
STATUTORY INSTRUMENTS

2014 No. 1556

CHILDREN AND YOUNG PERSONS, ENGLAND

**The Adoption and Care Planning
(Miscellaneous Amendments) Regulations 2014**

<i>Made</i>	- - - -	<i>9th June 2014</i>
<i>Laid before Parliament</i>		<i>18th June 2014</i>
<i>Coming into force</i>	- -	<i>25th July 2014</i>

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 9(1)(a) and 140(7) and (8) of the Adoption and Children Act 2002⁽¹⁾ and sections 22C(11), 31A(3), 34(8)(za) and 104(4) of, and paragraph 12E of Schedule 2 to, the Children Act 1989⁽²⁾.

Citation and commencement

1. These Regulations may be cited as the Adoption and Care Planning (Miscellaneous Amendments) Regulations 2014 and come into force on 25th July 2014.

Amendment of the Adoption Agencies Regulations 2005

2. The Adoption Agencies Regulations 2005⁽³⁾ are amended as follows.
3. In regulation 2 (interpretation) insert in the appropriate place—
“the 2010 Regulations” means the Care Planning, Placement and Case Review (England) Regulations 2010⁽⁴⁾”.
4. In regulation 12(1) (requirement to open the child’s case record), at the end, insert—
“(j) “(j) details of any prospective adopters for the child identified by virtue of regulation 12A(1) (requirement to identify potential prospective adopters); and
(k) the record of any decision notified under regulation 12B (duties of adoption agency when child to be placed following consideration in accordance with

(1) 2002 c.38. For the definition of “regulations” see section 144(1).
(2) 1989 c.41. Section 34(8)(za) was inserted by section 8 of the Children and Families Act 2014 (c.6) and Paragraph 12E of Schedule 2 was inserted by the Children and Young Persons Act 2008 (c.23).
(3) S.I. 2005/389; amended by S.I. 2005/3482, 2007/603, 2009/1892, 2009/1895, 2010/1172, 2011/589, 2012/1410, 2013/235, 2013/985 and 2014/852.
(4) S.I. 2010/959; amended by S.I. 2011/581, 2012/1479, 2013/235, 2013/706, 2013/984, 2013/3239 and 2014/852.

section 22C(9B)(c) of the Children Act 1989) and any notification of that decision under regulation 22A of the 2010 Regulations.”.

5. After regulation 12 insert—

“Requirement to identify potential prospective adopters

12A. (1) The adoption agency must—

- (a) identify prospective adopters who may be suitable to adopt the child, and
- (b) use its best endeavours to identify a particular prospective adopter with whom it proposes the child is placed, as soon as reasonably practicable.

(2) Where the adoption agency is considering adoption for two or more siblings it must, in carrying out the duties in paragraph (1), consider whether to seek to identify prospective adopters who may be suitable to adopt two or more of the siblings together, having regard to the best interests of each sibling.

(3) In determining whether a prospective adopter may be suitable to adopt the child, the adoption agency must assess the ability of the prospective adopter to meet the needs of the child throughout childhood.

Duties of adoption agency when a child is to be placed following consideration in accordance with section 22C(9B)(c) of the Children Act 1989

12B. (1) This regulation applies where—

- (a) a decision has been made in accordance with regulation 22A of the 2010 Regulations to place the child, and
- (b) the adoption agency identifies a particular prospective adopter with whom it proposes the child is placed.

(2) The adoption agency must—

- (a) notify the prospective adopter in writing of the decision to place the child with the prospective adopter, and
- (b) explain the decision to the child in an appropriate manner, having regard to the child’s age and understanding.

(3) For the purposes of this regulation “placed” means placed in accordance with section 22C of the 1989 Act with a local authority foster parent who is also an approved prospective adopter following consideration in accordance with section 22C(9B)(c)(5) of that Act.”.

6. In regulation 14 (requirement to provide counselling and information for, and ascertain the wishes and feelings of, the parent or guardian of the child and others)—

(a) after regulation 14(b)(iii) insert—

“(iv) the legal implications of a child being placed in accordance with section 22C of the 1989 Act with a local authority foster parent who is also a prospective adopter following consideration in accordance with section 22C(9B)(c) of that Act.”.

