

Subsidiary Legislation made under ss. 9(1), 22(3) and 51.

## **Adoption (Care Agency) Regulations 2024**

**LN.2024/048**

*Commencement*

**18.4.2024**

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In exercise of the powers conferred on the Minister by sections 9(1), 22(3) and 51 of the Adoption Act 2023 and all other enabling powers, the Minister has made these Regulations-

**PART 1  
PRELIMINARY**

**Title.**

1. These Regulations may be cited as the Adoption (Care Agency) Regulations 2024.

**Commencement.**

2. These Regulations come into operation on the date of publication.

**Interpretation.**

- 3.(1) In these Regulations-

“the Act” means the Adoption Act 2023;

“the Children Act” means the Children Act 2009;

“adoption panel” means a panel established in accordance with regulation 4;

“adoption placement plan” has the meaning given in regulation 32(2);

“adoption placement report” means the report prepared by the Agency in accordance with regulation 28(2)(c);

“adoption support services” has the meaning given the Act;

“adoptive family” has the meaning given in regulation 28(2)(a);

“Agency decision-maker” means the CEO of the Agency or such other person appointed in the Gazette by the Minister to consider adoption applicant approvals, approval of proposed placements and matches of named children with named prospective adopters.

“case record” has the meaning given in regulation 10;

“child’s health report” means the report obtained in accordance with regulation 13(2)(b);

“child’s permanence report” means the report prepared by the Agency in accordance with regulation 15(1);

“Director of Education” means the Director as defined in section 2(1) of the Education and Training Act

“independent member” in relation to the adoption panel has the meaning given in regulation 4(3)(d);

“independent review panel” means a panel constituted under section 10 of the Act;

“medical adviser” means the person appointed as the medical adviser by the Agency in accordance with regulation 9(1);

“proposed placement” has the meaning given in regulation 28(1);

“prospective adopter’s case record” has the meaning given in regulation 19(1);

“prospective adopter’s report” means the report prepared by the Agency in accordance with regulation 22(4);

“prospective adopter’s review report” means the report prepared by the Agency in accordance with regulation 26(4)(a);

“qualifying determination” has the meaning given in regulation 24(3)(a);

“relevant foreign authority” means a person, outside Gibraltar performing functions in the country in which the child is, or in which the prospective adopter is, habitually resident which correspond to the functions of an adoption agency or to the functions of the Minister in respect of adoptions with a foreign element;

“relevant post-qualifying experience” means post-qualifying experience in child care social work including direct experience in adoption work;

“section 75 case” means a case where a person who is habitually resident in Gibraltar intends to bring, or to cause another to bring, a child into Gibraltar in circumstances where section 75 of the Act applies;

“social worker” means a person practicing as a social worker who is regulated with a registered body in the United Kingdom;

“vice chair” has the meaning given in regulation 4(4);

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“working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act.

**PART 2**

**CARE AGENCY - ARRANGEMENTS FOR ADOPTION WORK**

**Establishment of adoption panel.**

4.(1) The Minister shall establish at least one panel, to be known as the adoption panel, in accordance with this regulation.

(2) The Minister shall appoint to chair the adoption panel a person who has the skills and experience necessary for chairing an adoption panel.

(3) The adoption panel shall consist of no more than eight members, including the person appointed under sub regulation (2), appointed by the Minister by notice in the Gazette and shall include-

- (a) a maximum of two social workers each with at least three years' relevant post-qualifying experience;
- (b) one employee of the Agency;
- (c) a medical adviser to the Agency;
- (d) a maximum of three other persons (“independent members”) including where reasonably practicable at least two persons with personal experience of adoption.

(4) The Minister shall appoint one member of the adoption panel as vice chair who shall act as chair if the person appointed to chair the adoption panel is absent or their office is vacant.

(5) A person (“P”) shall not be appointed as an independent member of the adoption panel if-

- (a) in the case of the Agency, P is or has been within the last year an employee of the Agency; or
- (b) is the adoptive parent of a child who was-
  - (i) placed for adoption with P by the Agency; or

- (ii) placed for adoption with P by an adoption agency not being the Agency where P had been approved as suitable to be an adoptive parent by the Agency decision-maker,

unless at least twelve months has elapsed since the adoption order was made in respect of the child.

**Tenure of office of members of the adoption panel.**

5.(1) Subject to the provisions of this regulation, a member of the adoption panel shall hold office for such period as may be specified in their instrument of appointment and shall be eligible for re-appointment.

(2) The medical adviser member of the adoption panel shall hold office only for so long as that person is the medical adviser.

(3) A member of the adoption panel may resign their office at any time by giving three months' notice in writing to the panel chair.

(4) Where the Minister is of the opinion that any member of the adoption panel is unsuitable or unable to remain in office, the Minister may terminate that member's office at any time by giving that person notice in writing with reasons.

**Meetings of adoption panel.**

6.(1) No business shall be conducted by the adoption panel unless at least five of its members, including the person appointed to chair the panel or the vice chair, the employee of the Agency, at least one of the social workers and two of the independent members, meet as the panel.

(2) The adoption panel shall make a written record of its proceedings, its recommendations and the reasons for its recommendations.

**Agency arrangements for adoption work.**

7. The Minister shall, in consultation with the Agency and, to the extent specified in regulation 9(2) with the Agency's medical adviser, prepare and implement written policy and procedural instructions governing the exercise of the functions of the Agency and the adoption panel in relation to adoption and such instructions shall be kept under review and, where appropriate, revised by the Minister.

**Requirement to appoint an Agency adviser to the adoption panel.**

8.(1) The Minister shall appoint a senior member of staff from the Agency ("agency adviser")-

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- (a) to assist the Agency with the appointment (including re-appointment), termination and review of appointment of members of the adoption panel;
  - (b) to ensuring the organisation in respect of the induction and training of members of the adoption panel;
  - (c) to be responsible for liaison between the Agency and the adoption panel and monitoring the performance of members of the adoption panel; and
  - (d) to give such advice to the adoption panel as the panel may request in relation to any case or generally.
- (2) The agency adviser shall be a social worker and have at least five years' relevant post-qualifying experience and, in the opinion of the Agency, relevant management experience.

**Requirement to appoint a medical adviser.**

9.(1) The Minister shall appoint at least one registered medical practitioner to be the Agency's medical adviser.

(2) The medical adviser shall be consulted in relation to the arrangements for access to, and disclosure of, health information which is required or permitted by virtue of these Regulations.

**PART 3**  
**DUTIES OF AGENCY WHERE THE AGENCY IS CONSIDERING ADOPTION**  
**FOR A CHILD**

**Requirement to open the child's case record.**

- 10.(1) The Agency shall set up a case record ("case record") in respect of the child and place on it-
- (a) the information and reports obtained by the Agency by virtue of this Part;
  - (b) the child's permanence report;
  - (c) the written record of the proceedings of the adoption panel under regulation 16, its recommendation and the reasons for its recommendation and any advice given by the panel to the Agency;
  - (d) the record of the Agency decision-maker's decision and any notification of that decision under regulation 17;



- (e) any consent to placement for adoption under section 15 of the Act;
- (f) any consent to the making of a future adoption order under section 16 of the Act;
- (g) any form or notice withdrawing consent under section 15 or 16 of the Act or notice under section 16(4)(a) or (b) of the Act;
- (h) a copy of any placement order in respect of the child; and
- (i) any other documents or information obtained by the Agency which it considers should be included in that case record.

(2) Where the Agency places on the case record a notice under section 16(4)(a) or (b) of the Act, the Agency shall send a copy of that notice to the court which has given the Agency notice of the issue of an application for an adoption order.

