

Adoption:

National Minimum Standards

CONTENTS

General Introduction	3
STANDARD 1 – The child's wishes and feelings	8
STANDARD 2 – Promoting a positive identity, potential and valuing diversity	10
STANDARD 3 – Promoting positive behaviour and relationships	12
STANDARD 4 – Safeguarding children	13
STANDARD 5 - Promoting good health and wellbeing	14
STANDARD 6 - Leisure activities	15
STANDARD 7 – Promoting educational attainment	16
STANDARD 8 – Contact	17
STANDARD 9 - Providing a suitable physical environment for the child	19
STANDARD 10 - Recruiting and assessing prospective adopters	20
STANDARD 11 - Intercountry - assessing prospective adopters	23
STANDARD 12 - Birth parents and birth families involved in the adoption plan	26
STANDARD 13 – Matching and placing the child with prospective adopters who can meet most of their assessed needs	28
STANDARD 14 – Intercountry - matching prospective adopters to child's assessed needs	30
STANDARD 15 - Adoption support	31
STANDARD 16 - Intermediary services	33
STANDARD 17 - Adoption panels and agency's decision-maker	35
STANDARD 18 - Statement of Purpose and Children's Guides	37
STANDARD 19 - Fitness to provide or manage an adoption agency or an adoption support agency	39
STANDARD 20 - Financial viability and changes affecting business continuity	42
STANDARD 21 – Suitability to work with children and service users	43
STANDARD 22 - Handling allegations and suspicions of harm	45
STANDARD 23 - Learning, development and qualifications	48
STANDARD 24 – Staff support and supervision	52
STANDARD 25 – Managing effectively and efficiently, and monitoring the adoption agency or adoption support agency	54
STANDARD 26 - Individuals who are registered providers of adoption support agencies	57

STANDARD 27 - Records	59
STANDARD 28 - Fitness of premises for use as an adoption agency or adoption support agency	61
STANDARD 29 - Notification of significant events	62

General Introduction

This document contains the National Minimum Standards (NMS) applicable to the provision of adoption services. The NMS together with the adoption regulations form the basis of the regulatory framework under the Care Standards Act 2000 for the conduct of adoption agencies and adoption support agencies.

The values statement below explains the important principles which underpin these Standards.

Values – children

- The child's welfare, safety and needs are at the centre of the adoption process.
- Adopted children should have an enjoyable childhood, and benefit from excellent parenting and education, enjoying a wide range of opportunities to develop their talents and skills leading to a successful adult life.
- Children are entitled to grow up as part of a loving family that can meet their developmental needs during childhood and beyond.
- Children's wishes and feelings are important and will be actively sought and fully taken into account at all stages of the adoption process.
- Delays should be avoided as they can have a severe impact on the health and development of the children waiting to be adopted.
- A sense of identity is important to a child's well-being. To help children develop this, their ethnic origin, cultural background, religion, language and sexuality need to be properly recognised and positively valued and promoted.
- The particular needs of disabled children and children with complex needs will be fully recognised and taken into account.
- Where a child cannot be cared for in a suitable manner in their own country, intercountry adoption may be considered as an alternative means of providing a permanent family.
- Children, birth parents/guardians and families and adoptive parents and families will be valued and respected.
- A genuine partnership between all those involved in adoption is essential for the NMS to deliver the best outcomes for children; this includes the Government, local government, other statutory agencies, Voluntary Adoption Agencies and Adoption Support Agencies.

Values - adopted adults and birth relatives

- Adoption is an evolving life-long process for all those involved - adopted adults, and birth and adoptive relatives. The fundamental issues raised by adoption may reverberate and resurface at different times and stages throughout an individual's life.
- Adopted people should have access to information and services to enable them to address adoption related matters throughout their life.
- Agencies have a duty to provide services that considers the welfare of all parties involved and should consider the implications of decisions and actions for everyone involved.
- Agencies should seek to work in partnership with all parties involved, taking account of their views and wishes in decision-making.
- Agencies should acknowledge differences in people's circumstances and establish policies that provide non-discriminatory services.
- Adopted adults have their adoptive identity safeguarded and the right to decide whether to be involved in contact or communication with birth family members.

Legal status of the standards

The NMS for adoption are issued by the Secretary of State under sections 23 and 49 of the Care Standards Act 2000. The Secretary of State will keep the standards under review and may publish amended standards as appropriate.

Minimum standards do not mean standardisation of provision. The standards are designed to be applicable to the variety of different types of adoption agencies and adoption support agencies. They aim to enable, rather than prevent, individual agencies to develop their own particular ethos and approach based on evidence that this is the most appropriate way to meet the child's needs. Many agencies will aspire to exceed these standards and develop their service in order to achieve excellence.

The standards are issued for use by Ofsted who taken them into account in their inspection of adoption agencies and adoption support agencies. They will also be important in other ways. The standards may be used by agencies and staff in self-assessment of their services. They provide a basis for the induction and training of staff; they can be used by children, birth parents and birth families, prospective/adoptive parents, and adopted adults as a guide to what they should expect as a minimum the agency to provide and to do; and they can provide guidance on what is required when setting up an agency.

Structure and approach to inspection¹

The NMS for adoption focus on delivering achievable outcomes for children, adopted adults and their adoptive and birth families. Each standard is preceded by a statement of the outcome to be achieved by the agency. The standards are intended to be qualitative, in that they provide a tool for judging the quality of life experienced by services users, but they are also designed to be measurable. Agencies will normally show that they are meeting the headline statement of the outcome by following the standards below. However, these do not have to be followed exactly if the agency can demonstrate, and Ofsted is satisfied, that the outcomes are being met in a different way. The exception is where standard refer to a requirement set out in regulations, in which case the regulation must be met. The standards outline in the legislation box what the regulatory requirement is which underpins the standards.

A number of the standards apply equally to local authorities, voluntary adoption agencies and to adoption support agencies. The standards which are specific to particular agencies can be found at the top right hand corner at the start of each standard.

STANDARD NUMBER	APPLIES TO
1, 3, 4, 8	Adoption agencies and adoption support agencies (ASAs) who work with children
2, 3, 4, 6, 7, 8, 9, 10	Adoption agencies and ASAs who provide assistance to adoption agencies in preparing and training prospective adopters
5, 12, 13, 17	Adoption agencies
11, 14	Local authorities and those voluntary adoption agencies (VAAs) who provide an intercountry adoption service
12, 16	Adoption agencies and ASAs who work with adults
15, 18, 19, 21*, 22, 23*, 24*, 25*, 27, 28	Adoption agencies and ASAs
20, 29	VAAs and ASAs
26	Individuals who are registered providers of adoption support agencies

* these standards are not relevant in respect of adoption support agencies where the registered provider is an individual and does not have staff or volunteers, or the individual is not required to appoint a registered manager.

How Ofsted inspects social care provision

Across all its work, Ofsted has three core statutory responsibilities under section 117 of the Education and Inspections Act 2006: to ensure that inspection supports

¹ Ofsted will be providing advice on how the individual standards fit against the judgements in their inspection framework

improvement in the services Ofsted inspects and regulates; that it is centred on the needs of service users; and that it promotes the effective use of resources.

There are four elements to Ofsted's function as a regulator: registration; inspection; compliance; and enforcement. The purpose of Ofsted's inspection of social care is to assess the quality of care being provided for children, young people, and where appropriate, their families. Inspection focuses on the outcomes which they are being supported to achieve. It tests compliance with the relevant regulations, and takes into account the NMS.

Following inspection, inspectors will make a number of judgements, including a judgement on the overall effectiveness of the service inspected. They will make recommendations for improvement, including any action required to ensure that provisions fully meet the NMS. For those provisions which are required to be registered with Ofsted, they will set requirements to be fulfilled in order to remedy any identified failure to meet the relevant regulations. Any identified failure in meeting the requirements of regulations may lead to consideration of enforcement action. Conditions of registration may be imposed.

The wider context

These NMS are underpinned by adoption legislation. Statutory guidance for adoption sets out the wider context for adoption agencies and adoption support agencies. This is not an exhaustive list, and other legislation and guidance may also be relevant, for example, legislation covering such matters as health and safety, fire or planning requirements.

It is intended that the standards will be used, both by adoption agencies, adoption support agencies, and by Ofsted, to focus on securing positive welfare, health and education outcomes for children, securing good quality services for the agency's service users and reducing risks to their welfare and safety. All agencies and their staff should aim to provide the best care possible for children and services for their service users, and observing the standards is an essential part, but only a part, of the overall responsibility to safeguard and promote the welfare of each individual child and service user.

CHILD AND SERVICE USER FOCUSSED STANDARDS

Adoption Agencies Adoption Support Agencies

STANDARD 1 – The child's wishes and feelings

UNDERPINNING LEGISLATION

Adoption and Children Act 2002

Section 1 Considerations applying to the exercise of powers

Adoption Agencies Regulations 2005

Regulation 13 Requirement to provide counselling and information for, and ascertain wishes and feelings of, the child

Regulation 36 Reviews

Regulation 37 Independent Reviewing Officers

FURTHER GUIDANCE:

Adoption and Children Act 2002 Statutory Guidance - Chapters 2 and 5

OUTCOME

- Children know that their views, wishes and feelings are taken into account in all aspects of their care; are helped to understand why it may not be possible to act upon their wishes in all cases; and know how to obtain support and make a complaint.

