside the British Islands;
    - (iii) the adoptive parent is a relative of the child.
- (3) The local authority must, where it considers it appropriate to do so —
- (a) interview the person and, where the person is an adoptive child, its adoptive parents;
  - (b) prepare a written report of the assessment.
- (4) The local authority must, having regard to the assessment, decide —
- (a) whether the person has needs for adoption support services; and
  - (b) if so, whether to provide any such services to him or her,

and, subject to paragraphs (6) and (7), must give notice in writing in accordance with paragraph (5), of that decision and the reasons for the decision.

- (5) The notice referred to in paragraph (4) must be given —
- (a) where the person is an adult, to that person;
  - (b) where the person is a child and —

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- (i) it appears to the local authority that the child is of sufficient age and understanding for it to be appropriate to give him or her such notice; and
- (ii) in all the circumstances it does not appear inappropriate to do so, to the child;
- (c) in any other case where the person is a child, to —
  - (i) the person who an adoption agency has decided in accordance with regulation 11(1) of the 1983 Regulations would be a suitable adoptive parent for the child;
  - (ii) the person with whom the child has been placed for adoption;
  - (iii) the person by whom the child has been adopted; or
 if no person falls within heads (i) to (iii) of this sub-paragraph, the person who proposes to adopt the child.

(6) Where the assessment relates only to the provision of information, the requirement in paragraph (4) to give notice will not apply where the local authority does not consider it appropriate to give such notice.

(7) Where the assessment relates to a person's need for financial support, the notice to be given in relation to the local authority's decision as to the provision of financial support must be given in addition to any notice which is to be given in accordance with regulations 12 and 13.

#### Commencement Information

**I6** Reg. 6 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Plan

7.—(1) If the local authority decide to provide any adoption support services to a person, they must, except where the services are to be provided on a single occasion —

- (a) prepare a plan in accordance with which the services are to be provided; and
- (b) notify him or her of the plan.
- (2) The local authority must for the purpose of preparing the plan consult —
  - (a) the person;
  - (b) the adoption support services adviser (if any) who has been nominated for the person;
  - (c) where it appears to the local authority that —
    - (i) there may be a need for the provision of services to that person by a local health board; or
    - (ii) there may be a need for the provision to him or her of any services which fall within the functions of a local education authority (within the meaning of the Education Act 1996<sup>(8)</sup>),
 that local health board or local education authority.

#### Commencement Information

**I7** Reg. 7 in force at 1.10.2004, see [reg. 1\(1\)](#)

(8) [c.56](#). See section 12 of the Act.

## Review of the provision of adoption support services

8.—(1) Where the local authority is providing, or has in the preceding twelve months provided, adoption support services for a person, it must review the provision of such services if any change in the person's circumstances comes to their notice.

(2) Paragraphs (1) to (4) of regulation 6 apply to a review under this regulation as they apply to an assessment under regulation 6.

(3) The local authority must, having regard to the review —

- (a) decide whether to vary the provision of adoption support services for the person; and
- (b) review and, where appropriate, revise the plan prepared under regulation 7.

(4) If the local authority decide to vary the provision of adoption support services for the person, or revise the plan, they must give notice in accordance with paragraph (5) of regulation 6; and paragraphs (6) and (7) of that regulation apply to this paragraph as they apply to paragraph (5) of that regulation.

### Commencement Information

**I8** Reg. 8 in force at 1.10.2004, see [reg. 1\(1\)](#)

## Responsibilities of local authorities for out of area placements

9.—(1) Where a local authority (“the placing authority”) —

- (a) is considering adoption for a child but the child has not been placed; or
- (b) has placed a child for adoption but an adoption order has not been made for the child; and
- (c) another local authority (“the recovering local authority”) provides any adoption support services in relation to the child,

the recovering authority may, subject to paragraphs (2), (3), (4) and (5), recover from the placing authority the expenses of providing the adoption support services.