**Requirement to provide counselling and information for, and ascertain wishes and feelings of, the child.**

11. The Agency shall, so far as is reasonably practicable-

- (a) provide a counselling service for the child;
- (b) explain to the child in an appropriate manner the procedure in relation to, and the legal implications of, adoption for the child and provide the child with appropriate written information about these matters; and
- (c) ascertain the child's wishes and feelings regarding-
  - (i) the possibility of placement for adoption with a new family and the child's adoption;
  - (ii) the child's religious and cultural upbringing; and
  - (iii) contact with the child's parent or guardian or other relative or with any other person the Agency considers relevant.

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

12.(1) The Agency may, so far as is reasonably practicable-

- (a) provide a counselling service for the parent or guardian of the child;

- (b) explain to the parent or guardian of the child-
    - (i) the procedure in relation to both placement for adoption and adoption itself;
    - (ii) the legal implications of-
      - (aa) giving consent to placement for adoption under section 15 of the Act;
      - (bb) giving consent to the making of a future adoption order under section 16 of the Act; and
      - (cc) a placement order; and
    - (iii) the legal implications of adoption,
- and provide the parent or guardian of the child written information about these matters; and
- (c) ascertain the wishes and feelings of the parent or guardian of the child and, of any other person the Agency considers relevant, regarding-
    - (i) the child;
    - (ii) the placement of the child for adoption and the child's adoption, including any wishes and feelings about the child's religious and cultural upbringing; and
    - (iii) contact with the child if the child is authorised to be placed for adoption or the child is adopted.
- (2) This sub regulation applies where the father of the child does not have parental responsibility for the child and the father's identity is known to the Agency.
- (3) Where sub regulation (2) applies and the Agency is satisfied it is appropriate to do so, the Agency shall-
- (a) carry out in respect of the father the requirements of sub regulations (1)(a), (b)(i) and (iii) and (c) as if they applied to him; and
  - (b) ascertain so far as possible whether the father-

- (i) wishes to acquire parental responsibility for the child under section 13 of the Children Act; or
- (ii) intends to apply for a residence order or contact order with respect to the child under section 25 of the Children Act or, where the child is subject to a care order, an order under section 68 of the Children Act.

**Requirement to obtain information about the child.**

13.(1) The Agency shall obtain, so far as is reasonably practicable, the information about the child which is specified in Part 1 of Schedule 1.

(2) Subject to sub regulation (4), the Agency shall-

- (a) make arrangements for the child to be examined by a registered medical practitioner; and
- (b) obtain from that practitioner a written report (“child’s health report”) on the state of the child’s health which shall include any treatment which the child is receiving, any need for health care and, so far as is reasonably practicable, the matters specified in Part 2 of Schedule 1,

unless the Agency has received advice from the medical adviser that such an examination and report is unnecessary.

(3) Subject to sub regulation (4), the Agency shall make arrangements-

- (a) for such other medical and psychiatric examinations of, and other tests on, the child to be carried out as are recommended by the Agency’s medical adviser; and
- (b) for written reports of such examinations and tests to be obtained.

(4) Sub regulations (2) and (3) do not apply if the child is of sufficient understanding to make an informed decision and refuses to submit to the examinations or other tests.

**Requirement to obtain information about the child’s family.**

14.(1) The Agency shall obtain, so far as is reasonably practicable, the information about the child’s family which is specified in Part 3 of Schedule 1.

(2) The Agency shall obtain, so far as is reasonably practicable, the information about the health of each of the child’s natural parents and the child’s brothers and sisters (of the full blood or half-blood) which is specified in Part 4 of Schedule 1.

**Requirement to prepare child's permanence report for the adoption panel.**

15.(1) The Agency shall prepare a written report ("permanence report") which shall include-

- (a) the information about the child and the child's family as specified in Parts 1 and 3 of Schedule 1;
- (b) a summary, written by the Agency's medical adviser, of the state of the child's health, the child's health history and any need for health care which might arise in the future;
- (c) the wishes and feelings of the child regarding the matters set out in regulation 11(1)(c);
- (d) the wishes and feelings of the child's parent or guardian, and where regulation 12(3)(a) applies, the child's father, and any other person the Agency considers relevant, regarding the matters set out in regulation 12(1)(c);
- (e) the views of the Agency about the child's need for contact with the child's parent or guardian or other relative or with any other person the Agency considers relevant and the arrangements the Agency proposes to make for allowing any person contact with the child;
- (f) an assessment of the child's emotional and behavioural development and any related needs;
- (g) an assessment of the parenting capacity of the child's parent or guardian and, where regulation 12(3)(a) applies, the child's father;
- (h) a chronology of the decisions and actions taken by the Agency with respect to the child;
- (i) an analysis of the options for the future care of the child which have been considered by the Agency and why placement for adoption is considered the preferred option; and
- (j) any other information which the Agency considers relevant.

(2) The Agency shall send-

- (a) the child's permanence report;

- (b) the child's health report and any other reports referred to in regulation 13; and
  - (c) the information relating to the health of each of the child's natural parents,
- to the adoption panel.

(3) The Agency shall obtain, so far as is reasonably practicable, any other relevant information which may be requested by the adoption panel and send that information to the adoption panel.

**Function of the adoption panel in relation to a child referred by the Agency.**

16.(1) The adoption panel shall consider the case of every child referred to it by the Agency and make a recommendation to the Agency as to whether the child should be placed for adoption.

(2) In considering what recommendation to make the adoption panel shall have regard to the duties imposed on the Agency under section 4(1), (3) and (4) of the Act and-

- (a) shall consider and take into account the reports and any other information passed to it in accordance with regulation 15;
- (b) may request the Agency to obtain any other relevant information which the panel considers necessary; and
- (c) may obtain legal advice in relation to the case.

(3) Where the adoption panel makes a recommendation to the Agency that the child should be placed for adoption, it shall consider and may at the same time give advice to the Agency about-

- (a) the arrangements which the Agency proposes to make for allowing any person contact with the child; and
- (b) whether an application should be made for a placement order in respect of the child.

**Agency decision and notification (placement).**

17.(1) The Agency decision-maker shall take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption.

(2) The Agency shall, if their whereabouts are known to the Agency, notify in writing the parent or guardian and, where regulation 12(3) applies and the Agency considers it is appropriate, the father of the child of the Agency decision-maker's decision.

#### **PART 4**

#### **DUTIES OF AGENCY IN RESPECT OF A PROSPECTIVE ADOPTER**

##### **Requirement to provide counselling and information.**

18. Where the Agency is considering a person's suitability to adopt a child, the Agency may-
- (a) provide a counselling service for the prospective adopter;
  - (b) in a section 75 case, explain to the prospective adopter the procedure in relation to, and the legal implications of, adopting a child from the country from which the prospective adopter wishes to adopt;
  - (c) in any other case, explain to the prospective adopter the procedure in relation to, and the legal implications of, placement for adoption and adoption; and
  - (d) provide the prospective adopter with written information about the matters referred to in sub regulation (b) or, as the case may be, sub regulation (c).

##### **Requirement to consider application for an assessment of suitability to adopt a child.**

19.(1) Where the Agency, receives an application in writing in the form provided by the Agency from a prospective adopter for an assessment of the prospective adopter's suitability to adopt a child, the Agency shall set up a case record in respect of that prospective adopter ("prospective adopter's case record") and consider the prospective adopter's suitability to adopt a child.

(2) The Agency may ask the prospective adopter to provide any further information in writing the Agency may reasonably require.