Standard

- 1.1 Children's views, wishes and feelings are acted upon, unless this is contrary to their interests.
- 1.2 Children understand how their views have been taken into account and where significant wishes or concerns are not acted upon, they are helped to understand why.
- 1.3 No child is assumed unable to communicate their views and each child's preferred method of communication is known.
- 1.4 Children have access to independent advice and support from adults who they can contact directly and in private about problems or concerns, which is appropriate to their age and understanding. Children know their rights to advocacy and how to access an advocate, and how to contact the Children's Rights Director.
- 1.5 Children can take up issues in the most appropriate way with support, without fear that this will result in any adverse consequences. Children receive prompt feedback on any concerns or complaints raised and are kept informed of progress (or lack of progress) throughout the adoption process, in a

manner which is suitable to their age and understanding.

- 1.6 The wishes, feelings and views of children are taken into account by the adoption agency and adoption support agency in monitoring and developing its service.

Adoption Agencies Adoption Support Agencies

STANDARD 2 – Promoting a positive identity, potential and valuing diversity

UNDERPINNING LEGISLATION

Adoption and Children Act 2002

Section 1 Considerations applying to the exercise of powers

Adoption Agencies Regulations 2005

Regulation 13 Requirement to provide counselling and information for, and ascertain wishes and feelings of, the child

Regulation 14 Requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others

Regulation 15 Requirement to obtain information about the child

Regulation 16 Requirement to obtain information about the child's family

Regulation 17 Requirement to prepare child's permanence report for the adoption panel

Regulation 24 Requirement to provide preparation for adoption

Regulation 25 Prospective Adopter's Report

Regulation 35 Requirements imposed on the adoption agency before the child may be placed for adoption

Regulation 36 Reviews

FURTHER GUIDANCE:

Adoption and Children Act 2002 Statutory Guidance – Chapters 2, 3 and 5

Practice Guidance – *Preparing and Assessing Prospective Adopters*

OUTCOME

- Children have a positive self view, emotional resilience and knowledge and understanding of their background.

Standard

- 2.1 The adoption agency is active in its efforts to obtain for the child clear and appropriate information from the birth parents and birth families about:
 - a. themselves and the child's birth and early life,
 - b. why the child could not remain with their birth parents,
 - c. why the child was placed for adoption,
 - d. health issues of the birth parents and their children,
 - e. the view of the birth parents and birth family about the adoption and contact, and
 - f. up-to-date information about themselves and their situation.
- 2.2 The adoption agency is active in its efforts, after the adoption order is made, to encourage and support the birth parents and birth families to give the child,

via the adoption agency, updates on significant family information.

- 2.3 Prospective adopters are prepared and supported to promote the child's social and emotional development, and to enable the child to develop emotional resilience and positive self-esteem.
- 2.4 Prospective adopters are helped and supported in understanding the importance of keeping safe any information provided by the birth family and in giving this information to their adopted child in an age appropriate format when they feel the time is right, or on request when the young person reaches adulthood,
- 2.5 The preparation of the life story book is coordinated by one person, preferably the child's social worker.
- 2.6 The life story book represents a realistic and honest account of the circumstances surrounding the child's adoption. Its format is appropriate to the child's age and understanding and accessible for use by the child. Prospective adopters are encouraged to update it with the child as their understanding develops.
- 2.7 The life story book is given to the child and prospective adopters in stages: at the latest by the second statutory review of the child's placement with the prospective adopters; and the completed life story book at the latest within ten working days of the adoption ceremony.
- 2.8 The social worker who knows the child writes the later life letter. The letter is realistic and sufficiently detailed so that the young adult fully understands their life before adoption, why they could not remain with their birth parents and why they were adopted. The prospective adopters receive the letter within ten working days of the adoption ceremony.

Adoption Agencies Adoption Support Agencies

STANDARD 3 – Promoting positive behaviour and relationships

UNDERPINNING LEGISLATION:

Adoption Agencies Regulations 2005
Regulation 15 Requirement to obtain information about the child
Regulation 17 Requirement to prepare child's permanence report for the adoption panel
Regulation 24 Requirement to provide preparation for adoption
Regulation 25 Prospective Adopter's Report
Regulation 36 Reviews
Schedule 1 Information
Schedule 4 Information about the prospective adopter

FURTHER GUIDANCE

Practice Guidance – *Preparing and Assessing Prospective Adopters*

OUTCOME

- Children enjoy sound relationships with their prospective adopters, interact positively with others and behave appropriately.

Standard

- | | |
|-----|--|
| 3.1 | Prospective adopters are prepared and supported to help the child develop positive relationships and behaviour and discourages negative behaviour, while assisting the child to understand and manage their own behaviour. |
| 3.2 | Prospective adopters are supported on how to manage their responses and feelings arising from caring for the child, particularly where the child displays very challenging behaviour, and understand how the child's previous experiences can manifest in challenging behaviour. |
| 3.3 | Prospective adopters are encouraged to respect the child's privacy and confidentiality, in a manner that is consistent with good parenting. |

Adoption Agencies Adoption Support Agencies

STANDARD 4 – Safeguarding children

UNDERPINNING LEGISLATION

The Local Authority Adoption Service (England) Regulations 2003
Regulation 9 Arrangements for the protection of children

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003
Regulation 10 - Arrangements for the protection of children

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 12 Arrangements for the protection of children

Adoption Agencies Regulations 2005:
Regulation 23 - Requirement to carry out police checks
Regulation 24 - Requirement to provide preparation for adoption
Regulation 25 – Prospective Adopter's Report
Regulation 36 Reviews

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Guidance – Chapters 3 and 5
Practice Guidance – *Preparing and Assessing Prospective Adopters*

OUTCOME

- Children feel safe and are safe; children understand how to protect themselves and are protected from significant harm including neglect, abuse, and accident.

Standard

- | | |
|-----|---|
| 4.1 | Children's safety and welfare are promoted and children are protected from abuse and other forms of significant harm (e.g. sexual or labour exploitation). |
| 4.2 | The adoption agency supports the prospective adopter to encourage the child to take appropriate risks as a normal part of growing up. Children are helped to understand how to keep themselves safe including when outside of the household or when using the internet or social media. |
| 4.3 | Adoption agencies and adoption support agencies work effectively with agencies concerned with child protection e.g. the responsible authority, schools, hospitals, general practitioners, etc and does not work in isolation from them. |

STANDARD 5 - Promoting good health and wellbeing

UNDERPINNING LEGISLATION

Regulation 15 - Requirement to obtain information about the child

Regulation 17 - Requirement to prepare child's permanence report for the adoption panel

Regulation 31 - Proposed placement

Regulation 35 - Requirements imposed on the adoption agency before the child may be placed for adoption

Regulation 36 – Reviews

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Guidance – Chapters 2, 4 and 5

Practice guidance – *Preparing and Assessing Prospective Adopters*

OUTCOME

- Children live in a healthy environment where their physical, emotional and psychological health is promoted and where they are able to access the services they need to meet their health needs.

Standard

- 5.1 Children's physical and emotional and social development needs are promoted.
- 5.2 Children understand their health needs; how to maintain a healthy lifestyle and to make informed decisions about their own health.
- 5.3 Children are encouraged to participate in a range of positive activities that contribute to their physical and emotional health.
- 5.4 Children have prompt access to doctors and other health professionals, including specialist services (in conjunction with the responsible authority), when they need these services.
- 5.5 Children's health is promoted in accordance with the child's permanence report, and prospective adopters are clear about what responsibilities and decisions are delegated to them and where consent for medical treatment needs to be obtained.
- 5.6 Children's wishes and feelings are sought and taken into account in their health care, according to their understanding, and prospective adopters advocate on behalf of children.

Adoption Agencies Adoption Support Agencies

STANDARD 6 - Leisure activities

UNDERPINNING LEGISLATION

Adoption Agencies Regulations 2005

Regulation 15 - Requirement to obtain information about the child

Regulation 17 - Requirement to prepare child's permanence report for the adoption panel

Regulation 24 - Requirement to provide preparation for adoption

Regulation 31 - Proposed placement

Regulation 36 - Reviews

Schedule 1 - Information

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Guidance – Chapters 2, 4 and 5

Practice guidance: *Preparing and Assessing Prospective Adopters*

OUTCOME

- Children are able to enjoy their interests, develop confidence in their skills and are supported and encouraged to engage in leisure activities.

Standard

- 6.1 Children develop their emotional, intellectual, social creative and physical skills through the accessible and stimulating environment created within the prospective adopters' home. Children are supported to take part in school based and out of school activities.
- 6.2 Children pursue individual interests and hobbies. They take part in a range of activities, including leisure activities and trips.

Adoption Agencies Adoption Support Agencies

STANDARD 7 – Promoting educational attainment

UNDERPINNING LEGISLATION

Adoption Agencies Regulations 2005

Regulation 15 - Requirement to obtain information about the child

Regulation 17 - Requirement to prepare child's permanence report for the adoption panel

Regulation 24 - Requirement to provide preparation for adoption

Regulation 31 - Proposed placement

Regulation 35 - Requirements imposed on the adoption agency before the child may be placed for adoption

Regulation 36 – Reviews

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Guidance – Chapters 2, 4 and 5

Practice guidance: *Assessing and Preparing Prospective Adopters*

OUTCOME

- The education and achievement of children is actively promoted as valuable in itself and as part of their preparation for adulthood. Children are supported to achieve their educational potential.

Standard

- 7.1 Children have access to a range of educational resources to support their learning and have opportunities beyond the school day to engage in activities which promote learning.
- 7.2 Children are supported to attend school or alternative provision regularly.
- 7.3 Children are helped by their prospective adopters to achieve their educational or training goals and prospective adopters are supported to work with the child's education provider to maximise each child's achievements and to minimise any underachievement.
- 7.4 The placing agency has, and is fully implementing, a written education policy that promotes and values children's education.
- 7.5 Prospective adopters maintain regular contact with the child's school and other education settings, attending all parents' meetings as appropriate and advocating for the child where appropriate.
- 7.6 Prospective adopters engage and work with schools, colleges and other organisations, to support the child's education including advocating to help overcome any problems the child may be experiencing in their education setting.

