Adoption Support Agencies: proposed regulation changes
Government consultation response

September 2023
Introduction

On 9 January 2023 the Government launched a public consultation to gather views on proposals to amend Adoption Support Agency regulations.

Adoption support services are defined as “counselling, advice and information and any other services prescribed by regulations”. Most adoption support service providers must register with Ofsted as Adoption Support Agencies (ASAs), which brings safeguarding and service quality protections. This includes for financial support for the purpose of supporting the adoptive placement or adoption arrangements, services which enable adopted children, adopters and members of the birth family to discuss matters relating to adoption, and therapeutic services for the child.

When applying to register with Ofsted, the organisation or individual must provide evidence that demonstrates compliance with the relevant regulations for ASAs and the Adoption National Minimum Standards. They must also follow the Adoption Statutory Guidance. These requirements are designed to reflect the sensitivity and seriousness of adoption support for all parties involved. Once registered, the adoption support agencies are subject to regular inspections and pay an annual fee.

The Department for Education believes that aspects of this requirement are not working in practice. We therefore proposed to amend the Adoption Support Services Regulations 2005 and the Adoption Agencies (Miscellaneous Amendments) Regulations 2005 to simplify arrangements for providers and increase accessibility of these support services.

The DfE launched a consultation on the proposed regulation changes for Adoption Support Agencies on 9 January 2023, and the consultation ran until 20 March 2023. The consultation sought views on these proposed changes:

1) To exempt providers of adoption support services from the Ofsted registration requirement if the providers are working under contract with an adoption agency.

2) To exempt adoption support service providers from the Ofsted registration requirement where they are providing adoption-related counselling and therapeutic

1 S 2(6) Adoption and Children Act 2002
2 s.5(1A) Care Standards Act 2000
3 Adoption: National Minimum Standards
4 Adoption: Statutory Guidance
services to adults aged 18 and over, other than counselling provided in the context of intermediary services\textsuperscript{5}.

The consultation was conducted online, with the option to respond by email or letter. This consultation sought to gather the views of people from the adoption sector, and people with experience of adoption, on the proposed changes to the regulations. This document outlines the findings on the two proposals that were consulted on and the Government’s response to these findings.

\textsuperscript{5} Intermediary services are defined as “a service provided for the purposes of assisting adopted persons aged 18 or over, who were adopted before 30 December 2005, to obtain information in relation to their adoption; and facilitating contact between such persons and their relatives.” – The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005
Summary of responses received

The Adoption Support Agencies proposed regulation reform consultation received 341 responses. The consultation saw responses from a range of different types of organisations including:

- Regional Adoption Agencies
- Local Authorities
- Voluntary Adoption Agencies
- Counselling and therapeutic organisations
- Intermediary Services
- Ofsted
- British Association for Counselling and Psychotherapy (BACP)

We received responses from a range of individual respondents, including:

- Counsellors
- Intermediary Service providers
- Academics
- Psychotherapists
- Adopted persons
- Adopters

334 of the 341 responses were submitted online. 7 were submitted via email as Word or PDF documents. The responses included in the quantitative analysis and tables were those submitted online on citizen space. Responses received through other methods are included in the qualitative analysis of key findings.

Main findings from the consultation

The responses to the consultation were strongly supportive of both the proposed changes to the regulatory requirements for adoption support agencies. The Department welcomes the positive support for the proposed changes, and the helpful input from respondents.

Proposal 1

Three-quarters of respondents (77%) to the consultation were supportive of proposal 1, to exempt providers of adoption support services from the requirement to register with Ofsted if they are working under contract with an agency. There was support from across
the adoption sector, adopted adults, adoptive parents and counselling and therapeutic service providers. This proposal was also supported by the majority of adoption agencies and local authorities who responded, who would be responsible for conducting the checks.

Respondents stated that this proposal would reduce the burdens on providers. The majority of responses stated that this would reduce the cost and time of registration processes for adoption agencies, and the duplication of processes to register with Ofsted and to work as a provider with an adoption agency. Through a reduction of the burdens respondents also stated that this would increase the number of providers, as some are prevented from providing these services due to the time and financial burden of the registration process with Ofsted.