- (3) The Agency shall place on the prospective adopter's case record-
- (a) the application by the prospective adopter for an assessment of the prospective adopter's suitability to adopt a child referred to in sub regulation (1);
  - (b) the information and reports obtained by the Agency by virtue of this Part;
  - (c) the prospective adopter's report and the prospective adopter's observations on that report;

- (d) the written record of the proceedings of the adoption panel under regulation 23 (and, where applicable, regulation 24(5)), its recommendation and the reasons for its recommendation and any advice given by the adoption panel to the Agency;
- (e) the record of the Agency decision-maker's decision under regulation 24(2), 24(4) or, as the case may be, regulation 24(8);
- (f) where the prospective adopter applied to the Minister for a review by an independent review panel the recommendation of that independent review panel;
- (g) where applicable, the prospective adopter's review report and the prospective adopter's observations on that report; and
- (h) any other documents or information obtained by the Agency which it considers should be included in the prospective adopter's case record.

**Requirement to carry out police checks.**

20.(1) The Agency shall take steps to obtain a criminal record certificate from the Royal Gibraltar Police, and if previously resident in another jurisdiction from the relevant authority in that jurisdiction—

- (a) in respect of the prospective adopter; and
- (b) in respect of any other member of the prospective adopter's household aged 18 or over.

(2) The Agency may not consider a person suitable to adopt a child if that person or any member of that person's household aged 18 or over—

- (a) has been convicted of a specified offence committed at the age of 18 or over; or
- (b) has been cautioned by a police officer in respect of any such offence which, at the time the caution was given, that person admitted.

(3) In sub regulation (2), "specified offence" means—

- (a) an offence against a child;
- (b) an offence specified in Part 1 of Schedule 2;
- (c) an offence contrary to sections 256 and 257 of the Crimes Act 2011;

- (d) any other offence involving bodily injury to a child, other than an offence of common assault or battery.
- (4) An individual commits an offence against a child if the individual-
- (a) commits any offence mentioned in paragraph 1 of Schedule 2;
  - (b) commits against a child any offence mentioned in paragraph 2 of Schedule 2;
  - (c) falls within paragraph 3 of Schedule 2,

and references to being convicted of, or charged with, an offence against a child are to be read accordingly except that it does not include an offence contrary to section 221 of the Crimes Act 2011 in a case where the offender was under the age of 20 and the child was aged 13 or over at the time the offence was committed.

(5) The Agency may not consider a person suitable to adopt a child if the person or any member of that person's household aged 18 or over-

- (a) has been convicted of an offence specified in paragraph 1 of Part 2 of Schedule 2 committed at the age of 18 or over or has been cautioned by a police officer in respect of any such offence which, at the time the caution was given, was admitted; or
- (b) falls within paragraph 2 or 3 of Part 2 of Schedule 2,

notwithstanding that the statutory offences specified in Part 2 of Schedule 2 may have been repealed.

(6) Where the Agency becomes aware that a prospective adopter or a member of the prospective adopter's household falls within sub regulation (2) or (5), the Agency shall notify the prospective adopter as soon as possible that the prospective adopter cannot be considered suitable to adopt a child.

**Requirement to provide preparation for adoption.**

21.(1) Where the Agency is considering a person's suitability to adopt a child, the Agency shall make arrangements for the prospective adopter to receive such preparation for adoption as the Agency considers appropriate.

(2) In sub regulation (1) "preparation for adoption" includes the provision of information to the prospective adopter about-



- (a) the age range, sex, likely needs and background of children who may be placed for adoption by the Agency;
- (b) the significance of adoption for a child and the child's family;
- (c) contact between a child and the child's parent or guardian or other relatives where a child is authorised to be placed for adoption or is adopted;
- (d) the skills which are necessary for an adoptive parent;
- (e) the Agency's procedures in relation to the assessment of a prospective adopter and the placement of a child for adoption; and
- (f) the procedure in relation to placement for adoption and adoption.

**Prospective adopter's report.**

22.(1) This regulation applies where the Agency, following the procedures referred to in regulations 20 and 21, consider the prospective adopter may be suitable to adopt a child.

(2) The Agency shall obtain the information about the prospective adopter which is specified in Part 1 of Schedule 3.

(3) The Agency shall obtain-

- (a) a written report from a registered medical practitioner about the health of the prospective adopter following a full examination which shall include matters specified in Part 2 of Schedule 3 unless the Agency has received advice from its medical adviser that such an examination and report is unnecessary; and
- (b) a written report of each of the interviews with the persons nominated by the prospective adopter to provide personal references for the prospective adopter.

(4) The Agency shall prepare a written report ("the prospective adopter's report") which shall include-

- (a) the information about the prospective adopter and his or her family which is specified in Part 1 of Schedule 3;
- (b) a summary, written by the Agency's medical adviser, of the state of health of the prospective adopter;

- (c) any relevant information the Agency obtains;
  - (d) any observations of the Agency on the matters referred to in regulations 18, 20 and 21;
  - (e) the Agency's assessment of the prospective adopter's suitability to adopt a child; and
  - (f) any other information which the Agency considers to be relevant.
- (5) In a section 75 case, the prospective adopter's report shall also include-
- (a) the name of the country from which the prospective adopter wishes to adopt ("country of origin");
  - (b) confirmation that the prospective adopter meets the eligibility requirements to adopt from the country of origin;
  - (c) additional information obtained as a consequence of the requirements of the country of origin; and
  - (d) the Agency's assessment of the prospective adopter's suitability to adopt a child who is habitually resident outside Gibraltar.
- (6) Where the Agency receives information under sub regulations (2) or (3) or other information in relation to the assessment of the prospective adopter and is of the opinion that a prospective adopter is unlikely to be considered suitable to adopt a child, it may make the prospective adopter's report under sub regulation (4) notwithstanding that the Agency may not have obtained all the information about the prospective adopter which may be required by this regulation.
- (7) The Agency shall notify the prospective adopter that the application is to be referred to the adoption panel and give the prospective adopter a copy of the prospective adopter's report, inviting the prospective adopter to send any observations in writing to the Agency within 10 working days, beginning with the date on which the notification is sent.
- (8) At the end of the period of 10 working days referred to in sub regulation (7) the Agency shall send-
- (a) the prospective adopter's report and the prospective adopter's observations;
  - (b) the written reports referred to in sub regulation (3); and

(c) any other relevant information obtained by the Agency,  
to the adoption panel.

(9) The Agency shall obtain, so far as is reasonably practicable, any other relevant information which may be required by the adoption panel and send that information to the adoption panel.

**Function of the adoption panel.**

23.(1) Subject to sub regulation (2), the adoption panel shall consider the case of the prospective adopter referred to it by the Agency and make a recommendation to the Agency as to whether the prospective adopter is suitable to adopt a child.

(2) In considering what recommendation to make the adoption panel-

- (a) shall consider and take into account all the information and reports passed to it in accordance with regulation 22;
- (b) may request the Agency to obtain any other relevant information which the adoption panel considers necessary; and
- (c) may obtain legal advice as it considers necessary in relation to the case.

(3) Where the adoption panel makes a recommendation to the Agency that the prospective adopter is suitable to adopt a child, the adoption panel may consider and give advice to the Agency about the number of children the prospective adopter may be suitable to adopt, their age range, sex, likely needs and background.

(4) Before making any recommendation, the adoption panel shall invite the prospective adopters to attend a meeting of the adoption panel.

**Agency decision and notification (adoption).**

24.(1) The Agency decision-maker shall make a decision about whether the prospective adopter is suitable to adopt a child.

(2) Where the Agency decision-maker decides to approve the prospective adopter as suitable to adopt a child, the Agency shall notify the prospective adopter in writing of the decision.