Adoption Agencies Adoption Support Agencies

STANDARD 8 – Contact

UNDERPINNING LEGISLATION

Adoption and Children Act 2002 sections 1, 26 and 27, 46
Children Act 1989 – section 8

Adoption Agencies Regulations 2005

Regulation 13 - Requirement to provide counselling and information for, and ascertain wishes and feelings of, the child

Regulation 14 - Requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others

Regulation 15 Requirement to obtain information about the child

Regulation 17 - Requirement to prepare child's permanence report for the adoption panel

Regulation 18 Function of the adoption panel in relation to a child referred by the adoption agency

Regulation 22 - Requirement to consider application for an assessment of suitability to adopt a child

Regulation 24 - Requirement to provide preparation for adoption

Regulation 31 – Proposed placement

Regulation 32 Function of the adoption panel in relation to proposed placement

Regulation 35 - Requirements imposed on the adoption agency before the child may be placed for adoption

Regulation 36 - Reviews

Regulations 46 and 47 – Contact

Adoption Support Services Regulations 2005

Regulation 3 - Prescribed services

Regulation 4 - Persons to whom adoption support services must be extended

FURTHER GUIDANCE

Adoption and Children Act 2002 Guidance – Chapters 2-5, 7-9

Practice guidance - *Preparing and Assessing Prospective Adopters;*
Assessing the Support Needs of Adoptive Families

OUTCOME

- Contact with birth parents, siblings, other members of the birth family and significant others is arranged and maintained when it is beneficial to the child.

Standard

- 8.1 Initial contact arrangements are focused on the child's needs with the views of the prospective adopters and birth family members taken into account. The arrangements are reviewed in accordance with the adoption support plan.
- 8.2 Where siblings cannot be placed together with the same prospective adopters or adopters, contact arrangements with other siblings are made when it is in the best interests of each of the children.
- 8.3 Prospective adopters are helped through training and support to understand the importance for the child of contact with birth parents, siblings, members of the birth family and significant others.
- 8.4 The adoption agency helps individuals comply with the agreed contact arrangements through practical support, and helps manage any difficult emotional or other issues they may have because of contact. In so doing, the agency takes full account of the child's age and level of understanding, and the individual capacities of all other parties.
- 8.5 Children, prospective adopters, adopters, birth parents and members of the birth family are helped to understand the harm unauthorised or unmediated contact, including through online social networks, can have and are supported if unauthorised contact is made. Prospective adopters are prepared in case this happens and are support if it does happen.

Adoption Agencies Adoption Support Agencies

STANDARD 9 - Providing a suitable physical environment for the child

UNDERPINNING LEGISLATION

Adoption Agencies Regulations 2005
Regulation 24 – Requirement to provide preparation for adoption
Regulation 25 – Prospective adopter's report
Regulation 31 - Proposed placement
Regulation 36 – Reviews

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Guidance – Chapters 3 and 5
Practice guidance: *Assessing and Preparing Prospective Adopters*

OUTCOME

- Children live with prospective adopters whose home provides adequate space, to a suitable standard. The child enjoys access to a range of activities which promote their development.

Standard

- 9.1 The adoption agency ensures during the assessment of the prospective adopters' suitability to adopt, that the prospective adopters' home can comfortably accommodate all who live there. It is warm, adequately furnished and decorated, free of avoidable hazards, is maintained to a good standard of cleanliness and hygiene and is in good order throughout. Outdoor spaces, which are part of the premises are safe, secure and well maintained.
- 9.2 The adoption agency has a written policy concerning safety for children in the prospective adopters' home, and in vehicles used to transport the child, which is regularly reviewed in line with the most recent guidance from relevant bodies. The policy is understood and successfully implemented by prospective adopters.

Adoption Agencies Adoption Support Agencies

STANDARD 10 - Recruiting and assessing prospective adopters

UNDERPINNING LEGISLATION

Adoption Agencies Regulations 2005

Regulations 21 Requirement to provide counselling and information

Regulation 22 - Requirement to consider application for an assessment of suitability to adopt a child

Regulation 23 - Requirement to carry out police checks

Regulation 24 - Requirement to provide preparation for adoption

Regulation 25 Prospective adopter's report

Restrictions on the Preparation of Adoption Reports Regulations 2005

Suitability of Adopters Regulations 2005

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Adoption Guidance – Chapter 3.

Practice Guidance - *Preparing and Assessing Prospective Adopters*

OUTCOME

- The adoption agency approves prospective adopters who can meet most of the needs of looked after children who are to be placed for adoption and who can provide them with a home where the child will feel loved, safe and secure.

Standard

- 10.1 The adoption agency implements an effective strategy to recruit and assess prospective adopters who can meet most of the needs of those children for whom adoption is the plan. The agency monitors and evaluates the success of the strategy.
- 10.2 People who are interested in becoming adoptive parents, and prospective adopters, are treated fairly, without prejudice, openly and with respect. They are kept informed, on a regular basis, of the progress (or lack of progress) of their enquiry/application throughout the adoption process, in a manner which meets their individual communication needs. They are given regular opportunities to raise any specific concerns or questions, which are then answered as directly and fully as possible.
- 10.3 The information pack is sent to enquirers within five working days of the enquiry and includes information on:
 - a. eligibility criteria;
 - b. preparation, assessment and approval procedure, including the prospective adopters' right to make representation to the adoption agency or apply to the Secretary of State for an independent review if the

- adoption agency considers them unsuitable to adopt;
 - c. children who need adoptive families locally. For VAAs, examples of the range of children awaiting adoption;
 - d. matching, introduction and placement process, including the Adoption Register;
 - e. adoption support;
 - f. the adoption agency's expectation of prospective adopters.
- 10.4 Follow up interviews with social workers and/or an invitation to an information meeting is made within two months of the initial enquiry.
- 10.5 Applicants are given the opportunity to talk to approved adopters, adoptees and birth parents whose children were adopted.
- 10.6 The adoption agency issues an application form to the prospective adopters when they consider the prospective adopters are ready to begin the assessment process. The agency's application form is accepted by the agency after the prospective adopter has been counselled and attended an information meeting, and before police checks, references and health reports are sought, adoption preparation has been provided or the gathering of information for preparation of the prospective adopter's report has begun.
- 10.7 Preparation courses are held and made available to all prospective adopters, including foster carers who wish to adopt the child for whom they are caring. Preparation courses fit within a framework of equal opportunities and anti-discriminatory practice and are organised to encourage and facilitate attendance by prospective adopters, for example by including convenient times and venues. The effectiveness of preparation received is evaluated and reviewed annually.
- 10.8 Prospective adopters are prepared to become adoptive parents in a sensitive way, which addresses and gives them skills knowledge and practical techniques to manage the issues they are likely to encounter, and identifies the competencies and strengths they have or will need to develop. Preparation courses should give encouragement to prospective adopters, showing them the positive aspects of parenting a child as well as helping them to understand, for example:
- a. the difficulties some children experience, such as the traumas of neglect and abuse, and the effect on their development and capacity to form secure attachments;
 - b. the key parenting skills and parenting capacities they need to care for children who have experienced neglect and abuse;
 - c. an understanding of the significance of the child's identity, their birth family, the need for openness to help the child to reflect on and understand their history, according to their age and ability; the role of contact, how to manage unauthorised contact, including through online social networks; and the importance of significant memorabilia.

- 10.9 Prospective adopters understand why status and health checks, personal references and enquiries are undertaken about them and enhanced Criminal Record Bureau checks are required/made on themselves and adult members of their household.
- 10.10 Prospective adopters are considered in terms of their capacity to look after children in a safe and responsible way that meets the child's development needs.
- 10.11 The adoption team manager checks that the prospective adopter's report is accurate, up-to-date and has evidence based information which distinguishes between fact, opinion and third party information, before it is submitted to the adoption panel. The social worker who wrote the prospective adopter's report signs and dates it. The report is countersigned and dated by the adoption team manager (or a team manager of another adoption team within the agency) and the prospective adopters.

Adoption Agencies Adoption Support Agencies

STANDARD 11 - Intercountry - assessing prospective adopters

UNDERPINNING LEGISLATION

Adoptions with a Foreign Elements Regulations 2005
Regulation 13 Requirements applicable in respect of eligibility and suitability
Regulation 14 Counselling and information
Regulation 15 Procedure in respect of carrying out an assessment

Restrictions on the Preparation of Adoption Reports Regulations 2005
Suitability of Adopters Regulations 2005

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Adoption Guidance – Chapters 2
Practice Guidance - *Preparing and Assessing Prospective Adopters*

OUTCOME

- The adoption agency approves prospective adopters who can meet most of the needs of children who live outside the British Islands and who can provide them with a home where the child will feel loved, safe and secure.