(2) Paragraph (1) is not to apply in respect of the expenses of providing adoption support services, including financial support to the extent that those services consist of the provision of advice or information or the provision of an adoption support services advisor.

(3) Paragraph (1) applies in respect of the expenses of providing adoption support services in relation to a child only to the extent that —

- (a) the placing authority have decided to provide such services; and
- (b) the services are provided in accordance with the plan prepared under regulation 7 by the placing authority.

(4) Where a placing authority is to meet the expenses of providing adoption support services —

- (a) in the circumstances specified in regulation 3(1)(b) to (e) pursuant to paragraph (1); or
- (b) in the circumstance specified in regulation 3(1)(a), where such support is to be provided after the making of the adoption order,

the placing authority shall continue to do so for up to three years from the date of placement, subject to regulation 14.

(5) Where financial support pursuant to regulation 3(1)(a) or an adoption allowance pursuant to the Adoption Allowance Regulations 1991(9) is paid by the placing authority prior to the making

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of the adoption order, the placing authority shall continue to make such payments, subject to regulation 14.

(6) References in paragraph (3) to adoption support services include any allowance that is treated as financial support payable under these Regulations, by virtue of regulation 16(2).

#### Commencement Information

**19** Reg. 9 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Circumstances in which financial support may be paid

**10.**—(1) Financial support may be paid only to persons of the following descriptions, and only where one or more of the circumstances specified in paragraph (2) exists —

- (a) a person who an adoption agency has decided in accordance with regulation 11(1) of the 1983 Regulations would be a suitable adoptive parent for a child, but the child has not been placed;
- (b) a person with whom the child has been placed for adoption, but the child not been adopted;
- (c) a person who has adopted a child who is under 18.

(2) The circumstances referred to in paragraph (1) are —

- (a) where the child has not been placed with the adoptive parents for adoption, and financial support is necessary to ensure that the adoptive parents can look after the child;
- (b) where the child has been placed with the adoptive parents for adoption, and financial support is necessary to ensure that the adoptive parents can continue to look after the child;
- (c) where the child has been adopted, and financial support is necessary to ensure that the adoptive parents can continue to look after the child;
- (d) where the local authority are satisfied that the child has established a strong and important relationship with the adoptive parent before the adoption order is made;
- (e) where it is desirable that the child be placed with the same adoptive parent as his or her brothers or sisters, or with the child with whom he or she or she has previously shared a home;
- (f) where the child needs special care which requires a greater expenditure of resources by reason of illness, disability, emotional or behavioural difficulties or the continuing consequences of past abuse or neglect;
- (g) where on account of the age, sex or ethnic origin of the child it is necessary for the authority to make special arrangements to facilitate the placement of the child for adoption.

(3) In each case before financial support is payable the local authority must require the adoptive parents to have agreed to —

- (a) inform the local authority immediately if —
  - (i) the child no longer has his or her home with them (or either of them), if they have changed their address, or if the child dies, or
  - (ii) there is any change in their financial circumstances or the financial needs or resources of the child;

and, where the information is given orally, to confirm it in writing within seven days,



(b) complete and supply the local authority with an annual statement of their financial circumstances and the needs and financial circumstances of the child.

(4) Financial support will not be paid to meet any needs in so far as any benefit or allowance applicable to the adoptive parents as a result of their adoption of the child, is payable or available to them in respect of those needs.

#### Commencement Information

**110** Reg. 10 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Amount of financial support

**11.**—(1) Any financial support payable is to be of such amount as the local authority determines in accordance with paragraphs (2) to (5).

