Draft Regulations laid before Parliament under section 128A(6) of the Adoption and Children Act 2002, for approval by resolution of each House of Parliament.

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

2014 No.

CHILDREN AND YOUNG PERSONS, ENGLAND

The Adoption and Children Act Register (Search and Inspection) (Pilot) Regulations 2014

Made - - - - 2014

Coming into force in accordance with regulation 1

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 128A(1) to (4) and 140(7) and (8) of the Adoption and Children Act 2002(**a**) ("the Act").

In accordance with section 128A(6)(**b**) of the Act, a draft of this instrument was laid and approved by a resolution of each House of Parliament.

Citation and commencement

1. These Regulations may be cited as the Adoption and Children Act Register (Search and Inspection) (Pilot) Regulations 2014 and come into force on the second day after the day on which they are made.

Interpretation

2. In these Regulations—

"C" means a child whose information is held on the register;

"P" means a prospective adopter that an adoption agency listed in the Schedule is satisfied is suitable to adopt a child; and

"Part 1 of the register" and "Part 2 of the register" have the meaning given in regulation 3 of the Adoption and Children Act Register Regulations 2014(**c**).

Arrangements with a registration organisation

3. Where the Secretary of State has made arrangements with an organisation under section 126(1) of the Act which require the registration organisation to make the register available for search and inspection by P, references in regulations 4 and 5 to "the Secretary of State" must be read as references to "the registration organisation".

(**a**) 2002 c.38. Sections 128A(1) to (4) were inserted by section 7(4) of the Children and Families Act 2014 (c.6). See section 144(1) for the definition of "regulations" and section 131(1)(b) for the definition of "prescribed".
(**b**) Section 128A(6) was inserted by section 7(4) of the Children and Families Act 2014 (c.6).
(**c**) S.I. 2014/1492.

Search and inspection of the register by prospective adopters

4.—(1) This regulation applies where—

(a) P has provided written confirmation to the Secretary of State that they undertake to comply with the requirements set out in regulation 5; and

(b) the Secretary of State is satisfied that P has not on any occasion failed to comply with any of the requirements set out in regulation 5.

(2) The Secretary of State must make available the information specified in paragraph (5) held in Part 1 of the register(**a**) for search and inspection by P for the purpose of assisting P to find a child for whom P would be an appropriate adopter.

(3) The Secretary of State must make available the information specified in paragraph (5) held in Part 2 of the register for search and inspection by P for the purpose of assisting P to find a child for whom P would be an appropriate adopter where—

(a) P has obtained written confirmation from the appropriate adoption agency that P is willing to have placed with them a child for whom a local authority in England is considering adoption; and

(b) P has provided that written confirmation to the Secretary of State.

(4) In paragraph 3(a)—

(a) "appropriate adoption agency" means the adoption agency that approved P as suitable to adopt a child under regulation 30B(4) of the Adoption Agencies Regulations 2005(**b**); and

(b) "placed" means placed under section 22C of the Children Act 1989(**c**) with a local authority foster parent who is also an approved prospective adopter following consideration under section 22C(9B)(c) of that Act.

(5) The specified information is—

(a) C's date of birth;

(b) C's gender;

(c) C's nationality;

(d) C's racial origin;

(e) the local authority area in which C lives;

(f) C's first language and details of any other languages spoken;

(g) C's religious persuasion if any (including details of any baptism, confirmation or equivalent ceremonies) and whether C practises their religion;

(h) whether the adoption agency intends to place C for adoption with C's siblings and if so how many and the date of birth of each sibling;

(i) C's state of health including C's physical, emotional and mental health and any anticipated future problems;

(j) details of any adoption support needs that C has been assessed as having under section 4 of the Act (including those relating to C's health) and any adoption support services(**d**) being provided by the local authority or that the local authority has agreed to provide; and

(k) where available—

(i) any photographs or video recordings of C; and

(ii) any letters written by C provided that—

(**a**) See section 125 of the Adoption and Children Act 2002 for the definition of "the register".