Standard

- | | |
|------|---|
| 11.1 | People who are interested in becoming adoptive parents, and prospective adopters, are treated fairly, without prejudice, openly and with respect. They are kept informed, on a regular basis, of the progress (or lack of progress) of their enquiry/application throughout the adoption process, in a manner which meets their individual communication needs. They are given regular opportunities to raise any specific concerns or questions, which are then answered as directly and fully as possible. |
| 11.2 | The information pack is sent to enquirers within five working days of the enquiry and includes information on: <ul style="list-style-type: none">a. the intercountry adoption process;b. details of requirements imposed upon prospective adopters by English legislation;c. information about the country or countries they wish to adopt from, including the eligibility criteria;d. any laws governing adoption which the chosen country has in place that they must operate within;e. details of fees involved in the application and post approval process;f. preparation, assessment and approval procedure, including the |

	<p>prospective adopters' right to make representation to the adoption agency or apply to the Secretary of State for an independent review if the adoption agency considers then unsuitable to adopt;</p> <p>g. adoption support;</p> <p>h. the adoption agency's expectation of prospective adopters; and</p> <p>i. how the adoption agency priorities applications to adopt children from outside the British Island and looked after children, including how they are referred on to other adoption agencies.</p>
11.3	Follow up interviews with social workers and/or an invitation to an information meeting is made within two months of the initial enquiry.
11.4	Applicants are given the opportunity to talk to approved adopters and adoptees.
11.5	The adoption agency issues an application form to the prospective adopters when they consider the prospective adopters are ready to begin the assessment process. The agency's application form is accepted by the agency <u>after</u> the prospective adopter has been counselled and attended an information meeting, and <u>before</u> police checks, references and health reports are sought, adoption preparation has been provided or the gathering of information for preparation of the prospective adopter's report has begun.
11.6	Preparation courses are held and are made available to all prospective adopters. Preparation courses fit within a framework of equal opportunities, anti-discriminatory practice and are organised to encourage and facilitate attendance by prospective adopters, for example by including convenient times and venues. The effectiveness of preparation received is evaluated and reviewed annually.
11.7	<p>Prospective adopters are prepared to become adoptive parents in a sensitive way which addresses and gives them skills, knowledge and practical techniques to manage the issues they are likely to encounter, and identifies the competencies and strengths they have or will need to develop. Preparation courses should give encouragement to prospective adopters, showing them the positive aspects of parenting a child as well as helping them to understand, for example:</p> <p>a. the impact of institutional care;</p> <p>b. the difficulties some children experience, such as neglect and abuse, and the effect on their development and capacity to form secure attachments;</p> <p>c. the key parenting skills and parenting capacities they need to care for children who have experienced neglect and abuse and who may be of a different ethnic or cultural background to the applicants;</p> <p>d. an understanding of the significance of the child's identity, their birth family, the need for openness to help the child to reflect on and</p>

understand their history, according to their age and ability, the role of contact, how to manage unauthorised contact, including through online social networks; and the importance of significant memorabilia.

- 11.8 Prospective adopters understand why status and health checks, personal references and enquiries are undertaken about them and enhanced Criminal Record Bureau checks are required/made on themselves and adult members of their household.
- 11.9 Prospective adopters are considered in terms of their capacity to look after children in a safe and responsible way that meets the child's development needs.
- 11.10 The adoption team manager checks that the prospective adopter's report is accurate, up-to-date and has evidence based information which distinguishes between fact, opinion and third party information, before it is submitted to the adoption panel. The social worker who wrote the prospective adopter's report signs and dates it. The report is countersigned and dated by the adoption team manager (or a team manager of another adoption team within the agency) and the prospective adopters.

Adoption Agencies Adoption Support Agencies

STANDARD 12 - Birth parents and birth families involved in the adoption plan

UNDERPINNING LEGISLATION

Adoption Agencies Regulations 2005

Regulations 14 - Requirement to provide counselling and information for, and ascertain wishes and feelings of, the parent or guardian of the child and others

Regulation 15 - Requirement to obtain information about the child

Regulation 16 - Requirement to obtain information about the child's family

Adoptions with a Foreign Elements Regulations 2005

Regulation 37 - Counselling and information for the parent or guardian of the child etc

FURTHER GUIDANCE

Adoption and Children Act 2002 Guidance – Chapter 2

OUTCOME

- Children have clear and appropriate information about themselves, their birth parents and families and life before their adoption.
- Birth parents and birth families take an active part in the planning and implementation of their child's adoption.

Standard

- 12.1 Birth parents and birth families are treated fairly, without prejudice, openly and with respect. They are kept informed, on a regular basis, of the progress (or lack of progress) of their child's adoption. They are given regular opportunities to raise any specific concerns or questions, which are then answered as directly and fully as possible.
- 12.2 A pregnant woman and the unborn baby's father, who are considering relinquishing their unborn baby for adoption, receive pre-birth counselling and from that understand the permanence options for their baby's future; how an adoption order would affect their unborn baby, themselves and their family, and are able to make an informed decision about the future of their unborn child.
- 12.3 Birth parents are given access to, and are actively encouraged to use, a support worker from the time adoption is identified as the plan for the child. The support worker is independent of the child's social worker.
- 12.4 Birth parents are given information on how to obtain legal advice, contact details of local and national support groups and services, and support to fulfil agreed plans for contact.

- 12.5 The wishes and feelings of the birth parents, siblings and other members of the birth family, and other people the agency considers relevant, are listened to and are valued and respected. They are taken into account when making decisions. Where they are not acted upon, the reasons for not doing so are explained to the individual so that they understand why their views are not reflected in their child's care. The wishes and feelings and, if applicable, the reasons why they are not being acted upon, are recorded on the child's case record and included in the Child's Permanence Report.
- 12.6 Birth parents are helped to work through their concerns through the counselling they receive and understand what is proposed for their child and how the child will benefit if they take an active part in their child's adoption.
- 12.7 Birth parents are given the opportunity to comment on what is written about them or their circumstances before the information is passed to the adoption panel or to the child's proposed adoptive parents.
- 12.8 The adoption agency is active in its efforts to involve the birth parents and birth family in the adoption plan.
- 12.9 The adoption agency ensures the prospective adopters understand the importance for the birth family to be told if their child dies during childhood or soon afterwards and agrees to notify the adoption agency. The prospective adopters' decision and any subsequent action are recorded on their case record.

Adoption Agencies

STANDARD 13 – Matching and placing the child with prospective adopters who can meet most of their assessed needs

UNDERPINNING LEGISLATION

Adoption and Children Act 2002

Section 1 - Considerations applying to the exercise of powers

Section 18 - Placement for adoption by agencies

Section 19 - Placing children with parental consent

Section 21 - Placement orders

Section 22 - Applications for placement orders

Adoption Agencies Regulations 2005

Regulation 31 Proposed placement

Regulation 35 Requirements imposed on the adoption agency before the child may be placed for adoption

FURTHER GUIDANCE

Adoption and Children Act 2002 Statutory Adoption Guidance – Chapters 4 and 5.

OUTCOME

- Children benefit from stable placements and are matched and placed with prospective adopters who can meet most, if not all, of their assessed needs.
- Children feel loved, safe and secure with their prospective adoptive parents with whom they were originally placed; and these children were placed within 12 months of the decision of the agency's decision-maker that they should be placed for adoption.

Standard

- | | |
|------|---|
| 13.1 | The child's details are referred to the Adoption Register when no locally identified match is being actively pursued at the latest by three months after the agency's decision-maker has decided that the child should be placed for adoption. |
| 13.2 | The prospective adopter's details are referred to the Adoption Register as soon as they have been approved as suitable to adopt if they consent and it seems unlikely that there will be a placement with a child in their area, or at three months when no locally identified match is being actively pursued. Prospective adopters are advised that they may refer themselves to the Adoption Register three months after their approval. |
| 13.3 | The consent of the birth parents to their child being placed for adoption is |

sought, or an application for a placement order is made as part of the care proceedings, immediately after the decision of the agency's decision-maker that the child should be placed for adoption, bearing in mind that any delay is likely to prejudice the child's welfare.

- 13.4 The Prospective Adopter's Report and the Child's Permanence Report are used to identify prospective adopters who can meet the majority, if not all, of the child's needs as set out in the Child's Permanence Report.
- 13.5 When a match is being considered, the placing agency will provide the prospective adopter's social worker access to the whole content of the child's adoption case record so that they may be fully aware of the child's background, health, emotional and developmental needs and practical implications for parenting that child.
- 13.6 The agency has met with the prospective adopters and has discussed with them the proposed placement and the implications for them and their family; ascertained the views of the prospective adopters and, as far as possible, provided them with a counselling service and access to specialist medical/educational advice.
- 13.7 The prospective adopters are helped to fully understand the child's background, health, emotional and developmental needs and the practical implications for parenting that child before they agree for the match to be passed to the adoption panel.
- 13.8 The adoption agency has procedures for introducing a child to the prospective adopters and others living in the household that can be adapted to the individual needs of the child and prospective adopters.
- 13.9 The prospective adopters are invited to attend the placement planning meeting and are given a copy of the placement plan.
- 13.10 The child and prospective adopters feel well prepared before the placement and are happy with the pace of the introductions and the date of placement. The child visits the prospective adopters' home before the date the child moves into the home.
- 13.11 The child is given information about the prospective adopters, their home and, when applicable, their children, family and pets before they are placed with prospective adopters. The child knows whether they will have their own bedroom, which school they will be attending and is given information about the local area, facilities and activities.
- 13.12 The child knows how they may contact their social worker and understands the contact arrangements with birth parents, members of their birth family, and significant others.

Adoption Agencies

STANDARD 14 – Intercountry - matching prospective adopters to child's assessed needs

UNDERPINNING LEGISLATION

Adoptions with a Foreign Element Regulations 2005 –
Regulations 19 - Procedure following receipt of the Article 16 Information from the
CA of the State of origin

OUTCOME

- Children feel loved, safe and secure with their adoptive parents or prospective adoptive parents.