(3) Where the Agency decision-maker considers that the prospective adopter is not suitable to adopt a child, the Agency shall-

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- (a) notify the prospective adopter in writing that it proposes not to approve the prospective adopter as suitable to adopt a child (“qualifying determination”);
  - (b) send with that notification the reasons together with a copy of the recommendation of the adoption panel if that recommendation is different;
  - (c) advise the prospective adopter that within 40 working days beginning with the date on which the notification was sent the prospective adopter may-
    - (i) submit any representations the prospective adopter wishes to make to the Agency; or
    - (ii) apply to the Minister for a review by an independent review panel of the qualifying determination.
- (4) If, within the period of 40 working days referred to in sub regulation (3), the prospective adopter has not made any representations or applied to the Minister for a review by an independent review panel, the Agency decision-maker shall proceed to make his or her decision and the Agency shall notify the prospective adopter in writing of the decision together with the reasons for that decision.
- (5) If, within the period of 40 working days referred to in sub regulation (3), the Agency receives further representations from the prospective adopter, it may refer the case together with all the relevant information to the adoption panel for further consideration.
- (6) The adoption panel shall consider any case referred to it under sub regulation (5) and make a fresh recommendation to the Agency as to whether the prospective adopter is suitable to adopt a child.
- (7) The Agency decision-maker shall make a decision on the case but-
- (a) if the case has been referred to the adoption panel under sub regulation (5), the Agency decision-maker shall make the decision only after taking into account the recommendations of the adoption panel made under both sub regulation (6) and regulation 23; or
  - (b) if the prospective adopter has applied to the Minister for a review by an independent review panel of the qualifying determination, the Agency shall make the decision only after taking into account the recommendation of the independent review panel and the recommendation of the adoption panel made under regulation 23.

(8) As soon as possible after the Agency decision-maker makes his or her decision under sub regulation (7), the Agency shall notify the prospective adopter in writing of the decision stating the reasons for that decision if the prospective adopter is not considered suitable to adopt a child, and of the adoption panel's recommendation under sub regulation (6), if this is different from the Agency decision-maker's decision.

(9) In a case where an independent review panel has made a recommendation, the Agency shall send to the Minister a copy of the notification referred to in sub regulation (8).

**Information to be sent to the independent review panel.**

25.(1) If the Agency receives notification from the Minister that a prospective adopter has applied for a review by an independent review panel of the qualifying determination, the Agency shall, within 10 working days of receipt of that notification, send to the Minister the information specified in sub regulation (2).

(2) The following information is specified for the purposes of sub regulation (1)-

- (a) all of the documents and information which were passed to the adoption panel in accordance with regulation 22;
- (b) any relevant information in relation to the prospective adopter which was obtained by the Agency after the date on which the documents and information referred to in sub regulation (2)(a) were passed to the adoption panel; and
- (c) the documents referred to in regulation 24(3)(a) and (b).

**Review and termination of approval.**

26.(1) The Agency shall review the approval of each prospective adopter in accordance with this regulation, unless-

- (a) in a section 75 case, the prospective adopter has visited the child in the country in which the child is habitually resident and has confirmed in writing that the prospective adopter wishes to proceed with the adoption; and
- (b) in any other case, a child is placed for adoption with the prospective adopter.

(2) A review shall take place whenever the Agency considers it necessary but otherwise not more than one year after approval and thereafter at intervals of not more than a year.

(3) When undertaking such a review the Agency shall-

- (a) make such enquiries and obtain such information as it considers necessary in order to review whether the prospective adopter continues to be suitable to adopt a child; and
  - (b) seek and take into account the views of the prospective adopter.
- (4) If at the conclusion of the review, the Agency considers that the prospective adopter may no longer be suitable to adopt a child, the Agency shall-
- (a) prepare a written report (“prospective adopter’s review report”) which shall include the Agency decision-maker’s reasons;
  - (b) notify the prospective adopter that his or her case is to be referred to the adoption panel; and
  - (c) give the prospective adopter a copy of the report inviting the prospective adopter to send any observations to the Agency within 10 working days beginning with the date on which that report is sent.
- (5) At the end of the period of 10 working days referred to in sub regulation (4)(c), the Agency shall send the prospective adopter’s review report together with the prospective adopter’s observations to the adoption panel.
- (6) The Agency shall obtain, so far as is reasonably practicable, any other relevant information which may be required by the adoption panel and send that information to the adoption panel.
- (7) The adoption panel shall consider the prospective adopter’s review report, the prospective adopter’s observations and any other information passed to it by the Agency and make a recommendation to the Agency as to whether the prospective adopter continues to be suitable to adopt a child.
- (8) The Agency decision-maker shall make a decision as to whether the prospective adopter continues to be suitable to adopt a child and regulation 24(2) to (9) shall apply in relation to that decision by the Agency decision-maker.

**Duties of the Agency Decision-Maker in a section 75 case.**

27. Where the Agency decision-maker decides in a section 75 case to approve a prospective adopter as suitable to adopt a child, the Agency shall send to the Minister-

- (a) written confirmation of the decision and any recommendation the Agency decision-maker may make in relation to the number of children the prospective

adopter may be suitable to adopt, their age range, sex, likely needs and background;

- (b) all the documents and information which were passed to the adoption panel in accordance with regulation 22;
- (c) the record of the proceedings of the adoption panel, its recommendation and the reasons for its recommendation;
- (d) if the prospective adopter applied to the Minister for a review by an independent review panel of a qualifying determination, the record of the proceedings of that panel, its recommendation and the reasons for its recommendation; and
- (e) any other information relating to the case which the Minister or the relevant foreign authority may require.

#### **PART 5**

#### **DUTIES OF AGENCY IN RESPECT OF PROPOSED PLACEMENT OF CHILD WITH PROSPECTIVE ADOPTER**

##### **Proposed placement.**

28.(1) Where the Agency is considering placing a child for adoption with a particular prospective adopter (“proposed placement”) the Agency shall-

- (a) provide the prospective adopter with a copy of the child’s permanence report and any other information the Agency considers relevant;
- (b) meet with the prospective adopter to discuss the proposed placement;
- (c) ascertain the views of the prospective adopter about-
  - (i) the proposed placement; and
  - (ii) the arrangements the Agency proposes to make for allowing any person contact with the child; and
- (d) provide a counselling service for, and any further information to, the prospective adopter as may be required.

(2) Where the Agency considers that the proposed placement should proceed, the Agency shall-

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- (a) carry out an assessment of the needs of the child and the prospective adopter and any children of the prospective adopter (“the adoptive family”) for adoption support services in accordance with directions made under section 7(6) of the Act;
- (b) consider the arrangements for allowing any person contact with the child; and
- (c) prepare a written report (“adoption placement report”) which shall include-
  - (i) the Agency’s reasons for proposing the placement;
  - (ii) the information obtained by the Agency by virtue of sub regulation (1);
  - (iii) the Agency’s proposals for the provision of adoption support services for the adoptive family;
  - (iv) the arrangements the Agency proposes to make for allowing any person contact with the child; and
  - (v) any other relevant information.

(3) The Agency shall notify the prospective adopter that the proposed placement is to be referred to the adoption panel and give the prospective adopter a copy of the adoption placement report, inviting the prospective adopter to send any observations in writing to the agency within 10 working days, beginning with the date on which the notification is sent.

(4) At the end of the period of 10 working days referred to in sub regulation (3) the Agency shall send-

- (a) the adoption placement report;
- (b) the child’s permanence report; and
- (c) the prospective adopter’s report and the prospective adopter’s observations,

to the adoption panel.

(5) The Agency shall obtain so far as is reasonably practicable any other relevant information which may be requested by the adoption panel in connection with the proposed placement and send that information to the adoption panel.

#### **Function of the adoption panel in relation to proposed placement.**



29.(1) The adoption panel shall consider the proposed placement referred to it by the Agency and make a recommendation to the Agency as to whether the child should be placed for adoption with that particular prospective adopter.

(2) In considering what recommendation to make the adoption panel shall have regard to the duties imposed on the Agency under section 4(1) and (3) of the Act and-

- (a) shall consider and take into account all information and the reports passed to it;
- (b) may request the Agency to obtain any other relevant information which the adoption panel considers necessary; and
- (c) may obtain legal advice as it considers necessary in relation to the case.

