

Introduction to adoption support agencies

A children's social care guide to registration

All adoption support agencies must register with Ofsted. This guide explains in more detail what the law says anyone intending to open an adoption support agency must do in order to apply for registration.

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Introduction

If an organisation undertakes work with adopted children or adults, or children who are being prepared for adoption, they will usually need to register with Ofsted as an adoption support agency.¹ This guide to registration tells you about adoption support agencies and what the law says they must do.

All adoption support agency providers and managers must meet a range of legal requirements; this includes a requirement to register with Ofsted. We also expect providers and managers to show how they have taken account of the national minimum standards that apply to adoption support agencies and the *Statutory Guidance on adoption*.²

If you want to apply to us to open an adoption support agency or a new branch of an adoption support agency, you should first read this guide as well as our *Guide to registration for children's social care services*, which sets out the process of registration for all children's social care providers.³

What are adoption support agencies?

1. Adoption support agencies provide assistance to adopted children and adults, such as counselling and finding out the details of their adoption. They also help adopted children and adults and their relatives if they want to know more about, or want to trace, their birth relatives. Most people who use adoption support agencies are adults.
2. You can find more about adoption support agencies and the laws that apply to them on the Department for Education website, a link is provided on page 8 of this guide.

Registration

3. An adoption support agency cannot provide any services to children or adults before being registered by Ofsted. Registration helps to prevent unsuitable people owning, operating, managing or working within adoption support agencies.
4. In order to register, anyone who intends to provide the specific adoption services listed below must register as an adoption support agency and demonstrate how they meet a number of legal requirements and how they take

¹ The Adoption and Children Act 2002, Section 8(1).

² *Statutory guidance on adoption*, Department for Education, 2013; www.gov.uk/government/publications/adoption-statutory-guidance-2013.

³ *Guide to registration for children's social care services* (090020), Ofsted, 2014 ; www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services.

account of the national minimum standards.⁴ At the end of this guide we tell you where you can find and obtain copies of these requirements and standards.

5. An individual person, who only provides adoption support services under a contract for services⁵ with a registered adoption support agency or an adoption agency, for example a local authority or a registered adoption agency, does not also need to register as an adoption support agency.⁶ Individuals who are part of a partnership must register even where they only provide services to a local authority or registered adoption support agency. An adoption support agency must register if it undertakes one or more of the following activities:⁷
 - assistance to an adoption agency in preparing and training adoptive parents
 - support to any child or adult who has been adopted or their birth relatives
 - support and help to adoptive parents to enable them to provide stable and permanent homes for children placed with them
 - assisting people who have been adopted to have contact with their relatives, this may include where they assist people to trace adopted relatives.
6. Annex A provides a flowchart for people to consider whether they require registration. However, we advise people to obtain their own legal advice on this matter.
7. In summary, an adoption support agency must have:
 - a registered provider and, where the provider is an organisation such as a company, a person known as a 'responsible individual' who represents the organisation to Ofsted⁸
 - a registered manager
 - a statement of purpose that sets out the overall aims and objectives for the agency.
8. The law sets out other information the provider must have, for example:
 - a user's guide
 - a complaints procedure and the address and telephone number of Ofsted

⁴ *Adoption: national minimum standards*, Department for Education, 2014; www.gov.uk/government/publications/adoption-national-minimum-standards.

⁵ This does not mean a contract of employment. See Annex A flowchart on what to consider for registration.

⁶ The Adoption Support Agencies (England) (Amendment) Regulations 2010 www.legislation.gov.uk/uksi/2010/465/introduction/made.

⁷ The Adoption and Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.

⁸ The Adoption and Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, Regulation 7 (1)(c).

- a number of policies and procedures; these are set out in the adoption national minimum standards.⁹
9. There is more information on registration in the *Guide to registration for children's social care services*. You can find a link to this on page 7 of this guide.
 10. Branches of adoption support agencies must each register in their own right to operate. A separate application and fee must be paid each time a new branch is opened and each must have a registered manager.

Inspection

11. We normally inspect an adoption support agency for the first time between seven and 12 months from the date of its registration, unless no children or adults receive services from the agency. We inspect adoption support agencies at a minimum interval of at least once in a three-year cycle.¹⁰
12. At inspection, inspectors will evaluate the impact of services on children, young people and adult service users. For more information please see *Social care common inspection framework: adoption support agencies*.¹¹ The evaluation criteria and the judgements made on inspection are underpinned by the regulations and the national minimum standards and are intended to test compliance, support improvement, and focus on the things that matter most to children's lives (and where relevant other service users).