Standard

- | | |
|------|--|
| 14.1 | The agency has met with the prospective adopters and has discussed with them the proposed placement and the implications for them and their family; ascertained the views of the prospective adopters and, as far as possible, provided them with a counselling service and access to specialist medical/educational advice. |
| 14.2 | The prospective adopters are helped to fully understand the child's background, health, emotional and developmental needs and the practical implications for parenting that child before they accept the match. |
| 14.3 | The prospective adopters are helped to understand the importance of keeping safe any information provided by the birth family, adoption agency or body in the child's State of origin and gives this information to their adopted child on request, or when they feel the time is right. |
| 14.4 | The prospective adopters are helped to understand the importance for the birth family to be told if their child dies during childhood or soon afterwards and agrees to notify the adoption agency. The prospective adopters' decision and any subsequent action are recorded on their case record. |
| 14.5 | The prospective adopters understand the importance of commissioning post placement/post adoption reports consistent with any undertakings prospective adopters have given to the State of origin. |

Adoption Agencies Adoption Support Agencies

STANDARD 15 - Adoption support

UNDERPINNING LEGISLATION

The Adoption Support Services Regulations 2005

The Local Authority Adoption Service (England) Regulations 2003
Regulation 9A - Provision of services

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003
Regulation 24F - Provision of services

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 13 – Provision of services

FURTHER GUIDANCE

Adoption and Children Act 2002 Guidance – Chapter 9
Practice Guidance on Assessing the Support Needs of Adoptive Families

OUTCOME

- Children and adults affected by adoption receive an assessment of their adoption support needs.
- Service users confirm that the adoption support service provided met or are meeting their assessed needs.

Standard

- 15.1 Where services are commissioned by an adoption agency, a three-way working relationship is developed with the adoption agency and the Adoption support agency working in partnership to most effectively meet the needs of the service user. Commissioning arrangements are underpinned by a written agreement and are reviewed at regular intervals.
- 15.2 When deciding whether to provide a service, or which service to provide, the agency has regard to the assessed needs for adoption support services, listens to the service user's wishes and feelings, and considers their welfare and safety.
- 15.3 The service user knows, and receives written information about, the service they are to receive; what the service is designed to achieve; what is involved in the particular service provision and how the service will be monitored to ensure that it is delivering the intended outcome.

- 15.4 Prospective adopters and adopters are made aware of, and encouraged by, the Adoption Support Services Adviser to access support services, and apply for tax credits and welfare benefits which are available to them and advise them of their employment rights to leave and pay.
- 15.5 The Adoption Support Services Adviser assists prospective adopters and adopters through liaison with education and health services; across local authority boundaries and between departments within the local authority.
- 15.6 Adoption agencies seek feedback from service users on the success of the service provision. This feedback is recorded centrally and on the case record of the service user.

Adoption Agencies Adoption Support Agencies

STANDARD 16 - Intermediary services

UNDERPINNING LEGISLATION

The Adoption and Children Act 2002 – sections 9 and 98
Adoption Information and Intermediary Services (Pre-commencement Adoptions) Regulations 2005

FURTHER GUIDANCE

Adoption and Children Act 2002 Guidance – Chapters 10
Practice Guidance on Adoption: Access to Information and Intermediary Services

OUTCOME

- Adopted adults and birth relatives are assisted to obtain information in relation to the adoption, where appropriate, and contact is facilitated between an adopted adult and their birth relative if that is what both parties want.

Standard

- 16.1 Information is provided about the Adoption Contact Register and how to register a wish for contact or no contact; and about absolute and qualified vetoes and the potential benefits and disadvantages of registering a veto.
- 16.2 The applicant is met and their identity verified before any information is disclosed to them, contact facilitated; or a veto is registered.
- 16.3 The Appropriate Adoption Agency and the Intermediary Agency agree a timescale for responding to an enquiry and keeps the Intermediary Agency informed of the progress (or lack of progress) of their enquiry.
- 16.4 Service users are helped to understand the possible effects on them and their family of the outcome of their search.
- 16.5 Service users are consulted on decisions made in relation to their service provision. Consultation with service users is recorded on their individual records.
- 16.6 Agencies seek feedback from service users on the success of the service provision. This feedback is recorded centrally and on the case record of the service user.

THE ADOPTION AGENCY/ADOPTION SUPPORT AGENCY STANDARDS

Adoption Agencies

STANDARD 17 - Adoption panels and agency's decision-maker

UNDERPINNING LEGISLATION

Adoption and Children Act 2002

Section 1 - Considerations applying to the exercise of powers

Adoption Agencies Regulations 2005

Part 2 – Adoption Agency – Arrangements for Adoption Work (regulations 3-8)

Regulation 18 - Function of the adoption panel in relation to a child referred by the adoption agency

Regulations 19 and 27 - Adoption agency decision and notification

Regulation 26 - Function of the Adoption Panel,

Regulation 32 – Function of the adoption panel in relation to proposed placement

Regulation 33 – Adoption agency decision in relation to proposed placement

FURTHER GUIDANCE

Adoption and Children Act 2002 Guidance – Chapters 1-4

OUTCOME

The adoption panel and decision-maker make timely, quality and appropriate recommendations/decisions in line with the overriding objective to promote the welfare of children throughout their lives.

Standard

- 17.1 The adoption agency implements clear written policies and procedures on the recruitment to and maintenance of the central list of persons considered by them to be suitable to be members of an adoption panel (“the central list”) and constitution of the adoption panel.
- 17.2 Adoption panels provide a quality assurance feedback to the agency every six months on the quality of reports being presented to the panel. This includes whether the requirements of the Restrictions on the Preparation of Adoption Reports Regulations 2005 have been met, and whether there is a thorough, rigorous, consistent and fair approach across the service in the assessment of whether a child should be placed for adoption, the suitability of prospective adopters and the proposed placement. *This sub-standard is linked to standard 25.*
- 17.3 Adoption panels meet at least one day every month to consider cases before it unless it is an adoption panel of a small voluntary adoption agency² when it

² Seven full-time staff or the equivalent but does not include the manager or branch manager as defined in the Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007/694 as amended

- meets at least every six weeks to consider the suitability of a prospective adopter to adopt a looked after child or the termination of approval of a prospective adopter.
- 17.4 All necessary information is provided to panel members at least five working days in advance of the panel meeting to enable full and proper consideration.
- 17.5 Prospective adopters are given the opportunity to attend and be heard at all adoption panel meetings which discuss their brief or full prospective adopter's report prepared on their suitability to adopt a child, or termination of their approval, as applicable.
- 17.6 Adoption panels make a considered recommendation on whether the child should be placed for adoption within two months of the statutory review where adoption was identified as the permanence plan.
- 17.7 Adoption panels make a considered recommendation on the suitability of a prospective adopter to adopt within eight months of receipt of the prospective adopter's formal application to be assessed.
- 17.8 The adoption panel makes a considered recommendation on the proposed placement of a child with particular prospective adopters within six months of the adoption agency's decision-maker deciding that the child should be placed for adoption.
- 17.9 Where these timescale have not been met, the panel records the reasons in the written minutes of the panel meeting.
- 17.10 The panel chair ensures written minutes of panel meetings are accurate and clearly cover the key issues and views expressed by panel members and record the reasons for its recommendation.
- 17.11 The decision-maker makes a considered decision that takes account of all the information available to them, including the recommendation of the adoption panel and, where applicable, the independent review panel, within seven working days of receipt of the recommendation and final set of panel minutes.
- 17.12 The child's birth parents and prospective adopters, as appropriate, are informed orally of the decision-maker's decision within two working days and written confirmation is sent to them within five working days.

Adoption Agencies Adoption Support Agencies

STANDARD 18 - Statement of Purpose and Children's Guides

UNDERPINNING LEGISLATION

The Local Authority Adoption Service (England) Regulations 2003
Regulation 2 – Statement of purpose
Regulation 3 – Children's guide
Regulation 4 - Review of statement of purpose and children's guide
4 and Schedules 1 and 2

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003 – regulations 3, 4, 24 and Schedule 1
Regulation 3 and 24B – Statement of purpose
Regulation 4 – Review of statement of purpose
Regulation 24C – Children's guide

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 5 – Statement of purpose and children's guide
Regulation 6 – Review of statement of purpose and children's guide.

OUTCOME

- Children, service users and staff are clear about the aims and objectives of the adoption agency/adoption support agency, and what services and facilities it provides.
- The adoption agency/adoption support agency meets the aims and objectives in the Statement of Purpose.

Standard

- | | |
|------|--|
| 18.1 | The adoption agency and adoption support agency has a clear statement of purpose which is available to and understood by staff, volunteers, children, birth parents and guardians, prospective adopters and adopters, and is reflected in any policies, procedures and guidance. |
| 18.2 | The aims and objectives of the Statement of Purpose should be outcome focussed and, for adoption agencies, show how the service will meet outcomes for children. |

- 18.3 The adoption agency³/registered person of the adoption support agency formally approves the statement of purpose and children's guides, and reviews them at least annually.
- 18.4 The agency's policies, procedures and any written guidance to staff and volunteers accurately reflect the statement of purpose.

Children's Guide to adoption

- 18.5 The local authority gives the child a copy of the Children's Guide to Adoption after the decision maker has decided that the child should be placed for adoption and after being counselled as required by regulation 13 of the Adoption Agencies Regulations 2005. The guide is appropriate to the child's age and understanding and includes a summary of what happens at each stage (including at court) and how long each stage is likely to take. The Children's Guide also contains information on how a child can find out their rights, how they can contact their Independent Reviewing Officer, the Children's Rights Director, Ofsted, if they wish to raise a concern with inspectors, and how to secure access to an independent advocate.

Children's Guide to adoption support

- 18.6 The Children's Guide to adoption support services is provided to the child by the adoption agency or Adoption support agency who is providing adoption support. The guide is appropriate to the child's age and understanding and includes a summary of what the service sets out to do for children and is given to all children and/or their representatives. The Children's Guide also contains information on how a child can find out their rights, how they can contact their Independent Reviewing Officer, the Children's Rights Director, Ofsted, if they wish to raise a concern with inspectors, and how to secure access to an independent advocate.

³ In the case of a local authority, the Executive side of the local authority. In the case of a VAA the registered provider and the manager.

