

2014 No.

CHILDREN AND YOUNG PERSONS

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

<i>Made</i> - - - -	2014
<i>Laid before Parliament</i>	2014
<i>Coming into force</i> - -	2014

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 128A(a) and 140(7) and (8) of the Adoption and Children Act 2002(b) (“the Act”).

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

Citation and commencement

1. These Regulations may be cited as the Adoption and Children Act Register (Search and Inspection) Regulations 2014 and come into force on [x] 2014.

Interpretation

2. In these Regulations—

“the Act” means the Adoption and Children Act 2002;

“C” means a child whose information is held on the Register;

“P” means a prospective adopter who is suitable to adopt a child;

“Part 1” and “Part 2” have the meaning given in regulation 3 of the Adoption and Children Act Register Regulations 2014(c);

“register” has the meaning given in section 131(1)(c) of the Act; and

“registration organisation” has the meaning given in section 128(5) of the Act.

Search and inspection of the register by prospective adopters

3.—(1) This regulation applies when P has signed the agreement prepared by the registration organisation in accordance with regulation 4.

(a) Inserted by section [6(4)] of the Children and Families Act 2014 (c.x).
(b) 2002 c.38. See section 144(1) for the definition of “regulations”.
(c) S.I. 2014/[add ref].

(2) The registration organisation may enable P to search the information specified in paragraph (4) held in Part 1 of the register

(3) Where P has confirmed to the registration authority that they would consider having a child for whom a local authority in England is considering adoption placed with them P may also search and inspect the information specified in paragraph (4) held in Part 2 of the register.

(4) The specified information is—

- (a) C's date of birth;
- (b) C's gender;
- (c) C's nationality;
- (d) C's racial origin;
- (e) the local authority area in which C lives;
- (f) C's first language and details of any other languages spoken;
- (g) C's religious persuasion (including details of any baptism, confirmation or equivalent ceremonies) and whether they are practising or non-practising;
- (h) whether the intention is for C to be placed with siblings and if so how many and the date of birth of each sibling;
- (i) C's state of health including C's physical, emotional and mental health and any anticipated future problems;
- (j) details of any adoption support needs that C has (including those relating to C's health) and any adoption support services being provided by the local authority or that the local authority has agreed to provide;
- (k) Where available—
 - (i) any photographs or video recordings of C; and
 - (ii) any letters written by C provided that any identifying information about any person (including C) is removed.

(5) Identifying information about a person means information which, whether taken on its own or together with other information disclosed by the registration organisation, identifies the person or enables the person to be identified.

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

Search and inspection agreement

4.—(1) The registration organisation must prepare a written agreement in consultation with P ("the prospective adopter search and inspection agreement") which includes the following matters—

- (a) the procedure for searching and inspecting the register including the role of the adoption agency in the procedure;
- (b) any applicable timescales;
- (c) the need for P to treat any information that they search or inspect as confidential and to ensure that all appropriate measures are taken to prevent unauthorised disclosure or loss of the information and the implications of failing to do so;
- (d) the need to inform the registration organisation about the theft, unauthorised disclosure or loss of any of the information obtained from the register and the implications of failing to do so;
- (e) where P has confirmed to the registration organisation that they would consider having a child for whom a local authority in England are considering adoption placed with them, the implications of such a placement being a foster placement; and
- (f) any other matters the registration organisation considers relevant.

(2) P must sign and date the prospective adopter search and inspection agreement.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision for the search and inspection of the Adoption and Children Act Register and come into force on [x] 2014.

They are made under section 128A of the Act inserted into the Act by the Children and Families Act 2014.

Regulation 3 provides for the search and inspection of the register by a prospective adopter who is suitable to adopt a child ('P'). Where the registration organisation (defined in regulation 2) has prepared an agreement in accordance with regulation 4 P may search and inspect specified information held in Part 1 of the register (regulation 3(4)).

Where P has confirmed to the registration organisation that they would consider having a child placed with them for whom a local authority is considering adoption P may search and inspect specified information held in Part 2 of the register (regulation 3(4)).

Regulation 4 provides that the registration authority must prepare a written agreement in consultation with P ('the prospective adopter search and inspection agreement') which includes the matters specified.

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