(2) In determining the amount of financial support the local authority must take into account —

- (a) any recommendations, in relation to the adoptive parent or the adoptive child, made by the adoption panel to the local authority on a matter referred to in regulation 10(1)(a) or (c) of the 1983 Regulations;
- (b) the financial resources available to the adoptive parents including child tax credit and any other financial benefit which would be available in respect of the child when adopted;
- (c) the amount required by the adoptive parents in respect of their reasonable outgoings and commitments (excluding outgoings in respect of the child); and
- (d) the financial needs and resources of the child;
- (e) expenditure for the purposes of facilitating the placement of the child with the adoptive parents for adoption, including —
  - (i) expenditure for the purpose of introducing the child to his or her adoptive parents;
  - (ii) initial expenditure necessary for the purpose for accommodating the child, including the provision of furniture and domestic equipment, alterations to and adaptations of the home where the child is accommodated, provision of means of transport and provision of clothing, toys and other items necessary for the purpose of looking after the child;
  - (iii) legal costs, including court fees payable to a court, in relation to the adoption of the child;
  - (iv) cost of equipment in relation to any special needs of the child;
  - (v) cost of damage or wear and tear in the home where the child is accommodated where such cost arises out of special behavioural difficulties of the child;
  - (vi) the cost of placing a child in a boarding school where the placement is necessary to meet the special needs of the child;
  - (vii) the cost of meeting the special needs of the child, including needs arising out of a serious disability or illness;
  - (viii) expenditure on travel for the purpose of visits between the child and persons referred to in regulation 3(1)(c).

(3) Except where paragraphs (4) and (5) apply, the financial support payable by the local authority must not include any element of remuneration for the care of the child by adoptive parents.

(4) This paragraph applies where —

- (a) the adoptive parent is or has been a foster parent in respect of the child;

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- (b) it appears to the local authority that any financial assistance or allowances given to the adoptive parent in respect of his or her fostering of the child has ceased or will cease;
  - (c) the local authority has decided in accordance with regulation 11(1) of the 1983 Regulations that the adoptive parent would be a suitable adoptive parent for the child; and
  - (d) before the adoption order is made the local authority decides to pay financial support and determines that such financial support is to be paid periodically.
- (5) This paragraph applies —
- (a) at any time until the day (“the second anniversary”) occurring two years after the date of the adoption order in respect of the child; and
  - (b) at any time after the second anniversary, in a case where any of the circumstances specified in regulation 10 (2)(a), (b), (e), (f) or (g) existed on the date on which the local authority decides, in accordance with paragraph (4)(d), to pay financial support.

#### Commencement Information

**I11** Reg. 11 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Procedure in determining whether financial support should be paid

- 12.—**(1) This regulation applies where —
- (a) the local authority assesses a person’s needs for adoption support services, and the assessment relates to the person’s need for financial support; or
  - (b) the local authority reviews the provision of adoption support services in respect of a person, and the review relates to the person’s need for financial support.
- (2) The local authority must —
- (a) supply information to the adoptive parents about financial support, including the basis upon which financial support is determined;
  - (b) give notice in accordance with paragraph (3) to the adoptive parents of their proposed decision as to —
    - (i) whether financial support should be paid;
    - (ii) the proposed amount, if any, which would be payable; and
    - (iii) whether the financial support should be paid subject to any conditions that may be imposed in accordance with paragraph (4);
  - (c) consider any representations received from the adoptive parents within the period specified in the notice;
  - (d) make a decision as to whether financial support should be paid and the conditions, if any, which should be imposed, determine the amount, if any, which would be payable and notify the adoptive parents of that decision and determination.
- (3) A notice under paragraph (2)(b) must state the period of time within which the adoptive parents may make representations to the local authority concerning the proposed decision, and the local authority must not make a decision or determination under paragraph (2)(d) until after the expiry of that period.
- (4) Where the local authority decide that financial support is to be paid for a particular purpose, they may pay the financial support subject to a condition as to how the payment is to be used and may specify the date by which the condition is to be met.

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(5) Where the local authority are satisfied that a condition notified under paragraph (2)(d) has not been met by the date, if any, specified in the notice, they may require that the payment or an appropriate part of the payment be repaid.