Adoption agencies Adoption support Agencies

STANDARD 19 - Fitness to provide or manage an adoption agency or an adoption support agency

UNDERPINNING LEGISLATION

The Local Authority Adoption Service (England) Regulations 2003

Regulation 5 – Appointment of manager

Regulation 6 – Fitness of manager

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

Regulation 5 – Fitness of registered provider

Regulation 6 – Appointment of manager and branch manager

Regulation 7 – Fitness of manager and branch manager

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

Regulations 7 – Fitness of registered provider

Regulation 8 Appointment of manager

Regulation 9 Fitness of manager

Regulation 10 – Registered person – general requirements

OUTCOME

- The agency is provided and managed by those who are suitable to work with children and have the appropriate skills, experience and qualifications to deliver an efficient and effective service.

STANDARD 19.2(c) AND (f), 19.3(d) AND (f) AND 19.4-19.6 DO NOT APPLY IN RESPECT OF ADOPTION SUPPORT AGENCIES WHERE THE REGISTERED PROVIDER IS AN INDIVIDUAL AND DOES NOT HAVE STAFF OR VOLUNTEERS

Standard

19.1 The people involved in carrying on and managing the adoption agency or adoption support agency:

- a. have the knowledge and experience of adoption law and practice, and when providing services to children, knowledge and experience of child care law and practice;
- b. have business and management skills to manage the work efficiently and effectively and
- c. have financial expertise to ensure that the agency is run on a sound financial basis and in a professional manner.

Adoption Agency Manager and branch manager

19.2 The manager and branch manager has on taking up the post:

- a. a recognised social work qualification or a professional qualification, at least at level 4⁴, relevant to working with children; **and**
- b. at least two years' experience relevant to adoption within the past five years; **and**
- c. at least one years experience supervising and managing professional staff; **and**
- d. in-depth knowledge and experience of child care law and practice; **and**
- e. where the agency provides an intercountry adoption service, knowledge of:
 - i. intercountry legislation and practice;
 - ii. the principles of the law and eligibility criteria for the overseas country;
 - iii. the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption;
 - iv. the Immigration Rules and immigration legislation that applies to the country in question; and
 - v. the implications for children who are (a) adopted from outside the British Islands and (b) being taken out of the British Islands for the purposes of adoption; **and**
- f. the adoption agency manager has a qualification in management at least at level 4.

Registered manager of an adoption support agency

19.3 The registered manager (or registered provider, where the registered provider is an individual and there is no registered manager) of an adoption support agency has on taking up the post:

- a. a recognised social work qualification, or a professional qualification, at least at level 4, relevant to working in an adoption setting (or children services where the agency provides services to children); **or**
- b. is a Member (MBACP) or Accredited Member (MBACP Accred) of the British Association of Counselling and Psychotherapy (BACP), or is chartered by/registered with the United Kingdom Council for Psychotherapy (UKCP), or the United Kingdom Register for Counsellors and Psychotherapists

⁴ With respect to standard 19.2 (a) and (f), 19.3 (a) and (d) and 19.4, for persons undertaking a qualification after January 2011, the relevant qualification will be the Level 5 Diploma in Leadership for Health and Social Care and Children and Young People's Services. Managers who already hold a Level 4 Leadership and Management for Care Services and Health and Social Care will not need to undertake this qualification at level 5.

(UKRCP); **or**

- c. is registered as an Arts, Drama or Music Therapist or as a Practitioner Psychologist with the Health Professions Council for England and Wales (HPC); **and**
- d. a qualification in management at least at level 4; **and**
- e. at least two years' experience relevant to adoption within the past five years; **and**
- f. at least one year's experience of supervising and managing professional staff.

All Managers of adoption agencies and adoption support agencies (or registered provider of an adoption support agency where the registered provider is an individual and there is no registered manager)

- 19.4 Appointees to the post of manager who have no management qualifications, must enrol on a management training course within six months, and obtain a relevant management qualification within three years of appointment.
- 19.5 The responsibilities and duties of the manager and to whom they are accountable are clear and understood by them. The manager is notified in writing of any change in the person to whom they are accountable.
- 19.6 The manager exercises effective leadership of the staff and operation, such that the agency is organised, managed and staffed in a manner that delivers the best possible child care (in respect of adoption agencies)/service provision for the agency's service users (in respect of adoption agencies/adoption support agencies).

Voluntary Adoption Agencies Adoption Support Agencies

STANDARD 20 - Financial viability and changes affecting business continuity

UNDERPINNING LEGISLATION

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003
Regulation 20 – Financial position

The Adoption support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 25 - Financial position

OUTCOME

- The Voluntary Adoption Agency/Adoption Support Agency is financially sound.

Standard

- | | |
|------|---|
| 20.1 | A qualified accountant certifies that the annual accounts indicate the service is financially viable and likely to have sufficient funding to continue to fulfil its Statement of Purpose for the next 12 months. |
| 20.2 | The adoption agency/adoption support agency has a written development plan, reviewed annually, for the future of the agency, either identifying any planned changes in the operation or resources of the agency, or confirming the continuation of the agency's current operation and resourcing. |
| 20.3 | Where the agency, for any reason, cannot adequately and consistently maintain its services which comply with regulations or NMS, an effective plan must be established and implemented either to rectify the situation or to close down the service. |

Adoption Agencies Adoption support Agencies

STANDARD 21 – Suitability to work with children and service users

UNDERPINNING LEGISLATION

The Local Authority Adoption Service (England) Regulations 2003

Regulation 10 – Staffing agency

Regulation 11 – Fitness of workers

Regulation 12 – Employment of staff

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

Regulation 11- Staffing of agency

Regulation 14 – Fitness of workers

Regulation 15 – Employment of staff

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

Regulation 18- Staffing of agency

Regulation 19 – Fitness of workers

Regulation 20 – Employment of staff

OUTCOME

- There is careful selection of all staff, volunteers and persons on the central list and there is monitoring of such people to help prevent unsuitable people from having the opportunity to harm children and service users.

THIS STANDARD IS NOT RELEVANT IN RESPECT OF ADOPTION SUPPORT AGENCIES WHERE THE REGISTERED PROVIDER IS AN INDIVIDUAL AND DOES NOT HAVE STAFF OR VOLUNTEERS

Standard

- | | |
|------|--|
| 21.1 | All people working in or for the purposes of the agency, and persons applying to be included on the central list, are interviewed as part of the selection process and have references checked to assess suitability before taking up their duties. Telephone enquiries are made to each referee to verify the written references. |
| 21.2 | The agency can demonstrate, including from written records, that it consistently follows good recruitment practice, and all applicable current statutory requirements and guidance in the recruitment of staff, volunteers and persons on the central list. This includes Criminal Record Bureau (CRB) checks. All personnel responsible for recruitment and selection of staff are trained in, understand and operate these good practices. |

- 21.3 The agency has a record of the recruitment and suitability checks which have been carried out for staff, volunteers and persons on the central list which includes:
- a. identity checks;
 - b. CRB Disclosures, including the level of the Disclosure and the unique reference number (in line with eligibility to obtain such checks);
 - c. checks to confirm qualifications which are a requirement and others which are considered by the agency to be relevant;
 - d. at least two references, preferably one from a current employer, and where possible a statement from each referee as to their opinion of the person's suitability to work with children;
 - e. checks to confirm the right to work in the UK;
 - f. where the person has lived outside of the UK, further checks as are considered appropriate where obtaining a CRB Disclosure is not sufficient to establish suitability to work with children.
- 21.4 The record must show the date on which each check was completed and should show who carried out the check. The CRB Disclosure information must be kept in secure conditions and must be destroyed by secure means as soon as it is no longer needed in line with the CRB Code of Practice. Before the Disclosure is destroyed, records need to be kept as described above.
- 21.5 The agency's system for recruiting staff and others includes an effective system for reaching decisions as to who is to be appointed and the circumstances in which an application should be refused in relation to staff or others, in the light of any criminal convictions or other concerns about suitability that are declared or discovered through the recruitment process.
- 21.6 There is a whistle-blowing policy which is made known to all staff, volunteers and persons on the central list. This makes it a clear duty for such people to report to an appropriate authority any circumstances within the agency which they consider likely to significantly harm the safety, rights or welfare of any child placed by the service.

Adoption Agencies Adoption support Agencies

STANDARD 22 - Handling allegations and suspicions of harm

Underpinning Legislation:

The Local Authority Adoption Service (England) Regulations 2003
Regulation 9 - Arrangements for the protection of children

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003
Regulation 10 - Arrangements for the protection of children
Regulation 19 – Notifiable events

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 12 - Arrangements for the protection of children
Regulation 24 – Notifiable events

OUTCOME:

- Allegations and suspicions of harm are handled in a way that provides effective protection and support for children, the person making the allegation, and at the same time supports the person who is the subject of the allegation.

Standard

22.1 All adoption agency and adoption support agency staff and volunteers understand what they must do if they receive an allegation or have suspicions that a person may have:

- a. behaved in a way that has, or may have, harmed a child;
- b. possibly committed a criminal offence against or related to a child; or
- c. behaved towards a child in a way that indicates they are unsuitable to work with children.

The agency ensures that the required actions are taken, or have been taken, in any relevant situation of which it is aware.

22.2 The agency's procedure is in line with Government guidance and requirements, including the duty to refer information to statutory bodies⁵. It is known to staff, volunteers, prospective adopters and children.

⁵ Since October 2009, the duties to refer concerns regarding individuals under List 99 and the Protection of Children Act 1999 have been replaced by a duty to provide information to the Independent Safeguarding Authority. Please see the referrals page of www.isa-gov.org.uk for information on the legal requirements for making referrals.