Although the majority believed that the existing regulatory framework is sufficient to prevent a drop in standards, a small minority (11%) of respondents raised concerns about a fall in the quality of provision and safeguarding of these services. However, the responses to the consultation from many adoption agencies and local authorities have confirmed that the checks conducted are robust and will maintain high standards of provision and safeguarding. Ofsted also supports this view. In its response it states that most adoption agencies are of a high standard, and that they believe their quality and strong management alongside the regulatory framework will offer sufficient safeguards. They also stated that they will have oversight of these processes through the inspection of adoption agencies.

We therefore consider that the checks conducted by adoption agencies on providers of counselling or therapeutic services will be sufficient to maintain the safeguarding and standards in these services at their current level. Adoption agencies conduct robust checks on providers that they work with. The Department will also ensure that LAs/RAAs applying for funding under the Adoption Support Fund must make a declaration that they have made the checks required to ensure safeguarding and standards in provision of these services.

**Proposal 2**

The majority of respondents to the consultation were also supportive of proposal 2, to exempt adoption support service providers from the requirement to register with Ofsted where they are providing adoption-related counselling and therapeutic services to adults aged 18 and over, other than counselling provided in the context of intermediary services. 89% of online respondents supported this proposed change. This support included a range of organisations and individuals including adopted adults. Many respondents said that the current requirement to register with Ofsted to provide counselling and therapeutic services for adoption-related issues was infantilising to adopted adults, as they were not able to make a free choice about which provider to use unlike any other adult.
Respondents agreed that this proposal would increase the number of providers available, and through this the choices available to adults seeking counselling and therapeutic services for adoption-related issues. Responses also highlighted how this change would prevent people who were receiving counselling or therapy, where adoption was not the main issue, from having to stop using the provider they have established a relationship with should adoption come up in the process.

There were concerns raised by a minority of respondents that this change may lead to lower quality provision and safeguarding. The Department recognises the importance of people having access to high quality services. We do not believe that the removal of this registration requirement would lead to a drop in quality of the adoption-related counselling and therapeutic services available to adults. Professionals in this field responded that voluntary accreditation with professional bodies ensure standards are high. BACP and service providers responded that the development of adoption training would further strengthen the quality of services. BACP stated that they would develop an adoption framework and specialist training materials should this change be made to support their members and other training providers.

The Department believes that adults seeking adoption-related counselling and therapeutic support are best placed to choose to see a professional that meets their needs. The assurance that professional bodies provide ensures high quality provision and safeguarding standards, and adults can choose to seek services from those providers with accreditation.

We would like to thank all those who responded to this consultation. Following careful consideration of the responses, the Department intends to proceed with the proposals to amend the regulatory requirements to register with Ofsted as set out in the consultation, subject to Parliamentary scrutiny of the proposed regulatory changes.
Proposal 1: Removal of Ofsted registration requirement for providers of adoption support services, where those providers are working under contract with an adoption agency

Question 1

Do you agree that Ofsted registration requirement for providers of adoption support services, where those providers are working under a contract with an adoption agency, should be removed?

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<tr>
<th>Answer</th>
<th>Total</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Yes</td>
<td>258</td>
<td>77.25%</td>
</tr>
<tr>
<td>No</td>
<td>27</td>
<td>8.08%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>45</td>
<td>13.47%</td>
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<tr>
<td>Not Answered</td>
<td>4</td>
<td>1.20%</td>
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Key findings

Over three-quarters (77%) of respondents agreed that the regulatory requirement for Ofsted registration for providers of adoption support services, where they are working under contract with an adoption agency, should be removed.

Those agreeing indicated that the change would improve access to adoption support services, as the registration requirements act as a barrier due to their cost and length. They stated that the checks conducted by Regional Adoption Agencies (RAAs) and Voluntary Adoption Agencies (VAAs), and regulatory bodies in healthcare were sufficient for safeguarding purposes.