(3) The adoption panel shall consider-

- (a) the Agency's proposals for the provision of adoption support services for the adoptive family;
- (b) the arrangements the Agency proposes to make for allowing any person contact with the child; and
- (c) whether the parental responsibility of any parent or guardian or the prospective adopter should be restricted and if so the extent of any such restriction.

(4) Where the adoption panel makes a recommendation to the Agency that the child should be placed for adoption with the particular prospective adopter, the panel may at the same time give advice to the Agency about any of the matters set out in sub regulation (3).

(5) The adoption panel may only make the recommendation referred to in sub regulation (1) if-

- (a) that recommendation is to be made at the same meeting of the adoption panel at which a recommendation has been made that the child should be placed for adoption; or
- (b) the Agency decision-maker has already made a decision in accordance with regulation 17 that the child should be placed for adoption,

and in either case that recommendation is to be made at the same meeting of the adoption panel at which a recommendation has been made that the prospective adopter is suitable to adopt a child or the Agency decision-maker has made a decision in accordance with regulation 24 that the prospective adopter is suitable to adopt a child.

**Decision in relation to proposed placement.**

30.(1) The Agency decision-maker shall take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption with the particular prospective adopter.

(2) No member of the adoption panel shall take part in any decision made by the Agency decision-maker under sub regulation (1).

(3) As soon as possible after the Agency decision-maker makes his or her decision the Agency shall notify in writing-

- (a) the prospective adopter of the decision; and
- (b) if their whereabouts are known to the Agency, the parent or guardian and, where regulation 12(3) applies and the Agency considers it is appropriate, the father of the child, of the fact that the child is to be placed for adoption.

(4) If the Agency decision-maker decides that the proposed placement should proceed, the Agency shall, in an appropriate manner and having regard to the child's age and understanding, explain the decision to the child.

(5) The Agency shall place on the case record-

- (a) the prospective adopter's report;
- (b) the adoption placement report and the prospective adopter's observations on that report;
- (c) the written record of the proceedings of the adoption panel under regulation 29, its recommendation, the reasons for its recommendation and any advice given by the panel to the Agency; and
- (d) the record and notification of the Agency decision-maker's decision under this regulation.

**Function of the Agency in a section 75 case.**

31.(1) This sub regulation applies where in a section 75 case the Agency receives from the relevant foreign authority information about a child to be adopted by a prospective adopter.

(2) Where sub regulation (1) applies, the Agency shall-

- (a) send a copy of the information referred to in sub regulation (1) to the prospective adopter unless it is aware that the prospective adopter has received a copy;
- (b) consider that information and meet with the prospective adopter to discuss the information; and
- (c) if appropriate, provide a counselling service for, and any further information to, the prospective adopter as may be required.

**PART 6  
PLACEMENT AND REVIEWS**

**Requirements imposed on the Agency before the child may be placed for adoption.**

32.(1) This regulation applies where-

- (a) the Agency decision-maker has decided in accordance with regulation 30 to place a child for adoption with a prospective adopter; and
  - (b) the Agency has met with the prospective adopter to consider the arrangements it proposes to make for the placement of the child with him or her.
- (2) Where sub regulation (1) applies, the Agency shall, as soon as possible, send the prospective adopter a placement plan in respect of the child which covers the matters specified in Schedule 4 (“adoption placement plan”).
- (3) Where the prospective adopter notifies the Agency that the prospective adopter wishes to proceed with the placement and the Agency is authorised to place the child for adoption or, subject to sub regulation (4), the child is less than six weeks old, the Agency may place the child for adoption with the prospective adopter.
- (4) Unless there is a placement order in respect of the child, the Agency may not place for adoption a child who is less than six weeks old unless the parent or guardian of the child has agreed in writing with the Agency that the child may be placed for adoption.
- (5) Where the child already has his or her home with the prospective adopter, the Agency shall notify the prospective adopter in writing of the date on which the child is placed for adoption with the prospective adopter by the Agency.
- (6) The Agency may before the child is placed for adoption with the prospective adopter-

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- (a) send to the prospective adopter's general practitioner written notification of the proposed placement and send with that notification a written report of the child's health history and current state of health;
  - (b) where the child is of compulsory school age, send to the Director of Education, written notification of the proposed placement.
- (7) The Agency shall notify the prospective adopter in writing of any change to the adoption placement plan.
- (8) The Agency shall place on the case record-
- (a) in the case of a child who is less than six weeks old and in respect of whom there is no placement order, a copy of the agreement referred to in sub regulation (4); and
  - (b) a copy of the adoption placement plan and any changes to that plan.

#### **Reviews.**

33.(1) Where the Agency is authorised to place a child for adoption but the child is not for the time being placed for adoption the Agency shall carry out a review of the child's case-

- (a) not more than three months after the date on which the Agency first has authority to place; and
- (b) thereafter not more than six months after the date of the previous review ("six months review"),

until the child is placed for adoption.

(2) Where a child is placed for adoption, the Agency shall carry out a review of the child's case-

- (a) not more than four weeks after the date on which the child is placed for adoption ("the first review");
- (b) not more than three months after the first review; and
- (c) thereafter not more than six months after the date of the previous review,

unless the child is returned to the Agency by the prospective adopter or an adoption order is made.

(3) The Agency shall-

- (a) ensure that the child and the prospective adopter are visited within one week of the placement and thereafter at least once a week until the first review and thereafter at such frequency as the Agency decides at each review;
- (b) ensure that written reports are made of such visits; and
- (c) provide such advice and assistance to the prospective adopter as the Agency considers necessary.

(4) When carrying out a review the Agency shall consider each of the matters set out in sub regulation (5) and shall, so far as is reasonably practicable, ascertain the views of-

- (a) the child, having regard to the child's age and understanding;
- (b) if the child is placed for adoption, the prospective adopter; and
- (c) any other person the Agency considers relevant,

in relation to such of the matters set out in sub regulation (5) as the Agency considers appropriate.

(5) The matters referred to in sub regulation (4) are-

- (a) whether the Agency remains satisfied that the child should be placed for adoption;
- (b) the child's needs, welfare and development, and whether any changes need to be made to meet the child's needs or assist the child's development;
- (c) the existing arrangements for contact, and whether they should continue or be altered;
- (d) where the child is placed for adoption, the arrangements in relation to the exercise of parental responsibility for the child, and whether they should continue or be altered;
- (e) the arrangements for the provision of adoption support services for the adoptive family and whether there should be any re-assessment of the need for those services;

- (f) in consultation with the appropriate agencies, the arrangements for assessing and meeting the child's health care and educational needs;
  - (g) subject to sub regulations (1) and (3), the frequency of the reviews.
- (6) Where the child is subject to a placement order and has not been placed for adoption at the time of the first six months review, the Agency shall at that review-
- (a) establish why the child has not been placed for adoption and consider what further steps the Agency should take in relation to the placement of the child for adoption; and
  - (b) consider whether it remains satisfied that the child should be placed for adoption.
- (7) The Agency shall, so far as is reasonably practicable, notify-
- (a) the child, where the Agency considers the child is of sufficient age and understanding;
  - (b) the prospective adopter; and
  - (c) any other person whom the Agency considers relevant,
- of the outcome of a review and of any decision taken by the Agency in consequence of that review.
- (8) The Agency shall ensure that-
- (a) the information obtained in the course of a review or visit in respect of a child's case including the views expressed by the child;
  - (b) the details of the proceedings of any meeting arranged by the Agency to consider any aspect of the review of the case; and
  - (c) details of any decision made in the course of or as a result of the review,
- are recorded in writing and placed on the case record.
- (9) Where the child is returned to the Agency in accordance with section 30(1) or (2) of the Act, the Agency shall conduct a review of the child's case no earlier than twenty eight days, or later than forty two days, after the date on which the child is returned to the Agency and

when carrying out that review the Agency shall consider the matters set out in sub regulations (5)(a), (b), (c) and (f).