#### Commencement Information

I12 Reg. 12 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Information about financial support

13. After a decision has been made to pay financial support, the local authority must notify the adoptive parents in writing of the following —

- (a) the method of the determination of the amount of financial support;
- (b) the amount of financial support;
- (c) where financial support is to be paid in instalments or periodically —
  - (i) the frequency with which the payment will be made;
  - (ii) the date (if any) until which financial support is to be paid;
  - (iii) the date of the first payment of financial support;
- (d) where financial support is to be paid as a single payment, the date on which the payment is to be made;
- (e) where financial support is to be paid subject to any conditions, those conditions and the consequences of failing to meet those conditions;
- (f) the arrangements and procedure for review, variation and determination of financial support;
- (g) the responsibilities of —
  - (i) the local authority under regulation 14; and
  - (ii) the adoptive parents pursuant to their agreement under regulation 10(3),in respect of the financial support in the event of a change in circumstances of the adoptive parents or the child.

#### Commencement Information

I13 Reg. 13 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Review, variation and termination of financial support

14.—(1) The local authority must review any financial support —

- (a) annually, on receipt of a statement from the adoptive parents as to —
  - (i) their financial circumstances;
  - (ii) the financial needs and resources of the child;
  - (iii) their address and whether the child still has a home with them (or either of them);and
- (b) if any change in the circumstances of the adoptive parents or the child, including any change of address, comes to their notice.

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(2) Paragraphs (3) to (6) will apply where financial support is payable in instalments or periodically.

(3) The local authority may vary, suspend or terminate payment of the financial support if, as a result of a review, they consider that the adoptive parents' need for it has changed or ceased since the amount of financial support was last determined.

(4) Where the adoptive parents fail to supply the local authority with an annual statement in accordance with their agreement under regulation 10(3)(b), the local authority may assume the adoptive parents' need for financial support to have ceased until such time as a statement is supplied.

(5) Where payment of financial support is suspended the local authority may recommence payment if, as a result of a review, the local authority consider that the financial circumstances of the adoptive parents have become such that financial support should be paid.

(6) The local authority must terminate payment of financial support when —

- (a) the child ceases to have a home with the adoptive parents (or either of them);
- (b) the child qualifies for income support or jobseeker's allowance in his or her own right;
- (c) the child attains the age of 18;
- (d) any period agreed between the local authority and the adoptive parents for the payment of the allowance expires; or
- (e) the child dies.

#### Commencement Information

**I14** Reg. 14 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Confidentiality, preservation and access to records

**15.—(1)** Subject to regulation 15 of the 1983 Regulations, any information obtained or recommendations received for decisions made by virtue of these Regulations must be treated by the local authority as confidential.

(2) The local authority must place a record of the details of financial support in respect of a child including details of any determination under regulation 11 (amount of financial support) and review under regulation 14 (review, variation and termination of allowance) on the case records they are required to set up under the 1983 Regulations.

#### Commencement Information

**I15** Reg. 15 in force at 1.10.2004, see [reg. 1\(1\)](#)

#### Amendment of the Adoption Allowance Regulations 1991

**16.—(1)** In regulation 1(2) of the Adoption Allowance Regulations 1991(**10**), in the definition of “adoption agency”, the words “or a local authority” are omitted.

(2) Any allowance which is payable by a local authority under the Adoption Allowance Regulations 1991 immediately before 1 October 2004 (“the allowance”) is to be treated with effect from that date as financial support payable under these Regulations, and the financial support is to be of the same amount, method and frequency of payment, and payable for the same period, as the allowance.

(10) S.I. 1991/2030, amended by S.I. 1991/2130.

*Status: This version of this Instrument contains provisions that are prospective.*

*Changes to legislation: There are outstanding changes not yet made by the legislation.gov.uk editorial team to The Adoption Support Services (Local Authorities) (Wales) Regulations 2004. Any changes that have already been made by the team appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

### Commencement Information

**I16** Reg. 16 in force at 1.10.2004, see [reg. 1\(1\)](#)

Signed on behalf of the National Assembly for Wales under section 66(1) of the Government of Wales Act 1998(**11**).