Those disagreeing were concerned about the implications for safeguarding, how robust the checks would be and the additional burden that this would place upon adoption agencies and local authorities.

13% of respondents said they didn’t know if they agree. Many of those who responded this stated it was as they did not have full working knowledge or experience of this registration process or working with adoption agencies under contract.

The majority of adoption agencies and local authorities who responded to this question agreed with the proposal. They stated that the safeguarding and quality checks that they conduct are comprehensive and sufficient. They also said that the change would remove
a barrier and reduce duplication in the two sets of checks. However, one VAA responding did raise concerns that this would increase workload pressures on adoption agencies and local authorities.

**Question 2**

Do you think the checks provided by the regulatory framework are sufficient to avoid a drop in standards?

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<th>Answer</th>
<th>Total</th>
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<tr>
<td>Yes</td>
<td>189</td>
<td>56.59%</td>
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<tr>
<td>No</td>
<td>36</td>
<td>10.78%</td>
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<tr>
<td>Don’t know</td>
<td>104</td>
<td>31.14%</td>
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<tr>
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<td>5</td>
<td>1.50%</td>
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**Key findings**

57% of respondents thought that the checks provided by the regulatory framework were sufficient to avoid a drop in standards. Positive responses included Regional Adoption Agencies, local authorities, academics and service providers.

Those agreeing believed that the regulatory requirements were sufficient. They stated that other professional bodies were capable of conducting checks, such as Regional Adoption Agencies and healthcare regulators, as they do for other counselling services. The majority of Regional Adoption Agencies and local authorities responded positively to this question, stating that the checks they conduct on providers are robust and ensure that they meet standards.

Those who did not believe that they were sufficient stated that stronger and more robust safeguards are needed. They said that they disagree that Regional Adoption Agencies would provide robust enough checks, and that Ofsted inspections improve standards.

A third of respondents said that they did not know if the checks provided would be sufficient to avoid a drop in standards. Those responding this way were often counsellors and therapists, or individuals, who said that their response was due to a lack of knowledge of the current regulations and checks that are in place, so they were unable to comment. Others said that it would depend on how the checks were conducted, and the local authority or agency conducting checks.
Question 3

Do you think this will reduce burdens on providers?

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<thead>
<tr>
<th>Answer</th>
<th>Total</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Yes, this will reduce burdens on providers</td>
<td>238</td>
<td>71.26%</td>
</tr>
<tr>
<td>No, the burden on providers will not change</td>
<td>22</td>
<td>6.59%</td>
</tr>
<tr>
<td>No, this will increase burdens on providers</td>
<td>5</td>
<td>1.50%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>65</td>
<td>19.46%</td>
</tr>
<tr>
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<td>4</td>
<td>1.20%</td>
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Key findings

Nearly three-quarters (71%) of respondents said they think that this will reduce burdens on providers, and just 7% think that the burdens on providers will not change. The majority of RAAs and local authorities responded that this would reduce the burdens on providers.

Those that think this will reduce burdens said that it would reduce both the amount of administration and time required or the current process, and the financial demands. Many respondents stated that this would simplify the system through removing the Ofsted registration requirement process. They said that it would streamline the support and access to it and potentially increase the number of providers.

Those that think the burden would not change said that the compliance and standards would be the same, so the burden would remain the same.

19% of respondents don’t know if this will reduce burdens on providers. They stated this was as they were not sure what the effect on burdens would be, or that they did not have the knowledge and experience of this system to comment. Some respondents raised concerns that it may change where the burden lay from providers to RAAs and local authorities; however, this was not stated by RAAs, VAAs or local authorities in response to this question as a concern.

The majority of providers said that they think this would reduce burdens, stating it would reduce the cost and make the process easier for them. A few providers said that the burden would not change as standards would remain the same and checks would still be in place. A small number also stated that they did not know what the effect would be for providers.
**Question 4**

Do you think this change will increase the number of providers of adoption support services?