**Reviewing officers.**

34.(1) The Agency may appoint a person (“the reviewing officer”) in respect of the case of each child authorised to be placed for adoption by the Agency.

(2) The reviewing officer shall be registered with a social work accredited body.

(3) The reviewing officer shall, in the opinion of the Agency, have sufficient relevant social work experience to undertake the functions referred to in sub regulation (1) in relation to the case.

(4) A person may not be appointed as an reviewing officer in a case if that person is involved in the management of the case or is under the direct management of-

- (a) a person involved in the management of the case;
- (b) a person with management responsibilities in relation to a person mentioned in sub regulation (4)(a); or
- (c) a person with control over the resources allocated to the case.

(5) The reviewing officer shall-

- (a) as far as is reasonably practicable attend any meeting held in connection with the review of the child’s case; and
- (b) chair any such meeting that the reviewing officer attends.

(6) The reviewing officer shall, as far as is reasonably practicable, take steps to ensure that the review is conducted in accordance with regulation 33 and in particular to ensure-

- (a) that the child’s views are understood and taken into account;
- (b) that the persons responsible for implementing any decision taken in consequence of the review are identified; and
- (c) that any failure to review the case in accordance with regulation 33 or to take proper steps to make the arrangements agreed at the review is brought to the attention of persons at an appropriate level of seniority within the Agency.

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(7) If the child whose case is reviewed wishes to take proceedings on the child's own account, for example, to apply to the court for revocation of a placement order, it is the function of the independent reviewing officer-

- (a) to assist the child to obtain legal advice; or
- (b) to establish whether an appropriate adult is able and willing to provide such assistance or bring the proceedings on the child's behalf.

(8) The Agency shall inform the reviewing officer of-

- (a) any significant failure to make the arrangements agreed at a review; and
- (b) any significant change in the child's circumstances after a review.

**Withdrawal of consent.**

35.(1) This regulation applies where consent given under section 15 or 16 of the Act in respect of a child is withdrawn in accordance with section 49(6) of the Act.

(2) Where sub regulation (1) applies, on receipt of the form or notice given in accordance with section 49(6) of the Act the Agency decision-maker shall immediately review his or her decision to place the child for adoption and where, in accordance with section 18(1) to (3) of the Act, the Agency decision-maker decides to apply for a placement order in respect of the child, the Agency shall notify as soon as possible-

- (a) the parent or guardian of the child;
- (b) where regulation 12(3) applies and the Agency considers it is appropriate, the child's father; and
- (c) if the child is placed for adoption, the prospective adopter with whom the child is placed.

**PART 7  
CASE RECORDS**

**Storage of case records.**

36. The Agency shall ensure that the case record and the prospective adopter's case record and the contents of those case records are at all times kept in secure conditions and in particular that all appropriate measures are taken to prevent the theft, unauthorised disclosure, loss or destruction of, or damage to, the case record or its contents.



**Preservation of case records.**

37. The Agency shall keep the case record and the prospective adopter's case record for such period as it considers appropriate.

**Confidentiality of case records.**

38. Subject to regulation 39, the contents of the case record and the prospective adopter's case record shall be treated by the Agency as confidential.

**Access to case records and disclosure of information.**

39.(1) Subject to sub regulation (3), the Agency shall provide such access to its case records and disclose such information in its possession, as may be required-

- (a) to those holding an inquiry under section 136 of the Children Act for the purposes of such an inquiry;
- (b) to the Minister;
- (c) to any person appointed by the Agency for the purposes of the consideration by the Agency of any representations (including complaints);
- (d) by and to the extent specified in these Regulations;
- (e) to a court having power to make an order under the Act or the Children Act.

(2) Subject to sub regulation (3), the Agency may provide such access to its case records and disclose such information in its possession, as it thinks fit for the purposes of carrying out its functions under these Regulations.

(3) A written record shall be kept by the Agency of any access provided or disclosure made by virtue of this regulation.

**Transfer of case records.**

40. The Agency may transfer a copy of a case record or prospective adopter's case record (or part of that record) to another adoption agency when it considers this to be in the interests of the child or prospective adopter to whom the record relates, and a written record shall be kept of any such transfer.

**Application of regulations 37 to 39.**

41. Nothing in this Part applies to the information which the Agency shall keep in relation to an adopted person by virtue of regulations made under section 53 of the Act.

**PART 8  
MISCELLANEOUS**

**Modification of the Children Act in relation to adoption.**

42.(1) This regulation applies where-

- (a) the Agency is authorised to place a child for adoption; or
- (b) a child who has been placed for adoption is less than six weeks old.

(2) Where sub regulation (1) applies-

- (a) section 105(2)(b) of the Children Act shall not apply;
- (b) section 105(2)(c) of the Children Act shall apply as if for that sub section there were inserted “(c) any prospective adopter with whom the Agency has placed the child for adoption.”; and
- (c) sections 116 and 132 of the Children Act shall not apply.

**Contact.**

43.(1) This regulation applies where the Agency decision-maker decides that a child should be placed for adoption.

(2) Where sub regulation (1) applies and subject to sub regulation (3), the Agency may consider what arrangements it should make for allowing any person contact with the child once the Agency is authorised to place the child for adoption (“the contact arrangements”).

(3) The Agency shall-

- (a) consider the wishes and feelings of the parent or guardian of the child and, where regulation 12(3) applies and the Agency considers it is appropriate, the father of the child;
- (b) consider any advice given by the adoption panel in accordance with regulation 16(3); and
- (c) have regard to the considerations set out in section 4(1) and (3) of the Act,

in coming to a decision in relation to the contact arrangements.

(4) The Agency shall notify-

- (a) the child, if the Agency considers that the child is of sufficient age and understanding;
- (b) if their whereabouts are known to the Agency, the parent or guardian, and, where regulation 12(3) applies and the Agency considers it is appropriate, the father of the child;
- (c) any person in whose favour there was a provision for contact under the Children Act which ceased to have effect by virtue of section 21(1) of the Act; and
- (d) any other person the agency considers relevant,

of the contact arrangements.

(5) Where the Agency decision-maker decides that a child should be placed for adoption with a particular prospective adopter, the Agency shall review the contact arrangements in light of the views of the prospective adopter and any advice given by the adoption panel in accordance with regulation 29(3).

(6) If the Agency proposes to make any change to the contact arrangements which affects any person mentioned in sub regulation (4), it shall seek the views of that person and take those views into account in deciding what arrangements it should make for allowing any person contact with the child while he or she is placed for adoption with the prospective adopter.

(7) The Agency shall-

- (a) set out the contact arrangements in the placement plan; and
- (b) keep the contact arrangements under review.

(8) Where the Agency decision-maker has decided under section 22(2) of the Act to refuse to allow the contact that would otherwise be required by virtue of an order under section 21 of the Act, the Agency shall, as soon as the decision is made, inform the persons specified in sub regulation (10) and notify them of the decision, the date of the decision, the reasons for the decision and the duration of the period.

(9) The terms of an order under section 21 of the Act may be departed from by agreement between the Agency and any person for whose contact with the child the order provides subject to the following conditions-

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- (a) where the child is of sufficient age and understanding, subject to the child's agreement;
  - (b) where the child is placed for adoption, subject to consultation before the agreement is reached, with the prospective adopter with whom the child is placed for adoption; and
  - (c) written confirmation by the Agency to the persons specified in sub regulation (10) of the terms of that agreement.
- (10) The following persons are specified persons for the purposes of sub regulations (8) and (9)-
- (a) the child, if the Agency considers the child is of sufficient age and understanding;
  - (b) the person in whose favour the order under section 21 was made; and
  - (c) if the child is placed for adoption, the prospective adopter.