- 22.3 A copy of the child protection procedures is made available to staff, volunteers, prospective adopters and children. Any comments on these procedures are taken into account by the agency.
- 22.4 The child protection procedures are submitted for consideration and comment to the Local Safeguarding Children's Board (LSCB) and to the Local Authority Designated Officer (LADO) for Child Protection⁶ (or other senior officer responsible for child protection matters in that department). They are consistent with the local policies and procedures agreed by the LSCB relevant to the geographical area where the prospective adopters live. Any conflicts between locally agreed procedures and those of other placing authorities are discussed and resolved as far as possible.
- 22.5 Each agency has a designated person, who is a senior manager, responsible for managing allegations. The designated person has responsibility for liaising with the LADO and for keeping the subject of the allegation informed of progress during and after the investigation.
- 22.6 Allegations against people that work with children, prospective adopters or adult members of their household, are reported by the agency to the LADO. This includes allegations that on the face of it may appear relatively insignificant or that have also been reported directly to the police or Children and Family Services.
- 22.7 A clear and comprehensive summary of any allegations made against a prospective adopter or member of the prospective adopters' household, or staff member or volunteer, including details of how the allegation was followed up and resolved, a record of any action taken and the decisions reached, is kept on the prospective adopter's or person's confidential file. A copy is provided to the person as soon as the investigation is concluded. The information is retained on the confidential file, even after someone leaves the organisation, until the person reaches normal retirement age or for ten years if this is longer. In respect of prospective adopters or adult members of their household, the information is retained on their case record for 100 years from the date of the adoption order or, if the prospective adopter does not adopt a child, for a period of time according to local policies.
- 22.8 The adoption panel that dealt with the case is informed of any allegations made and outcomes of investigations.
- 22.9 Investigations into allegations or suspicions of harm are handled fairly, quickly, and consistently in a way that provides effective protection for the child, and at the same time supports the person who is the subject of the allegation. Agencies follow the framework for managing cases of allegations of abuse against people who work with children as set out in Working Together to Safeguard Children.
- 22.10 There is written guidance for staff which makes clear how they will be supported.
- 22.11 During an investigation the agency makes support, which is independent of the

⁶ Working Together to Safeguard Children (2010)

agency, available to the person subject to the allegation.

22.12 The adoption support agency has written procedures for dealing with allegations of historical abuse which may be made by service users during the course of service provision.

Adoption Agencies Adoption support Agencies

STANDARD 23 - Learning, development and qualifications

UNDERPINNING LEGISLATION

The Local Authority Adoption Service (England) Regulations 2003
Regulation 12 – Employment of staff

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003
Regulation 15 – Employment of staff

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 20 – Employment of staff

The Adoption Agencies Regulations 2005
Regulation 3 – The central list

OUTCOME

- Children and service users receive a service from staff, volunteers, panel members and decision-makers who have the competence to meet their needs.

THIS STANDARD IS NOT RELEVANT IN RESPECT OF ADOPTION SUPPORT AGENCIES WHERE THE REGISTERED PROVIDER IS AN INDIVIDUAL AND DOES NOT HAVE STAFF OR VOLUNTEERS

Standard

- 23.1 There is a good quality learning and development programme which includes induction, post-qualifying and in-service training, that staff and volunteers are supported to undertake. The programme equips them with the skills required to meet the needs of the children and service users, keeps them up-to-date with professional, legal and practice developments and reflects the policies, legal obligations and business of the agency.
- 23.2 The learning and development programme is evaluated for effectiveness at least annually and if necessary is updated.
- 23.3 All new staff⁷ undertakes the Children's Workforce Development Council's induction standards, commencing within 7 working days of starting their employment and completing them within six months.
- 23.4 Where the agency provides an intercountry adoption service, training is

⁷ This requirement does not apply to ASAs where the agency works only with adults

provided to staff, volunteers and persons on the central list:

- a. on intercountry legislation and practice;
- b. on the principles of the law and eligibility criteria for the overseas country;
- c. the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption;
- d. the Immigration Rules and immigration legislation that applies to the country in question;
- e. and the implications for children who are (a) adopted from outside the British Islands and (b) being taken out of the British Islands for the purposes of adoption.

23.5 Assessment and appraisal of all staff involved in adoption takes account of identified skills needed for particular roles and is used to identify individuals' learning and development needs.

Qualifications

23.6 All social workers and other specialists (eg medical, legal, educationalists, psychologists, therapists) are professionally qualified and, where applicable, registered by the appropriate professional body. They are appropriately trained to work with children, their families and adoptive families, and have a good understanding of adoption.

23.7 All counsellors are either a Member (MBACP) or Accredited Member (MBACP Accred) of the British Association of Counselling and Psychotherapy; or are chartered by/registered with the United Kingdom Council for Psychotherapy (UKCP), or the United Kingdom Register for Counsellors and Psychotherapists (UKRCP).

23.8 All Arts, Drama and Music Therapists and Practitioner Psychologists are registered with the Health Professions Council for England and Wales. Other staff who are involved in the provision of therapeutic services have appropriate professional qualifications.

Birth records counselling and disclosure of adoption information

23.9 Social workers providing birth records counselling under Schedule 2 to the Adoption and Children Act 2002 and social workers and counsellors providing disclosure of adoption information counselling⁸ are trained and experienced in this type of counselling and have a thorough understanding of the legislation surrounding access to, and disclosure of, birth records, and the impact of reunion on all parties.

23.10 Any individual who provides disclosure of adoption information counselling who is not a social worker or counsellor, works under the direct supervision

⁸ Disclosure of adoption information counselling to adults under the Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 and the Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

of a social worker or counsellor experienced in that work and who takes responsibility for the counselling.

Other staff

23.11 Where unqualified staff and volunteers carry out social work functions they do so under the direct supervision of experienced social workers, who are accountable for their work.

23.12 Support workers working with birth parents have a good knowledge and understanding of adoption legislation and process and work under the direct supervision of experienced social workers, who are accountable for their work.

Persons on the central list

23.13 The adoption agency provides each person on the central list with an opportunity of observing an adoption panel meeting before they sit on an adoption panel.

23.14 Each person on the central list is given induction training which is completed within 10 weeks of being included on the central list.

23.15 Each person on the central list is given the opportunity of attending an annual joint training day with the agency's adoption staff.

23.16 Each person on the central list has access to appropriate training and skills development and is kept abreast of relevant changes to legislation, regulation and guidance.

Adoption agency's decision-maker

23.17 The decision-maker is a senior person within the adoption agency or is a trustee or director of the voluntary adoption agency, who is a social worker with at least 3 years post qualifying experience in child care social work and has knowledge and experience of permanency planning for children; adoption and child care law and practice;

and where the adoption agency provides an intercountry adoption service, knowledge of:

- i. intercountry legislation and practice;
- ii. the principles of the law and eligibility criteria for the overseas country;
- iii. the Hague Convention on Protection of Children and Co-operation in respect of Intercountry Adoption;
- iv. the Immigration Rules and immigration legislation that applies to the country in question; and
- v. the implications for children who are (a) adopted from outside the British Islands and (b) being taken out of the British Islands for the

purposes of adoption;

and when determining the disclosure of protected information about adults (Section 61 of the Adoption and Children Act 2002), understands the legislation surrounding access to and disclosure of information, and the impact of reunion on all parties.

Adoption Agencies Adoption support Agencies

STANDARD 24 – Staff support and supervision

UNDERPINNING LEGISLATION

The Local Authority Adoption Service (England) Regulations 2003

Regulation 10 – Staffing agency

Regulation 12 – Employment of staff

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

Regulation 11- Staffing of agency

Regulation 15 – Employment of staff

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

Regulation 18- Staffing of agency

Regulation 20 – Employment of staff

OUTCOME

- Staff and volunteers are supported and guided to fulfil their roles and provide a high quality service to children and service users.

THIS STANDARD IS NOT RELEVANT IN RESPECT OF ADOPTION SUPPORT AGENCIES WHERE THE REGISTERED PROVIDER IS AN INDIVIDUAL AND DOES NOT HAVE STAFF OR VOLUNTEERS

Standard

- | | |
|------|---|
| 24.1 | The employer is fair and competent, with sound employment practices and good support for all its staff and volunteers |
| 24.2 | All staff, volunteers and manager, are properly managed, supported and understand to whom they are accountable. |
| 24.3 | Suitable arrangements exist for professional supervision of managers and the registered person of the agency. |
| 24.4 | Staff have access to support and advice, and are provided with regular supervision by appropriately qualified and experienced staff. |
| 24.5 | A written record is kept by the agency detailing the time and date and length of each supervision held for each member of staff, including the registered person. The record is signed by the supervisor and the member of staff at the end of the supervision. |
| 24.6 | All staff have their performance individually and formally appraised at least annually and, where they are working with children, this appraisal takes into |

account the views of the children the service is providing for.

- 24.7 Staff and volunteers are able to access the specialist advice needed to provide a comprehensive service for children and service users, including medical, legal, educationalists, psychologists and therapists advice.

Adoption Agencies Adoption Support Agencies

STANDARD 25 – Managing effectively and efficiently, and monitoring the adoption agency or adoption support agency

UNDERPINNING LEGISLATION

The Local Authority Adoption Service (England) Regulations 2003

Regulation 7 - General requirements

Regulation 14 - Arrangements for absence of manager

Regulation 17 - Complaints

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

Regulation 8 – Registered provider, manager and branch manager – general requirements

Regulations 11 and 12 – Complaints

Regulation 21 – Notice of absence

The Adoption Support Agencies (England) and Adoption Agencies Regulations 2005

Regulation 10 – Registered person – general requirements

Regulations 16 and 17 – Complaints

Regulation 26 – Notice of absence

OUTCOME

- The agency is managed ethically, effectively and efficiently and delivering a good quality service which meets the needs of children and other service users.