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<thead>
<tr>
<th>Answer</th>
<th>Total</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Yes, the number of providers will increase</td>
<td>207</td>
<td>61.98%</td>
</tr>
<tr>
<td>No, the number of providers will not change significantly</td>
<td>24</td>
<td>7.19%</td>
</tr>
<tr>
<td>No, the number of providers will decrease</td>
<td>2</td>
<td>0.60%</td>
</tr>
<tr>
<td>Don't know</td>
<td>96</td>
<td>28.74%</td>
</tr>
<tr>
<td>Not Answered</td>
<td>5</td>
<td>1.50%</td>
</tr>
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**Key findings**

62% of respondents think this change will increase the number of providers of adoption support services. 7% think that the number would not change significantly.

Those who said that it would increase the number of providers available said that that the current regulations act as a barrier, and that changing them may allow more providers to do this work. Respondents stated that there would be less administration and lower costs to provide these services if Ofsted registration was not a requirement. The majority of RAAs and councils thought that this would increase the number of providers in the market as it would reduce the cost and bureaucracy to remove the Ofsted regulation requirements.

Those that said it would not change the number of providers said that the current number of providers is limited by money, not the requirement to register with Ofsted. Others said that many providers are not in scope for the current registration requirements or are not registered, and so this change would not have an impact.

29% of respondents said that they don’t know if this would increase the number of providers of adoption support services. They said this was as the effect would be hard to predict, or that they did not have the knowledge needed to comment. A minority of RAAs and LAs responded this way, saying that it would depend on the market and is difficult to predict.

**Question 5**

Do you have any further thoughts on this proposed amendment?

164 online form responses were received to this question.
Key findings

The majority of the responses to this question were supportive of the proposed changes to the regulations. Many of the responses stated that they agreed with and welcomed the proposals, and believed this change was necessary. They emphasised the importance of access to support. Respondents said that the current regulations made accessing support difficult, and that the proposed changes would help to address this.

Concerns were raised by some respondents about the potential unintended consequences if the proposed changes were implemented. Respondents said that the changes could increase the risk to users of accessing these services or lead to lower quality provision.

Government response to questions 1 - 5

The responses were supportive of the Department’s proposal 1, the removal of the requirement to register with Ofsted for providers of adoption support services, where those providers are working under contract with an adoption agency. Given the level of support we intend to proceed with seeking to make this proposed change, subject to Parliamentary approval.

The majority of respondents agreed that the Ofsted regulation requirement for providers of adoption support services, where the providers are working under contract with an adoption agency, should be removed. The majority of respondents stated that these changes were likely to increase the number of providers available and reduce the burdens on providers. It was raised that the current regulatory requirements required were costly and time consuming for providers, and that by changing them that more providers would be able to provide these services.

The majority of responses indicated that the checks provided by the regulatory framework would be sufficient to avoid a drop in standards, although some respondents were unsure about the current checks in place. We acknowledge the concerns that were raised regarding the quality and safeguarding of people accessing these services should these changes be made.

The Department is confident that adoption agencies routinely carry out their own safeguarding and quality assessments of the providers they contract with. Adoption agencies are legally required to carry out an assessment on their contractors to ensure they are “fit to work for the purposes of an agency”, in accordance with the regulatory
framework. Some pre-employment checks of contractors are also required and include criminal record checks, evidence of relevant qualifications, written references, verification of the reason why employment ended if previous roles included duties with children and vulnerable adults, and more. A local authority is also required by law to carry out certain checks on contractors working with an adoption service discharging local authority adoption functions, which adds a further layer of protection.

It is important to note the support to this proposal from adoption agencies and local authorities, who would be conducting these checks should this proposal be implemented. The majority of adoption agencies, RAA leaders and local authorities stated that the checks they have in place are robust and will ensure that safeguarding and quality standards are maintained should Ofsted registration no longer be a requirement for providers working under contract with an adoption agency.

Where the Department is funding support for children through the Adoption Support Fund, all applications come via local authorities and RAAs. The Department will introduce updated arrangements for the Adoption Support Fund which will require LAs and RAAs to confirm that they have made the checks required to ensure safeguarding and standards in provision of these services.

