
WELSH STATUTORY INSTRUMENTS

2005 No. 1514

The Adoption Support Agencies (Wales) Regulations 2005

PART 5

MISCELLANEOUS — AGENCIES

Notifiable events

27.—(1) If, in relation to an agency, any of the events listed in column 1 of the table in Schedule 4 (“the table”) takes place, the registered person must without delay notify the person indicated in respect of the event in column 2 of the table.

(2) Any notification made in accordance with this regulation which is given orally must be confirmed in writing within 10 working days.

(3) In the table —

“relevant authority” means —

- (a) the local authority in whose area the agency is situated, and
- (b) in relation to a child who has died or sustained serious injury in the course of receiving adoption support services any other local authority on behalf of whom the agency is providing adoption support services to that child under regulations made under section 3(4)(b) of the 2002 Act;
- (c) “Local Health Board” and “Primary Care Trust” means the Local Health Board or Primary Care Trust in whose area the child who has died or sustained serious injury in the course of receiving adoption support services was living at the time of the incident.

Financial position

28.—(1) The registered provider must:

- (a) carry on the agency in such a manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose; and
- (b) ensure that adequate accounts are maintained and kept up to date in respect of the agency.

(2) The registered provider must if the registration authority so requests, provide the registration authority with such information and documents as it may require for the purpose of considering the financial viability of the agency, including —

- (a) the annual accounts of the agency certified by an accountant;
- (b) a reference from a bank expressing an opinion as to the registered provider’s financial standing;
- (c) information as to the financing and financial resources of the agency;
- (d) information as to any of the organisation’s associated companies; and

- (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him or her in relation to the agency in respect of death, injury, public liability, damage or other loss.

Notice of absence

29.—(1) Where the manager proposes to be absent from the agency for a continuous period of 28 days or more the registered person must give notice in writing to the registration authority of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the registration authority, and the notice must specify —

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the agency during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the management of the agency during the absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the agency during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of its occurrence, specifying the matters mentioned in paragraph (2) (a) to (e).

(4) Where the registered manager has been absent from the agency for a continuous period of 28 days or more, and the registration authority has not been given notice of the absence, the registered person, shall without delay give notice in writing to the registration authority specifying the matters mentioned in paragraph (2)(a) to (e).

(5) The registered person must notify the registration authority of the return to duty of the registered manager not later than 5 working days after the date of his or her return.

Notice of changes

30.—(1) The registered person must give notice in writing to the registration authority as soon as it is practicable to do so if any of the following events take place or is proposed to take place —

- (a) a person other than the registered provider carries on the agency;
- (b) a person ceases to manage the agency;
- (c) the name or address of the registered provider is changed;
- (d) there is any change of trustee, or director, manager, secretary or other similar officer of the registered provider; or
- (e) there is to be any change in the identity of the responsible individual;
- (f) a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider;
- (g) the agency intends to cease to act or exist as such.

(2) The registered provider must notify the registration authority in writing and without delay of the death of the responsible individual or the registered manager.

Appointment of liquidators etc

- 31.**—(1) Any person to whom paragraph (2) applies must —
- (a) forthwith notify the registration authority of his or her appointment indicating the reasons for it;
 - (b) appoint a manager to take full-time day to day control of the agency in any case where there is no manager; and
 - (c) not more than 20 working days after his or her appointment notify the registration authority of his or her intentions regarding the future operation of the agency.
- (2) This paragraph applies to any person appointed as —
- (a) the receiver or manager of the property of a registered provider;
 - (b) the liquidator or provisional liquidator of a registered provider.

Offences

32.—(1) A contravention or failure to comply with any of the provisions of regulations 3 to 8, 12, 16 to 30 is an offence by virtue of section 9(3) of the 2002 Act.

(2) A contravention or failure to comply with any of the provisions of regulations 9 or 31 is an offence by virtue of section 25(2) of the 2000 Act.

(3) The registration authority may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 18 or 25.

Compliance with regulations

33. Where anything is required under these Regulations to be done by more than one person, it must, if done by one of those persons, not be required to be done by the other person or, as the case may be, persons.

Amendment of the Registration of Social Care and Independent Health Care (Wales) Regulations 2002

34.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002(1) are amended in accordance with the following provisions of this regulation.

- (2) In regulation 2(1) —
- (a) at the appropriate place insert —
 - ““Adoption Support Agency” has the same meaning given by section 8 of the Adoption and Children Act 2002”;
 - (b) in the definition of ““appropriate office”” after paragraph (i) insert —
 - “(j) in relation to an adoption support agency, any office of the National Assembly for Wales.”;
 - (c) in the definition of “statement of purpose” insert —
 - “(k) in relation to an adoption support agency, the written statement required to be compiled in relation to the agency in accordance with regulation 3 of the Adoption Support Agencies (Wales) Regulations 2005;”.

Transitional Provisions

35.—(1) This Regulation applies to adoption support agencies who by virtue of the provisions of the 2000 Act and these Regulations are required to be registered under the Act but who immediately before 30 December 2005 were not required to be so registered.

(2) Notwithstanding any such provision an adoption support agency which immediately before 30 December 2005 was carrying on or managing an agency may continue to carry on or manage the agency without being registered under the 2000 Act —

- (a) during the period of 3 months beginning with that date; and
- (b) if within that period application is made for registration, until that application is finally disposed of or withdrawn.

(3) In this regulation 'finally disposed of' means the date 20 working days following the grant or refusal of registration and, if an appeal is made, the date when the appeal is finally determined or abandoned.