Complaints and concerns about providers

13. We may receive complaints or concerns about an adoption support agency.
14. When considering complaints we do not investigate the complaint. We do not decide if complaints are upheld, partially upheld or unsubstantiated. Instead we investigate concerns to make sure that the provider continues to meet regulations, to take account of the associated national minimum standards and remains suitable for registration. Where they do not we may take compliance action (see section below).
15. For more information about how we deal with complaints about providers please see our guidance *Concerns and complaints about social care providers*. There is a link to this on page 7 of this guide.

⁹ *Adoption: national minimum standards*, Department for Education, 2014; www.gov.uk/government/publications/adoption-national-minimum-standards.

¹⁰ The Her Majesty's Chief Inspector of Schools, Children's Services and Skills (Fees and Frequency of Inspections)(Children's Homes etc) Regulations 2015 Regulation 27(1)(b) , <http://www.legislation.gov.uk/ukxi/2015/551/contents/made>

¹¹ <https://www.gov.uk/guidance/social-care-common-inspection-framework-sccif-adoption-support-agencies>.

Compliance and enforcement

16. Adoption support agency providers must comply with the requirements of the regulations for adoption support agencies.
17. We investigate all instances that suggest an adoption support agency is not complying with legislation. Where we find non-compliance we take action to ensure children's and adult's safety and compliance with the law. We have a range of powers that we can use including issuing a compliance notice, cancelling a provider's registration or prosecuting for an offence.
18. We will also investigate concerns that adoption support services are being provided without registration, and may prosecute people for running unregistered services.
19. Our *Social care compliance handbook* provides more information about this and is available on our website. There is a link to this below.

Further information

All our guidance is available on our website www.gov.uk/government/organisations/ofsted, by calling us on 0300 123 1231, or by writing to us at enquiries@ofsted.gov.uk or at the following address:

Ofsted
 Application, Regulatory and Contact (ARC) Team
 Piccadilly Gate
 Store Street
 Manchester
 M1 2WD

For more information on how to **apply for registration** see our *Guide to registration for children's social care services* at: www.gov.uk/government/publications/guide-to-registration-for-childrens-social-care-services.

For more information about what **changes to a registration** we need to be informed about, see *Changes to children's social care services that are inspected and /or registered by Ofsted* at: <https://www.gov.uk/government/publications/changes-to-childrens-social-care-services-that-are-registered-andor-inspected-by-ofsted>.

To **complain** about a registered social care provider please see *Concerns and complaints about social care providers* at: <http://www.gov.uk/government/publications/raise-a-concern-or-complaint-about-a-social-care-provider>.

To see how we investigate information and bring about compliance please see our 'Social care compliance handbook', Ofsted, 2014;

www.gov.uk/government/publications/social-care-compliance-handbook-from-september-2014.

If you want to find out more about adoption support agencies you can go to:

- The Department for Education website:
www.education.gov.uk/childrenandyoungpeople/families/adoption

Legislation

Please note: it is an applicant's responsibility to check that this is the most up to date legislation available and if any further amendments apply.

- The Care Standards Act 2000: legal definitions of all agencies and establishments we register; www.legislation.gov.uk/ukpga/2000/14/contents
- The Care Standards Act 2000 (Registration)(England) Regulations 2010; www.legislation.gov.uk/uksi/2010/2130/made
- The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2015 as amended; www.legislation.gov.uk/uksi/2015/551/contents/made
- The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002; www.legislation.gov.uk/uksi/2002/865/contents/made
- Adoption legislation; www.education.gov.uk/childrenandyoungpeople/families/adoption
- The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005; www.legislation.gov.uk/uksi/2005/2720/contents/made
- Adoption and Children Act 2002; www.legislation.gov.uk/ukpga/2002/38/contents
- The Adoption Support Agencies (England) (Amendment) Regulations 2010; www.legislation.gov.uk/uksi/2010/465/contents/made