Ofsted responded to the consultation in support of the proposed changes. They are satisfied that the regulatory framework places clear expectations on adoption agencies to ensure due diligence in relation to the providers with whom they enter into contracts. They also stated that the majority of adoption agencies achieve good or outstanding inspection judgements, demonstrating their strong management and the high quality of services. They stated that there will remain oversight of these processes through the inspection of adoption agencies. These measures should maintain high standards of quality and safeguarding in these services.

On the basis of the strong support that this proposed change has received, we will seek to amend the regulations to remove the Ofsted registration requirement for providers of adoption support services, where those providers are working under contract with an adoption agency.

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6 Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous) Regulations 2003
7 The Local Authority Adoption Service (England) Regulations 2003
Proposal 2: Removal of Ofsted registration requirement for providers of adoption-related counselling and therapeutic services to adults

Question 6

Do you agree that the Ofsted registration requirement for providers of adoption-related counselling and therapeutic services to adults should be removed?

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<th>Answer</th>
<th>Total</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Yes, it should be removed</td>
<td>298</td>
<td>89.22%</td>
</tr>
<tr>
<td>No, it should not be removed</td>
<td>16</td>
<td>4.79%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>20</td>
<td>5.99%</td>
</tr>
<tr>
<td>Not Answered</td>
<td>0</td>
<td>0.00%</td>
</tr>
</tbody>
</table>

Key findings

The vast majority (89%) of respondents agreed that requirement to register with Ofsted for providers of adoption-related counselling and therapeutic services to adults should be removed.

The British Association of Counsellors and Psychotherapists, adoption agencies, local authorities, Ofsted, Adoption UK, service providers, adopted adults and adopters strongly supported this proposal. Responses emphasised that adults should be able to make their own choice about the provider that is best for them. Those who agreed said that the current registration requirements are discriminatory and infantilising to adopted adults, as they are unable to make a free choice about the provider they see unlike non-adopted adults. It was also raised that there is no registration requirement with Ofsted for other counselling for adults. It was stated that for some it can mean having to stop using a trusted provider due to mentioning adoption related issues, which several respondents had experienced as adults seeking support or as service providers.

Those who agreed said that the registration requirements reduce the number of providers available and acts as a barrier to people receiving the support that they need. Many respondents emphasised the importance of adopted adults, adoptive parents and birth parents being able to access adoption-related counselling, and that provision is currently not meeting demand.

A very small minority (5%) of respondents did not think that this requirement should be removed. Those who disagreed were concerned about a fall in safeguarding standards if
this registration requirement was removed, and a negative impact on the quality of services. Those agreeing stated that it was important that adults are able to make their own informed choice about what provider is best for them and can conduct their own due diligence on providers.

A few respondents were unsure whether this registration requirement should be removed. Some said they said that had no experience of this area and said that it is a complex issue.

**Question 7**

**Do you think this will have a positive effect on the provider market?**

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<thead>
<tr>
<th>Answer</th>
<th>Total</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Yes, it will have a positive effect on the provider market</td>
<td>269</td>
<td>80.54%</td>
</tr>
<tr>
<td>No, it will not have any effect on the provider market</td>
<td>12</td>
<td>3.59%</td>
</tr>
<tr>
<td>No, it will have a negative effect on the provider market</td>
<td>7</td>
<td>2.10%</td>
</tr>
<tr>
<td>Don't know</td>
<td>44</td>
<td>13.17%</td>
</tr>
<tr>
<td>Not Answered</td>
<td>2</td>
<td>0.60%</td>
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**Key findings**

Four-fifths (81%) of respondents thought this would have a positive effect on the provider market. Just 4% said it would have no effect, and 2% a negative effect.