31st March 2004

*D. Elis-Thomas*  
The Presiding Officer of the National  
Assembly

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PROSPECTIVE

## SCHEDULE

Regulation 3

## SERVICES THAT MAY BE PROVIDED

**Commencement Information**

**I17** Sch. in force at 1.10.2004, see [reg. 1\(1\)](#)

<i>(1)</i> <i>Service</i>	<i>(2)</i> <i>Description of person</i>
The service specified in regulation 3(1)(a) (financial support)	<p>Adults who have been matched with a child who is or was looked after, but the child has not been placed</p> <p>Adults who have a child who is or was looked after placed with them for adoption, but the child not been adopted</p>
The service specified in regulation 3(1)(b) (support group)	<p>Adults who have adopted a child was looked after and who is under 18</p> <p>Adults who have a child who is or was looked after placed with them for adoption, but not adopted</p> <p>Adults who have adopted a child who was looked after and who still under 18</p> <p>Child who is or was looked after who has been placed with an adopter, but has not been adopted</p>
The service specified in regulation 3(1)(c) (contact)	<p>Child who was looked after and who has been adopted</p> <p>Child who is or was looked after who has been placed with an adopter, but has not been adopted</p> <p>Child who was looked after and who has been adopted</p>
The service specified in regulation 3(1)(d) (therapeutic services)	<p>Adults who have a child who is or was looked after placed with them for adoption, but who has not been adopted</p> <p>Adults who have adopted a child who was looked after and is still under 18</p>

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<i>(1)</i> <i>Service</i>	<i>(2)</i> <i>Description of person</i>
	Child who is or was looked after and who has been placed with an adopter, but has not been adopted
	Child who was looked after and who has been adopted
The service specified in regulation 3(1)(e) (services to ensure continuance of relationship)	Adults who have a child who is or was looked after placed with them for adoption, but the child has not been adopted
	Adults who have adopted a child who was looked after and who is still under 18
	Child who is or was looked after and who has been placed with an adopter, but has not been adopted
	Child who is or was looked after and who has been adopted

PROSPECTIVE

## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Adoption Act 1976 and the Adoption and Children Act 2002 (“the 2002 Act”) and apply to local authorities in Wales. Local authorities are required to maintain an adoption service, which must include adoption support services, defined in section 2 of the 2002 Act as being counselling, advice and information and any other services prescribed by regulations.

These Regulations address the needs of adoptive families created when children looked after by local authorities are adopted. Regulation 3 specifies the services that must be provided for the groups of potential service users. Regulation 4 places a requirement on each local authority to appoint an adoption support services advisor as a single point of contact for people and to provide advice and information about services. Regulation 5 sets out when an assessment for services must be made, and requires a local authority considering the placement of a child with a family in the area of another local authority, to consult that authority about both the placement and the assessment. Regulation 6 sets out the procedure for assessment. Save where the support is given on a single occasion only, regulation 7 imposes an obligation on a local authority when they have decided to provide adoption support services, to prepare a plan setting out how the services are to be provided; consultation about such a plan is prescribed. Regulation 8 provides for the review

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of adoption support services. Regulation 9 allocates responsibility for funding where children are placed across local authority boundaries, or the adoptive family subsequently moves. Regulations 10 to 14 are concerned with the payment of financial support. Regulation 15 requires a local authority to maintain a record of financial support on case records required to be maintained under the Adoption Agencies Regulations 1983. Regulation 16 amends the Adoption Allowance Regulations 1991 so that they no longer apply to local authorities, although they will remain in force for the time being in respect of adoption agencies.



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**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- Sch. coming into force by S.I. 2004/1011 reg. 1(1)
- Regulations revoked by S.I. 2005/1512 reg. 18(1)
- reg. 1 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 2 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 3 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 4 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 5 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 6 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 7 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 8 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 9 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 10 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 11 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 12 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 13 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 14 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 15 coming into force by S.I. 2004/1011 reg. 1(1)
- reg. 16 coming into force by S.I. 2004/1011 reg. 1(1)