THIS STANDARD IS NOT RELEVANT IN RESPECT OF ADOPTION SUPPORT AGENCIES WHERE THE REGISTERED PROVIDER IS AN INDIVIDUAL WHO IS NOT REQUIRED TO APPOINT A REGISTERED MANAGER⁹

Standard

- 25.1 There are clear and effective procedures for monitoring and controlling the activities of the agency. This includes the financial viability of the service, any serious incidents, or allegations, or complaints about the service and ensuring quality of the agency.
- 25.2 The manager regularly monitors all records kept by the agency to ensure compliance with the agency's policies, to identify any concerns about specific incidents and to identify patterns and trends. Immediate action is taken to address any issues raised by this monitoring.

⁹ If the registered provider is an individual, they are only required to appoint a manager if they are (a) not a fit person to manage the agency or (b) is not, or does not intend to be, in full-time day to day charge of the agency. See Regulations 9 of the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

- 25.3 Management of the agency ensures all staff's work and activity is consistent with adoption regulations and NMS and with the service's policies and procedures.
- 25.4 Managers, staff and volunteers are clear about their roles and responsibilities. The level of delegation and responsibility of the manager and the lines of accountability, are clearly defined.
- 25.5 Clear arrangements are in place to identify the person in charge when the manager is absent.
- 25.6 The executive side of the local authority, the voluntary adoption agency's/Adoption Support Agency's provider/trustees, board members or management committee members:
- a. receive written reports on the management, outcomes and financial state of the agency every 6 months;
 - b. monitor the management and outcomes of the services in order to satisfy themselves that the agency is effective and is achieving good outcomes for children and/or service users;
 - c. satisfy themselves that the agency is complying with the conditions of registration.
- 25.7 The agency takes action to address any issues of concern that they identify or which is raised with them.
- 25.8 Staff and volunteers have a copy of:
- a. the policies and working practices in respect of grievances and disciplinary matters;
 - b. details of the services offered;
 - c. the equal opportunities policy;
 - d. health and safety procedures.
- 25.9 Information is provided to commissioners of services as part of tendering. This includes:
- a. charges for each of its services;
 - b. statements of any amounts paid to adopters; and
 - c. amounts paid for services, e.g. health and education.

- 25.10 The agency has written policy and procedural guidelines on considering and responding to representations and complaints in accordance with legal requirements and relevant statutory guidance.
- 25.11 The agency has the facilities to work with children, potential service users and service users with physical, sensory and learning impairments, communication difficulties or for whom English is not their first language.
- 25.12 Oral and written communications are made available in a format which is appropriate to the physical, sensory and learning impairments; communication difficulties; and language of the individual. The procedures include arrangements for reading, translating, Makaton, pictures, tape recording and explaining documents to those people who are unable to understand the document.

Adoption Support Agencies

STANDARD 26 - Individuals who are registered providers of adoption support agencies

This Standard is relevant only where the registered provider is an individual (as opposed to a partnership or organisation) and they do not have staff or volunteers.

UNDERPINNING LEGISLATION

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 10 Registered person – general requirements
Regulations 16 and 17 - Complaints

OUTCOME

- The registered provider manages the agency effectively and efficiently and is suitable to work with the agency's service users. They are trained to ensure the best possible outcomes for service users.

Standard

- | | |
|------|--|
| 26.1 | The registered provider has regular supervision with appropriately qualified and experienced persons. |
| 26.2 | A written record is kept detailing the time and date and length of each supervision. The record is signed by the supervisor and the registered provider at the end of the supervision. |
| 26.3 | The registered provider undertakes on-going training and appropriate professional and skills development and keeps up-to-date with current issues in the adoption field and developments in legislation and guidance. |
| 26.4 | The registered provider monitors the management and outcome of the services in order to be satisfied that the agency is effective and is achieving good outcomes for children and/or service users and that the agency is complying with the conditions of registration. |
| 26.5 | Information is provided to commissioners of services as part of tendering. This includes charges for each of its services and itemised amounts paid for services. |
| 26.6 | The registered provider has written policy and procedural guidelines on considering and responding to representations and complaints in accordance with legal requirements and relevant Government guidance. |

- 26.7 The registered provider has the facilities to work with children, potential service users and service users with physical, sensory and learning impairments, communication difficulties or for whom English is not their first language.
- 26.8 Oral and written communications are made available in a format which is appropriate to the physical, sensory and learning impairments; communication difficulties; and language of children, potential service users, service users, staff, volunteers and persons on the central list. The procedures include arrangements for reading, translating, Makaton, pictures, tape recording and explaining documents to those people who are unable to understand the document.
- 26.9 The registered provider has a comprehensive written health and safety policy and equal opportunities policy for all service users which covers all legal requirements.

STANDARD 27 - Records

UNDERPINNING LEGISLATION

The Adoption Agencies Regulations 2005

Regulation 12 Requirement to open the child's case record

Regulation 22 – Requirement to consider application for an assessment of suitability to adopt a child

The Local Authority Adoption Service (England) Regulations 2003

Regulation 15 - Records with respect to staff

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

Regulation 17 - Records with respect to staff

Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

Regulation 14 - Records with respect to services

Regulation 15 Adoption case records (adoption support agencies that were formerly adoption agencies)

Regulation 22 - Records with respect to staff

OUTCOME

- Records are clear, accurate, up to date and stored securely, and contribute to an understanding of the child's life.

Standard

- 27.1 The agency has and implements a written policy that clarifies the purpose, format and content of information to be kept on the agency's files, on the child's and prospective adopters' case records.
- 27.2 Staff, volunteers and persons on the central list understand and follow the agency's policy for the keeping and retention of files, managing confidential information and access to files (including files removed from the premises). There is a system in place to monitor the quality and adequacy of record keeping and take action when needed.

- 27.3 Staff understand and following the agency's¹⁰ policy on dealing with requests for access to or disclosure from adoption case records and knows who is responsible for authorising them. They obtain a written confidentiality agreement from the person to whom the agency wishes to disclose the case records or information. This requirement does not cover the child or adopter.
- 27.4 Entries in records, decisions and reasons are legible, clearly expressed, non-stigmatising, distinguish between fact, opinion and third party information and are signed and dated.
- 27.5 There is a system for keeping records of all complaints made and for handling these confidentially and securely. Records of complaints and allegations are clearly recorded on the relevant files for staff, volunteers, children and service users – including details of the investigation, conclusion reached and action taken. Separate records are also kept which bring together data on allegations and on complaints.

¹⁰ This standard applies to all adoption agencies. It applies also to those ASAs who were a VAA prior to 30 December 2005 and whose registration was changed to that of an ASA with effect from 30 December 2005, and for whom regulation 16(2A) of the Adoption Agencies Regulations 1983 permitted them to retain their pre-30 December 2005 adoption records on children and prospective/approved adopters.

Adoption Agencies Adoption Support Agencies

STANDARD 28 - Fitness of premises for use as an adoption agency or adoption support agency

UNDERPINNING LEGISLATION

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003

Regulation 18 – Fitness of premises

The Local Authority Adoption Service (England) Regulations 2003

Regulation 16 – Fitness of premises

The Adoption support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005

Regulations 23 – Fitness of premises

OUTCOME

- The premises and administrative systems are suitable to enable the agency to meet its Statement of Purpose.

Standard

- 28.1 There are efficient and robust administrative systems, including IT and communication systems. Premises have:
- a facilities for the secure retention of records (including, for example, cards, letters; the child's life storybook; photographs and audio-visual film).
 - b appropriate measures to safeguard IT systems; and
 - c an appropriate security system.
- 28.2 The premises and its contents are insured (or there are alternative prompt methods of replacing lost items).
- 28.3 The agency has a Business Continuity Plan, which staff understand and can access, which includes both provision of premises and safeguarding/back-up of records.

Voluntary Adoption agencies Adoption Support Agencies

STANDARD 29 - Notification of significant events

Underpinning Legislation:

The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003
Regulation 19 – Notifiable events

The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005
Regulation 24 – Notifiable events

OUTCOME

- All significant events relating to the protection of children are notified to the appropriate authorities.

Standard

- 29.1 The registered provider and the manager of the VAA/registered person of the Adoption support agency has a system in place to notify, within 24 hours, persons and appropriate authorities of the occurrence of significant events in accordance with regulation 19 or regulation 24 . The system includes what to do where a notifiable event arises at the weekend.
- 29.2 A written record is kept which includes details of the action taken, and the outcome of any action or investigation, following a notifiable event.
- 29.3 The registered provider and the manager of the VAA/registered person of the Adoption support agency has a system for notification to responsible authorities of any serious concerns about the emotional or mental health of a child, such that a mental health assessment would be requested under the Mental Health Act 1983.
- 29.4 Following an incident notifiable under regulation 19 or regulation 24, the registered provider and the manager of the VAA/registered person of the Adoption support agency contacts the responsible authority to discuss any further action that may need to be taken.

You can download this booklet online at: <http://publications.education.gov.uk/>
Search using the ref: DfE-00028-2011

ISBN: 978-1-84775-866-8

© Crown Copyright 2011

The text in this document (excluding the Royal Arms and departmental or agency logos) may be reproduced free of charge in any format or medium under the terms of the Open Government Licence.

For more information about this licence,
visit <http://www.nationalarchives.gov.uk/doc/open-government-licence/>
or e-mail: psi@nationalarchives.gsi.gov.uk.

The material must be reproduced accurately and not used in a misleading context and acknowledged as Crown copyright. The title of the source material must also be specified wherever reused.

Where we have identified any third party copyright material, you will need to obtain permission from the copyright holders concerned.