Those who thought it would have a positive effect said that it would make it easier for providers to enter the market and lead to an increase in the number of providers of these services. Respondents said it would create more choice for adopted adults when using these services and could potentially reduce costs. They said that this would stop discrimination against adopted adults, who currently do not have a free choice due to these registration requirements. Respondents also said that this would allow people to continue counselling or therapy where they have already established a relationship, where adoption is discussed after initial meetings. Some responses proposed that it would allow established counsellors to provide counselling and therapeutic services to adults relating to adoption, increasing the number of providers in this way.

Only 7 respondents stated that this proposal would have a negative effect on the provider market. Those who said that it would have a negative effect were concerned about standards falling, and providers who are not specially trained providing these services.
13% were unsure what effect it would have. Respondents said that this would be dependent on providers, and how the market reacts to meet demand. Those from the adoption sector responding to this question said that it was likely to increase the number of providers, but that this may not lead to increases in access to quality services.

Throughout the responses, both those that thought this would have a positive or negative impact on the provider market, the importance of training on adoption for counsellors and therapists was included. There was an understanding in the responses that professional bodies provide oversight of counselling and therapy, including the provision of training. Responses said that it would be beneficial if adoption training was developed to be accessed by service providers who wish to work in this area. In their response the British Association of Counsellors and Psychotherapists (BACP) state that should the proposed change occur they will develop good practice resources, Continuing Professional Development offering and an adoption competence framework.

**Question 8**

*What impact on quality do you think it will have on adoption-related counselling and therapeutic adoption services of adults?*

There were 292 narrative responses to this question.

**Key findings**

The responses to this question were mainly positive. They stated that the quality of services would be improved, through the introduction of more providers to the market. They stated that this increase in providers would lead to more choice for the provision of adoption-related counselling and therapeutic services for adults, which would create an increase in quality. It was also suggested that the removal of this barrier would encourage more providers to train to provide support to adults who seek adoption-related counselling.

Respondents also stated that they believed it would have no impact on the quality of services provided. They responded that as providers are appropriately trained and qualified, then this change to regulatory requirements should have no effect on the quality of the services on offer. Many responses acknowledged that counsellors and therapists can be accredited with professional bodies, such as BACP, and that a regulatory requirement to register with Ofsted is not necessary in addition to this.

There were concerns raised by a minority of respondents from a range of organisations, stating that if these services are not monitored it could lead to a decrease in the quality which could negatively impact the wellbeing of adults using these services.

The availability and provision of training for professionals in adoption related issues in order to provide a high-quality service was mentioned throughout. Many stated that the
proposal may lead to accredited bodies introducing specialist training in adoption related issues as more providers would be able to work in this area. Many also stated that this proposal would encourage more providers to specialise and train in adoption related issues, as they would not have to be registered with Ofsted to work in this area. The development of training in this area was viewed as positive by all respondents who included this in their response, leading to high quality provision for adults affected by adoption.

**Question 9**

**Will this have a positive effect on the number of counsellors and therapists for people who want support for adoption-related issues?**

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<tr>
<th>Answer</th>
<th>Total</th>
<th>Percent</th>
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<tbody>
<tr>
<td>Yes, it will have a positive effect on the number of counsellors and therapists available</td>
<td>281</td>
<td>84.13%</td>
</tr>
<tr>
<td>No, it will have no effect on the number of counsellors and therapists available</td>
<td>9</td>
<td>2.69%</td>
</tr>
<tr>
<td>No, it will have a negative effect on the number of counsellors and therapists available</td>
<td>4</td>
<td>1.20%</td>
</tr>
<tr>
<td>Don’t know</td>
<td>38</td>
<td>11.38%</td>
</tr>
<tr>
<td>Not Answered</td>
<td>2</td>
<td>0.60%</td>
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**Key findings**

The vast majority (84%) of respondents said that this would have a positive effect on the number of counsellors and therapists available for people who want support for adoption-related issues.

Those who said this would have a positive effect said that it would increase the number of providers available through removing the administrative and financial burden of registration requirements. They also said it would allow existing counsellors and therapists to provide these services who currently cannot. It would increase the number of individual therapists who will be able to provide these services. The majority of counsellors and therapists responding to this question agreed that this would have a positive effect. Some raised concerns that the number would increase, but that the quality of these providers may be lower than providers currently.