(**b**) S.I. 2005/389. Section 30B was inserted by regulation 5 of the Adoption Agencies (Miscellaneous Amendments) Regulations 2013 (S.I. 2013/985).

(**c**) 1989 c.41. Section 22C was inserted by section 8(1) of the Children and Young Persons Act 2008 (c.23) and amended by section 2 of the Children and Families Act 2014 (c.6).

(**d**) See section 2(6) of the Act for the definition of "adoption support services".

(aa) any identifying information about C or C's siblings not specified in paragraphs (a) to (j) above is removed; and

(bb) any identifying information about any other person is removed.

(6) In paragraph (5)—

(a) "identifying information" about a person means information which, whether taken on its own or together with other information disclosed by the Secretary of State, identifies the person or enables the person to be identified; and

(b) "video recording" means a recording, in any form, from which a moving image may by any means be reproduced and includes data stored on a computer disc or by other electronic means which is capable of conversion into a moving image.

Steps to be taken by prospective adopters in respect of information received as a result of searching or inspecting the register

5.—(1) For the purposes of section 128A(4) of the Act P is required to take the following steps in respect of information received as a result of searching or inspecting the register—

(a) P must take reasonable steps to ensure that there is no unauthorised disclosure of the information received by P as a result of searching or inspecting the register; and

(b) P must inform the Secretary of State about the theft, unauthorised disclosure or loss of a document or any other item which contains information received as a result of searching or inspecting the register.

(2) In this regulation "unauthorised disclosure" means disclosure other than to an adoption agency and otherwise for the purposes of assisting P to find a child for whom P would be an appropriate adopter.

Name
Parliamentary Under Secretary of State
Department for Education

Date

SCHEDULE

Regulation 2

Adoption Agencies

1. Action for Children - Mosaic Adoption and Permanence Service

2. Adoption Matters North West

3. After Adoption

4. Blackburn with Darwen Council

5. Caritas Care

6. Cheshire East Council

7. Coram

8. DFW Adoption

9. Essex County Council

10. Faith in Families

11. Families for Children

12. Gloucestershire County Council

13. Islington London Borough Council

14. Barnet London Borough Council

15. Camden London Borough Council

16. Ealing London Borough Council

17. Enfield London Borough Council

18. Hackney London Borough Council

19. Haringey London Borough Council

20. North Tyneside Council

21. Parents and Children Together

22. Poole Council

23. Shropshire Council

24. Stockport Metropolitan Borough Council

25. Tameside Metropolitan Borough Council

26. Telford and Wrekin Council

27. Trafford Metropolitan Borough Council

28. York City Council

29. Yorkshire Adoption Agency

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision to pilot the search and inspection of the Adoption and Children Act Register ("the register") by prospective adopters that an adoption agency listed in the Schedule is satisfied are suitable to adopt a child. They come into force on the second day after the day on which they are made.

They are made under section 128A of the Adoption and Children Act 2002 which was inserted by the Children and Families Act 2014.

Regulation 2 defines 'P' as a prospective adopter that one of the adoption agencies listed in the Schedule is satisfied is suitable to adopt a child. This ensures that only prospective adopters approved as suitable to adopt by those adoption agencies are able to take part in the pilot and search and inspect the register.

Regulation 3 provides that where the Secretary of State has made arrangements with an organisation under section 126(1) of the Act, references to the Secretary of State must be read as references to the 'registration organisation'.

Regulation 4 provides for the search and inspection of the register by P. P may search and inspect specified information held in Part 1 of the register (regulation 4(2)). If P has sent the register written confirmation from the appropriate adoption agency that they would be willing to have a child placed with them for whom a local authority is considering adoption, P may search and inspect specified information held in Part 2 of the register (regulation 4(3)).

Regulation 5 prescribes the steps to be taken by P in respect of information received as a result of searching or inspecting the register.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.

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