National minimum standards

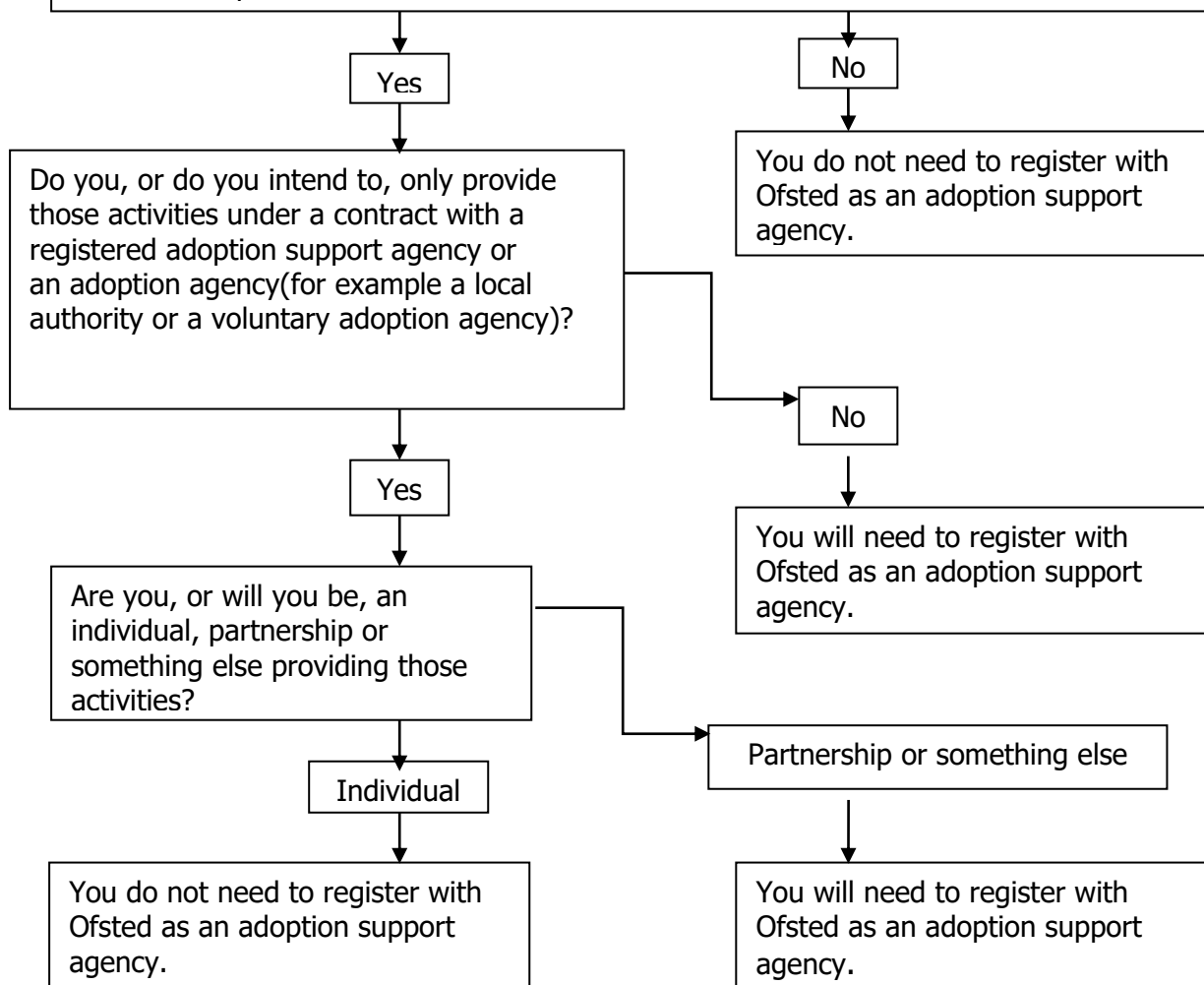
Adoption support agencies must take into account the national minimum standards *Adoption: national minimum standards*, Department for Education, 2014; www.gov.uk/government/publications/adoption-national-minimum-standards.

Statutory guidance

Adoption support agencies should take account of *Adoption: statutory guidance - 2013*, available at www.gov.uk/government/publications/adoption-statutory-guidance-2013.

Annex A: Do you, or do you intend to undertake one or more of the following activities:

- assistance to an adoption agency in preparing and training adoptive parents
- support to any child or adult who has been adopted or their birth relatives
- support and help to adoptive parents to enable them to provide stable and permanent homes for children placed with them
- assistance to people who have been adopted to have contact with their relatives, this may include where they assist people to trace adopted relatives
- assistance to parents and relatives of children (who may now be adults) who have been adopted.



Counsellors

- A counsellor would need to register as an adoption support agency if they set themselves up in business to provide an adoption-related service to adults, children or families who need counselling around adoption issues. This can include circumstances surrounding their own adoption or their child being adopted.
- If an adoption related issue only emerges after counselling is established and is not the primary concern or focus of counselling the law does not require you to register. However, it is good practice for you to seek advice from someone registered to provide adoption support services. It may be better for your client to be referred to a specialist service. If however, during the first counselling session it becomes clear that matters related to adoption is the main purpose for the counselling, you should make clear to the client their right to access adoption support services and consider referring the client to a registered adoption support agency. The law says you cannot provide counselling on adoption matters without registering or being under contract with an approved adoption support service.



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