It was also stated in responses that this proposal would simplify the system, and allow counsellors and therapists to discuss adoption related issues. The current regulations were said to cause confusion where adoption was raised after a professional relationship established, as not the main reason for seeking counselling or therapeutic services. Service providers and BACP mentioned this issue in their responses. This change would
allow providers to continue with counselling where they would have to stop, increasing the number of providers in this way.

Only 4% of respondents stated that this proposal would have no effect, or a negative effect. Those responding this way raised concerns about the quality of the service that would be provided without registration. They also said that they were concerned that it may lead to existing specialist adoption-related counsellors leaving the sector.

Those who said that they don’t know said that they could not predict the effect that this would have with the knowledge and information that they had. They also raised concerns that although it may increase the number of providers available it may not lead to an increase in the number of adults affected by adoption who access these services.

**Government response to questions 6 - 9**

Given the strong level of support for this proposed change to regulations, we intend to proceed with seeking to make the proposed change, subject to Parliamentary approval. This would remove the requirement to register with Ofsted for providers of adoption-related counselling and therapeutic services to adults.

89% of respondents agreed that the requirement to register with Ofsted should be removed in these cases. A majority of respondents also agreed that this would have a positive effect on the provider market and increase the number of counsellors and therapists available.

The majority of responses agreed that the requirement for Ofsted registration should be removed for providers of adoption-related counselling to adults. Many responses said that the current requirement to register with Ofsted was discriminatory and infantilising to adopted adults, as they were not able to make a choice about the support they access.

The intention of this proposal is to increase the pool of available counsellors and therapists for adopted adults and others affected by adoption. Respondents agreed that this proposal would have this effect and said that the proposed change would have a positive effect on the provider market, and the number of counsellors and therapists available. There was strong support in the responses for this change, as it would remove barriers to support for adults and also to providers who wish to offer these services. Many stated that through the increased choice, the quality of the provision would also increase as more providers enter the market.

We acknowledge the concern from a minority of respondents for the quality of services dropping if the requirement to register with Ofsted is no longer required. The Department recognises that access to quality services is essential. We do not believe, however, that the removal of this registration requirement would lead to a drop in quality of the adoption-related counselling and therapeutic services available to adults. There are no
equivalent registration requirements with Ofsted for any other area for counselling for adults. The removal of the requirement to register with Ofsted allows an adult wishing to discuss adoption-related issues to seek advice on accessing counselling in the same way as any other adult.

If an adult adoptee or other adult affected by adoption wishes to access private counselling, they may look for a counsellor who is registered with the British Association for Counselling and Psychotherapy (BACP), or another accredited organisation. To gain BACP registration, therapists must either have passed the BACP-accredited course or a Certificate of Proficiency, and agree to Terms and Conditions of the Register (including the Ethical Framework for the Counselling Professionals)\(^8\). Specialised registers for different types of counselling may also be considered by the individual, such as the UK Council for Psychotherapy Register\(^9\). This accreditation and training was mentioned in many responses as a way to ensure quality of services following this proposed change, and many respondents said that this change could lead to increased specialised training in adoption being developed by accredited bodies.

The BACP responded to the consultation that if this change was introduced, they would develop an adoption competence framework. This would be robust and include ethical, professional, and legal frameworks and working with adoption related issues such as attachment. They stated that they would also develop good practice resources and CPD offering to allow members to develop their knowledge and understanding of this area. They also stated that they would develop a training curriculum to support training providers to deliver training in this area. The development of such a framework and training would deliver what many respondents asked for in their responses and should allow high quality provision with sufficient safeguarding for those registered with them.

\(^8\) BACP Register of Counsellors and Psychotherapists
\(^9\) Our registers | UKCP (psychotherapy.org.uk)
Next steps

Following the publication of this consultation, the Department for Education intends to take forward the proposed changes to the regulations for adoption support agencies. Subject to parliamentary approval we anticipate these changes will come into force by the Winter. We will work with Ofsted on updating their guidance to reflect the final regulations ahead of commencement.
Annex A: List of organisations that responded to the consultation

This annex sets out the organisations that responded to the consultation. It does not include individuals who responded in a personal capacity, responses where an organisation was not clearly identified, or organisations that requested their responses remain confidential. As such, the number of organisations listed below does not equal the total number of respondents.