**SCHEDULE 1  
INFORMATION**

Regulation 13(1),(2), 14(1),(2), 15(1)

**PART 1  
INFORMATION ABOUT THE CHILD**

1. Name, sex, date and place of birth and address.
2. A photograph and physical description.
3. Nationality.
4. Racial origin and cultural and linguistic background.
5. Religious persuasion (including details of baptism, confirmation or equivalent ceremonies).
6. Details of any order made by a court with respect to the child under the Children Act including the name of the court, the order made and the date on which the order was made.
7. Whether the child has any rights to, or interest in, property or any claim to damages under Part IV of the Contract and Tort Act or otherwise which the child stands to retain or lose if the child is adopted.
8. A chronology of the child's care since birth.
9. A description of the child's personality, his or her social development and the child's emotional and behavioural development.
10. Whether the child has any difficulties with activities such as feeding, washing and dressing him or herself.
11. The educational history of the child including-
  - (a) the names, addresses and types of nurseries or schools attended with dates;
  - (b) a summary of the child's progress and attainments;
  - (c) whether the child is subject to special educational needs;
  - (d) any special needs the child has in relation to learning; and

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- (e) where the child is looked after, details of the child's personal education plan, if applicable.

12. Information about-

- (a) the child's relationship with-
  - (i) the child's parent or guardian;
  - (ii) any brothers or sisters or other relatives that the child may have; and
  - (iii) any other person the Agency considers relevant;
- (b) the likelihood of any such relationship continuing and the value to the child of its doing so; and
- (c) the ability and willingness of the child's parent or guardian or any other person the Agency considers relevant, to provide the child with a secure environment in which the child can develop, and otherwise to meet the child's needs.

13. The current arrangements for and the type of contact between the child's parent or guardian or other person with parental responsibility for the child, the child's father, and any relative, friend or other person.

14. A description of the child's interests, likes and dislikes.

15. Any other relevant information which might assist the adoption panel and the Agency.

16. In this Part "parent" includes the child's father whether or not he has parental responsibility for the child.

## **PART 2**

### **MATTERS TO BE INCLUDED IN THE CHILD'S HEALTH REPORT**

1. Name, date of birth, sex, weight and height.
2. A neo-natal report on the child, including-
  - (a) details of the child's birth and any complications;
  - (b) the results of a physical examination and screening tests;
  - (c) details of any treatment given;

- (d) details of any problem in management and feeding;
  - (e) any other relevant information which may assist the adoption panel and the Agency; and
  - (f) the name and address of any registered medical practitioner who may be able to provide further information about any of the above matters.
3. A full health history of the child, including-
- (a) details of any serious illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given;
  - (b) details and dates of immunisations;
  - (c) a physical and developmental assessment according to age, including an assessment of vision and hearing and of neurological, speech and language development and any evidence of emotional disorder;
  - (d) for a child over five years of age, the school health history if available;
  - (e) how the child's physical and mental health and medical history have affected the child's physical, intellectual, emotional, social or behavioural development; and
  - (f) any other relevant information which may assist the adoption panel and the Agency.

**PART 3**  
**INFORMATION ABOUT THE CHILD'S FAMILY AND OTHERS**

Information about each parent of the child

1. Name, sex, date and place of birth and address.
2. A photograph, if available, and physical description.
3. Nationality.
4. Racial origin and cultural and linguistic background.
5. Religious persuasion.

6. A description of their personality and interests.

Information about the child's brothers and sisters

7. Name, sex, and date and place of birth.

8. A photograph, if available, and physical description.

9. Nationality.

10. Address, if appropriate.

11. If the brother or sister is under the age of 18-

- (a) where and with whom he or she is living;
- (b) details of any court order made with respect to him or her under the Children Act, including the name of the court, the order made, and the date on which the order was made; and
- (c) whether he or she is also being considered for adoption.

Information about the child's other relatives and any other person the Agency considers relevant

12. Name, sex and date and place of birth.

13. Nationality.

14. Address, if appropriate.

Family history and relationships

15. Whether the child's parents were married to each other at the time of the child's birth (or have subsequently married) and if so, the date and place of marriage and whether they are divorced or separated.

16. Where the child's parents are not married, whether the father has parental responsibility for the child and if so how it was acquired.



17. If the identity or whereabouts of the child's father are not known, the information about him that has been ascertained and from whom, and the steps that have been taken to establish paternity.

18. Where the child's parents have been previously married or formed a civil partnership, the date of the marriage or, as the case may be, the date and place of registration of the civil partnership.

19. So far as is possible, a family tree with details of the child's grandparents, parents and aunts and uncles with their age (or ages at death).

20. Where it is reasonably practicable, a chronology of each of the child's parents from birth.

21. The observations of the child's parents about their own experiences of being parented and how this has influenced them.

22. The past and present relationship of the child's parents.

23. Details of the wider family and their role and importance to-

(a) the child's parents; and

(b) any brothers or sisters of the child.

Other information about each parent of the child

24. Information about their home.

25. Details of their educational history.

26. Details of their employment history.

27. Information about the parenting capacity of the child's parents, particularly their ability and willingness to parent the child.

28. Any other relevant information which might assist the adoption panel and the Agency.

29. In this Part "parent" includes the father of the child whether or not he has parental responsibility for the child.

**PART 4**  
**INFORMATION RELATING TO THE HEALTH OF THE CHILD'S NATURAL**

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**PARENTS AND BROTHERS AND SISTERS**

1. Name, date of birth, sex, weight and height of each natural parent.
2. A health history of each of the child's natural parents, including details of any serious physical or mental illness, any hereditary disease or disorder, drug or alcohol misuse, disability, accident or hospital admission and in each case any treatment given where the Agency considers such information to be relevant.
3. A health history of the child's brothers and sisters (of the full blood or half-blood), and the other children of each parent with details of any serious physical or mental illness and any hereditary disease or disorder.
4. A summary of the mother's obstetric history, including any problems in the ante-natal, labour and post-natal periods, with the results of any tests carried out during or immediately after the pregnancy.
5. Details of any present illness, including treatment and prognosis.
6. Any other relevant information which the Agency considers may assist the adoption panel and the Agency.

**SCHEDULE 2**

Regulation 20(3),(4),(5)

**PART 1****OFFENCES SPECIFIED FOR THE PURPOSES OF REGULATION 21(3)(b)**

1. Any of the following offences against an adult—
  - (a) an offence of rape under section 213 of the Crimes Act 2011;
  - (b) an offence of assault by penetration under section 214 of the Crimes Act 2011;
  - (c) an offence of causing a person to engage in sexual activity without consent under section 216 of the Crimes Act 2011, if the activity fell within subsection (4) of that section;
  - (d) an offence under sections 228 to 235 of the Crimes Act 2011;
  - (e) an offence of sexual activity with a person with a mental disorder impeding choice under section 241 of the Crimes Act 2011, if the touching fell within subsection (3) of that section;
  - (f) an offence of causing or inciting a person with mental disorder impeding choice to engage in sexual activity under section 242 of the Crimes Act 2011, if the activity caused or incited fell within subsection (3) of that section;
  - (g) an offence of inducement, threat or deception to procure sexual activity with a person with a mental disorder under section 245 of the Crimes Act 2011, if the touching involved fell within subsection (2) of that section; and
  - (h) an offence of causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception under section 246 of the Crimes Act 2011, if the activity fell within subsection (2) of that section.