(b) in regulation 14(4)(a) for the words “and (iii)” substitute “, (iii) and (iv)”.

7. In regulation 18(2) omit “, (5)”.

(5) Section 22C was inserted into the Act by section 8(1) of the Children and Young Persons Act 2008 (c.23) and sub section 22C(9B)(c) was inserted by section 2 of the Children and Families Act 2014.

8. In regulation 32(2), for the words “section 1(2), (4) and (5)” substitute “section 1(2) and (4)”.

Amendment of the Care Planning, Placement and Case Review (England) Regulations 2010

9. The Care Planning, Placement and Case Review (England) Regulations 2010 are amended as follows.

10. Before regulation 8, and under the heading “Contact with a child in care”, insert—

“**8ZA.** When considering whether contact between C and any of the persons mentioned in paragraphs (a) to (d) of section 34(1) of the 1989 Act is consistent with safeguarding and promoting C’s welfare, the responsible authority must have regard to C’s care plan.”.

11. After regulation 22 insert—

“Placement following consideration in accordance with section 22C(9B)(c) of the Act

22A. (1) This regulation applies where the responsible authority decides to place C in accordance with section 22C of the 1989 Act with a local authority foster parent who is also an approved prospective adopter following consideration in accordance with section 22C(9B)(c) of the 1989 Act.

(2) The decision to place C must not be put into effect until it has been approved by a nominated officer, and the responsible authority have prepared a placement plan for C.

(3) Before approving a decision under paragraph (2), the nominated officer must—

- (a) be satisfied that the placement is the most appropriate placement available for C and will safeguard and promote C’s welfare;
- (b) be satisfied that the requirements of regulation 9(1)(b) have been complied with; and
- (c) if their whereabouts are known to the responsible authority, notify the parent or guardian of C of the proposed placement.”.

12. In paragraph 2(2) of Schedule 1 (information to be included in the personal education plan), and in paragraph 9(e) of Schedule 2A (matters to be dealt with in the detention placement plan), for “responsible for” substitute “appointed under section 22(3B) of the 1989 Act for the purpose of”⁽⁶⁾.

9th June 2014

Edward Timpson
Parliamentary Under Secretary of State
Department for Education

(6) Section 22(3B) was inserted by section 90 of the Children and Families Act 2014.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Adoption Agencies Regulations 2005 (the AARs), which make provision about the exercise by adoption agencies (that is, local authorities and registered adoption societies) of their functions in relation to adoption under the Adoption and Children Act 2002 (the Act). They also amend the Care Planning, Placement and Case Review (England) Regulations 2010 (the CPPCRRs), which make provision about care planning for children who are looked after by local authorities. They come into force on 25th July 2014.

New regulation 12A of the AARs imposes duties on adoption agencies to identify prospective adopters when they are considering adoption for a child.

New regulation 12B of the AARs requires that, when an adoption agency decides to place a looked after child under section 22C of the of the Children Act 1989 following consideration in accordance with section 22C(9B)(c) of that Act (which is inserted by the Children and Families Act 2014) (that is a placement of a looked after child with local authority foster parents who are also approved prospective adopters), the agency must notify the prospective adopter of its decision and explain the decision to the child.

New regulation 22A of the CPPCRRs provides that a decision to place a child in accordance with section 22C of the Children Act 1989 following consideration in accordance with section 22C(9B)(c) must be approved by a nominated officer before it can be put into effect

New Regulation 14(b)(iii) of the AARs provides that when an adoption agency is providing a counselling service for the parent or guardian of a child the agency must explain the legal implications of a child being placed in accordance with section 22C of the Children Act 1989 following consideration in accordance with section 22C(9B)(c) of that Act.

New regulation 8ZA of the CPPCRRs requires that, when considering the issue of what contact there should be between a child and their family, the local authority must have regard to the child's care plan.

These Regulations also make minor amendments to the AARs and CPPCRRs consequent on the Children and Families Act 2014 (regulations 7, 8 and 12).

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