- Adopt South West
- Adopt Thames Valley
- Adoption Partnership South East
- Adoption Plus
- Adoption South East
- Adoption Tees Valley
- Adoption UK
- Adult Adoptee Movement UK
- Apricot Centre
- Association of Child Psychotherapists
- Authentic Spirit Counselling
- Barnardo’s
- British Association for Counselling and Psychotherapy
- Beacon House Therapeutic Services and Trauma Team
- Biblical Counselling UK
- Birmingham Children’s Trust
- Bracknell Forest Council
- Carol Belsey Counselling
- Cat Chappell Counselling
- Cat Taylor Therapy
- Catalyst Clinical Psychology Ltd.
- Centre 70 Charity
- CFM Counselling
- Charlotte Wall Counselling
- Choices
- Choices Prison Counselling part of Choices
- Chroma
- City of York Council
• Adopters for adoption
• Clear Counselling
• Complete Counselling Service
• Conatus Child Psychology
• Connective Family Ltd
• Consortium of Voluntary Adoption Agencies (CVAA)
• CoramBAAF
• Cornwall Council
• Counselling Carers
• Counselling Leigh on Sea
• Counselling Wiltshire
• Creating Space
• Creative Futures Art Therapy
• Creek counselling
• Dwell therapy
• EASEL
• Elucidate Training
• F5 Foster Care
• FAB Parents
• Family Action
• Finding Freedom Therapy Services
• Fiona Hewkin Counselling
• Gateway Psychology Ltd
• Harrow Council
• Headsight Services Ltd
• Hearing Hearts counselling & psychotherapy
• Home for Good
• How To Be Adopted
• HT Counselling
• IAPT Service in South Warwickshire Partnership Trust
• Improving Adoption Services for Adults: a time for change (IASA Project)
• Intercountry Adoptee Voices
• Jeffrey Counselling & Coaching
• Joanna North Adoption
• Julia Scott Counselling
• Keele University
• Leeds City Council
• Live Wild CIC
• Living Permaculture
• Lorraine J Hargraves Counselling and Therapy
• Love Barrow Families
• Middlesex University
• Midland Therapy Group
• Mindfully Empowered Therapy & Coaching
• NHS
• Norfolk Adoption Agency
• Number 22
• North West ADCS
• Ofsted
• One Adoption South Yorkshire
• One Adoption West Yorkshire
• PAC-UK
• Partnership Projects UK Ltd
• Pause for Talk
• Peppermint Counselling
• Positive Support Services – counselling
• Psychological Therapeutic Solutions Ltd.
• Psychotherapy and Counselling Union
• Public Citizen
• Purity in Talk Counselling
• Ragdoll Training and Therapeutic Services
• Reflect
• Reigate Community Counselling Centre
• Satur Counselling Service
• Scottish Adult Adoptee Movement
• Senses Psychotherapy and Counselling
• Sheffield Central Counselling
• Simon Kerr-Edwards Play Therapy Practice
• Southend City Council
• St John’s
- Starjumpz
- Sue Horobin Occupational Therapist
- Sue Lewis Counselling
- Susie Hewitt Ltd.
- Sussex 121 counselling
- Talking Journeys Counselling
- The Adoption & Fostering Podcast
- The Albany Centre (in partnership with Barnardo's)
- The Change Champion
- The Open Nest Charity
- Theraplay UK
- TMC Psychology Ltd
- Trafford IAPT
- UKCP
- University of Essex
- Voluntary Adoption Support Agency
- Wendy Ingey Counselling
- West Street Counselling Centre
- Westwood Counselling and Psychotherapy
- Wildways Therapy Specialist Trauma-focused psychotherapy and Adoption Support Counselling