**PART 2****REPEALED STATUTORY OFFENCES**

1. An offence under any of the following sections of the Criminal Offences Act—
  - (a) section 103;
  - (b) section 107;

- (c) subject to paragraph 4, section 108;
  - (d) section 140 or 141;
  - (e) section 124 or 125;
  - (f) section 127;
  - (g) section 119;
  - (h) section 112 or 113;
2. A person falls within this paragraph if he has been convicted of any of the following offences against a child committed at the age of 18 or over or has been cautioned by a police officer in respect of any such offence which, at the time the caution was given, was admitted-
- (a) an offence under section 104 or 105 of the Criminal Offences Act;
  - (b) an offence under section 106 of the Criminal Offences Act;
  - (c) an offence under section 117 or 118 of the Criminal Offences Act;
  - (d) an offence under section 120 of the Criminal Offences Act;
  - (e) an offence under section 138 or 139 of the Criminal Offences Act; and
  - (f) an offence under section 123 of the Criminal Offences Act.
3. A person falls within this paragraph if he has been convicted of any of the following offences committed at the age of 18 or over or has been cautioned by a police officer in respect of any such offence which, at the time the caution was given, was admitted-
- (a) an offence under section 110 of the Criminal Offences Act by having sexual intercourse with a child;
  - (b) an offence under section 111 of the Criminal Offences Act by procuring a child to have sexual intercourse;
  - (c) an offence under section 112 of the Criminal Offences Act by having sexual intercourse with a child;
  - (d) an offence under section 113 of the Criminal Offences Act by allowing a child to have sexual intercourse with her;

- (e) subject to paragraph 4, an offence under section 115 of the Criminal Offences Act by committing buggery with a child under the age of 16;
  - (f) subject to paragraph 4, an offence under section 116 of the Criminal Offences Act by committing an act of gross indecency with a child;
  - (g) an offence under section 142 of the Criminal Offences Act by taking a child out of the possession of her parent or guardian;
  - (h) an offence under section 121 of the Criminal Offences Act in relation to a child;
  - (i) an offence under section 122 of the Criminal Offences Act by procuring a child to have sexual intercourse with a third person;
  - (j) an offence under section 126 of the Criminal Offences Act by inducing or suffering a child to resort to or be on premises for the purpose of having sexual intercourse;
  - (k) an offence under section 128 of the Criminal Offences Act by causing or encouraging the prostitution of a child;
  - (l) an offence under section 130 of the Criminal Offences Act in a case where the prostitute is a child;
  - (m) an offence under section 131 of the Criminal Offences Act in a case where the prostitute is a child;
  - (n) any offence of-
    - (i) procuring a child to commit an act of buggery with any person; or
    - (ii) procuring any person to commit an act of buggery with a child;
  - (o) an offence under section 179 of the Criminal Offences Act, by entering a building or part of a building with intent to rape a child.
4. Paragraphs 1(c) and 3(e) and (f) do not include offences in a case where the offender was under the age of 20 at the time the offence was committed.

**SCHEDULE 3**

Regulation 22(2),(3),(4)

**PART 1****INFORMATION ABOUT THE PROSPECTIVE ADOPTER**

Information about the prospective adopter

1. Name, sex, date and place of birth and address.
2. A photograph and physical description.
3. Whether the prospective adopter is domiciled or habitually resident in Gibraltar and if habitually resident for how long the prospective adopter has been habitually resident.
4. Racial origin and cultural and linguistic background.
5. Religious persuasion.
6. Relationship (if any) to the child.
7. A description of the prospective adopters personality and interests.
8. If the prospective adopter is married or has formed a civil partnership and is applying alone for an assessment of the prospective adopter's suitability to adopt, the reasons for this.
9. Details of any previous family court proceedings in which the prospective adopter has been involved.
10. Names and addresses of three referees who will give personal references on the prospective adopter, not more than one of whom may be a relative.
11. Name and address of the prospective adopter's registered medical practitioner.
12. If the prospective adopter is-
  - (a) married, the date and place of marriage;
  - (b) has formed a civil partnership, the date and place of registration of that partnership;  
or
  - (c) has a partner, details of that relationship.
13. Details of any previous marriage, civil partnership or relationship.

14. A family tree with details of the prospective adopter, his or her siblings and any children of the prospective adopter, with their ages (or ages at death).
15. A chronology of the prospective adopter from birth.
16. The observations of the prospective adopter about the prospective adopter's own experience of being parented and how this has influenced the prospective adopter.
17. Details of any experience the prospective adopter has had of caring for children (including as a parent, step-parent, foster parent, child minder or prospective adopter) and an assessment of the prospective adopter's ability in this respect.
18. Any other information which indicates how the prospective adopter and anybody else living in the prospective adopter's household is likely to relate to a child placed for adoption with the prospective adopter.

**Wider family**

19. A description of the wider family of the prospective adopter and their role and importance to the prospective adopter and their likely role and importance to a child placed for adoption with the prospective adopter.

**Information about the home of the prospective adopter**

20. Information about the prospective adopter's home.
21. Details of other members of the prospective adopter's household (including any children of the prospective adopter whether or not resident in the household).
22. Information about the local community of the prospective adopter, including the degree of the family's integration with its peer groups, friendships and social networks.

**Education and employment**

23. Details of the prospective adopter's educational history and attainments.
24. Details of his employment history and the observations of the prospective adopter about how this has influenced the prospective adopter.
25. The current employment of the prospective adopter and the prospective adopter's views about achieving a balance between employment and child care.

**Income**

26. Details of the prospective adopter's income and expenditure.

**Other information**

27. Information about the prospective adopter's capacity to –

- (a) provide for a child's needs, particularly emotional and behavioural development needs;
- (b) share a child's history and associated emotional issues; and
- (c) understand and support a child through possible feelings of loss and trauma.

28. The prospective adopter's –

- (a) reasons for wishing to adopt a child;
- (b) views and feelings about adoption and its significance;
- (c) views about their parenting capacity;
- (d) views about parental responsibility and what it means;
- (e) views about a suitable home environment for a child;
- (f) views about the importance and value of education;
- (g) views and feelings about the importance of a child's religious and cultural upbringing; and
- (h) views and feelings about contact.

29. The views of other members of the prospective adopter's household and wider family in relation to adoption.

30. Any other relevant information which might assist the adoption panel or the Agency.

**PART 2****REPORT ON THE HEALTH OF THE PROSPECTIVE ADOPTER**

1. Name, date of birth, sex, weight and height.



2. A family health history of the parents, any brothers and sisters and the children of the prospective adopter, with details of any serious physical or mental illness and hereditary disease or disorder.
3. Infertility or reasons for deciding not to have children (if applicable).
4. Past health history, including details of any serious physical or mental illness, disability, accident, hospital admission or attendance at an out-patient department, and in each case any treatment given.
5. Obstetric history (if applicable).
6. Details of any present illness, including treatment and prognosis.
7. Details of any consumption of alcohol that may give cause for concern or whether the prospective adopter smokes or uses habit-forming drugs.
8. Any other relevant information which the Agency considers may assist the adoption panel and the Agency.

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**SCHEDULE 4**

Regulation 32(2)

**ADOPTION PLACEMENT PLAN**

1. Whether placed under a placement order or with the consent of the parent or guardian.
2. The arrangements for preparing the child and the prospective adopter for the placement.
3. Date on which it is proposed to place the child for adoption with the prospective adopter.
4. The arrangements for review of the placement.
5. Whether parental responsibility of the prospective adopter for the child is to be restricted, and if so, the extent to which it is to be restricted.
6. Where the Agency has decided to provide adoption support services for the adoptive family, how these will be provided and by whom.
7. The arrangements which the Agency has made for allowing any person contact with the child, the form of contact, the arrangements for supporting contact and the name and contact details of the person responsible for facilitating the contact arrangements (if applicable).
8. The dates on which the child's life story book and later life letter are to be passed by the Agency to the prospective adopter.
9. Details of any other arrangements that need to be made.
10. Contact details of the child's social worker, the prospective adopter's social worker and out of hours contacts.