



ADOPTION AGENCY REGULATIONS 2024

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*Adoption Act 2021*

ADOPTION AGENCY REGULATIONS 2024¹

Approved by Tynwald: 19 June 2024
Coming into Operation in accordance with regulation 2

The Department of Health and Social Care makes the following Regulations under sections 10, 12(1)(b), 56, 123(3)(a), and 125 of the Adoption Act 2021.

PART 1 - GENERAL

1 Title

These Regulations are the Adoption Agency Regulations 2024.

2 Commencement

If approved by Tynwald, these Regulations come into operation immediately upon the coming into operation of sections 10, 12, 56, 123 and 125 of the Adoption Act 2021.¹

3 Interpretation

In these Regulations —

“**the 2001 Act**” means the Children and Young Persons Act 2001;

“**the Act**” means the Adoption Act 2021;

“**adoption panel**” means a panel established in accordance with regulation 5;

“**adoption placement plan**” has the meaning given in regulation 40(2);

“**adoption placement report**” means the report prepared by the adoption agency in accordance with regulation 37(2)(d);

“**adoption support services**” has the meaning given in section 13(1) of the Act;

¹ Tynwald approval is required by section 123(2) of the Adoption Act 2021. Section 71 of the Interpretation Act 2015 allows a power in an Act to make a public document to be exercised notwithstanding that that enabling power has not yet commenced. By virtue of section 71(4) of the Interpretation Act 2015, any public document so made cannot commence before the enabling power is itself commenced.

- “adoptive family”** has the meaning given in regulation 37(2)(a);
- “care order”** has the meaning given in section 31(1) of the 2001 Act;
- “child’s case record”** has the meaning given in regulation 11;
- “child’s health report”** means the report obtained in accordance with regulation 15(2)(b);
- “child’s permanence report”** means the report prepared by the adoption agency in accordance with regulation 17(1);
- “independent review panel”** means a panel constituted under section 68 of the Act;
- “medical adviser”** means the person appointed as the medical adviser by the adoption agency in accordance with regulation 8(3);
- “preparation for adoption”** has the meaning given in regulation 25;
- “proposed placement”** has the meaning given in regulation 37(1);
- “prospective adopter assessment plan”** has the meaning given in regulation 30;
- “prospective adopter’s case record”** has the meaning given in regulation 24(1);
- “prospective adopter matching plan”** has the meaning given in regulation 36;
- “prospective adopter’s report”** means the report prepared by the adoption agency in accordance with regulation 31(2);
- “prospective adopter’s review report”** means the report prepared by the adoption agency in accordance with regulation 35(4)(a);
- “prospective adopter stage one plan”** has the meaning given in regulation 23;
- “qualifying determination”** has the meaning given in regulation 33(6)(a);
- “registration authority”** means the Department of Health and Social Care;
- “relative”** means a member of the household of, or married to or the civil partner of, a person; or the son, daughter, mother, father, sister or brother of a person, whether of the full blood or half-blood or by marriage or civil partnership;
- “relevant post-qualifying experience”** means post-qualifying experience in child care social work including direct experience in adoption work;
- “social worker”** has the same meaning as in the Regulation of Care Act 2013;
- “UK care Act”** has the same meaning as in the Regulation of Care Act 2013;
- “vice chair”** has the meaning given in regulation 5(1)(b);
- “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 Bank Holidays Act 1989.

PART 2 – ARRANGEMENTS FOR ADOPTION WORK

4 The central list

- (1) An adoption agency must maintain a list of persons who are considered by it to be suitable to be members of an adoption panel (“the central list”), including —
 - (a) one or more social workers who have the relevant post-qualifying experience; and
 - (b) the medical adviser to the adoption agency (or at least one if more than one medical adviser is appointed).
- (2) A person who is included in the central list may at any time ask to be removed from the central list by giving one month’s notice in writing.
- (3) Where the adoption agency is of the opinion that a person included in the central list is unsuitable or unable to remain in the list the agency may remove that person’s name from the list by giving them one month’s notice in writing with reasons.
- (4) Where a person disagrees with the removal of their name from the central list under paragraph (3), they may ask the adoption agency for a review of the decision.

5 Constituting an adoption panel

- (1) The adoption agency must constitute one or more adoption panels, as necessary, to perform the functions of an adoption panel under these Regulations and must appoint the panel members from the persons in the central list including —
 - (a) a person to chair the panel, being an independent person, who has the skills and experience necessary for chairing an adoption panel; and
 - (b) one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant (“the vice chairs”).
- (2) The adoption panel must have at least five members, and the adoption agency must ensure that individual members have between them the experience and expertise necessary to effectively discharge the functions of the panel.
- (3) The Department may pay to any member of an adoption panel constituted by it such fee as it may determine, being a fee of a reasonable amount.
- (4) A person (“P”) is not an independent person for the purposes of this regulation and regulation 6 if —
 - (a) in the case of a registered adoption society, P is a trustee or employee of that society; or
 - (b) in the case of the Department, P —

- (i) is a member of staff of the Department for the purposes of the adoption service or for the purposes of any of the Department's functions relating to the protection or placement of children; or
 - (ii) is a relative of a person so employed; or
- (c) P is the adoptive parent of a child who was —
 - (i) placed for adoption with P by the adoption agency ("agency A"); or
 - (ii) placed for adoption with P by another adoption agency where P had been approved as suitable to be an adoptive parent by agency A;

unless at least 12 months has elapsed since the adoption order was made in respect of the child.
- (5) The term of office for a member of an adoption panel is at least three years.
- (6) A member of an adoption panel may hold office for any number of terms.
- (7) The medical adviser member of the adoption panel shall hold office only for so long as they are the medical adviser.
- (8) Any other adoption panel member may resign at any time by giving one month's notice in writing to the adoption agency which appointed them.
- (9) Where an adoption agency is of the opinion that any member of the adoption panel appointed by it is unsuitable or unable to continue as a panel member, it may terminate that member's appointment at any time by giving the member notice in writing with reasons.
- (10) Where a person disagrees with the termination of their appointment as a member of an adoption panel under paragraph (9), they may ask the adoption agency for a review of the decision.

6 Meetings of adoption panel

- (1) No business may be conducted by an adoption panel unless at least the following meet as the panel —
 - (a) either the person appointed to chair the panel or one of the vice chairs;
 - (b) one person falling within regulation 4(1)(a);
 - (c) three other members and where the chair is not present and the vice chair is not an independent person, at least one other panel member must be an independent person.
- (2) An adoption panel must make a written record of its proceedings, its recommendations and the reasons for its recommendations.

7 Adoption agency arrangements for adoption work

An adoption agency must, in consultation with such persons in the central list as the agency considers appropriate and, to the extent specified in regulation 8(4) with the agency's medical adviser, prepare and implement written policy and procedural instructions governing the exercise of the functions of the agency and an adoption panel in relation to adoption and such instructions shall be kept under review and, where appropriate, revised by the agency.

8 Requirement to appoint an agency adviser and a medical adviser

- (1) The adoption agency must appoint a senior member of staff (referred to in this regulation as the "agency adviser") –
 - (a) to assist the agency with the maintenance of the central list and the constitution of adoption panels;
 - (b) to be responsible for the induction and training of persons in the central list;
 - (c) to be responsible for liaison between the agency and an adoption panel, monitoring the performance of persons in the central list and members of the adoption panel and the administration of adoption panels; and
 - (d) to give such advice to an adoption panel as the panel may request in relation to any case or generally.
- (2) The agency adviser must be a social worker and have the relevant post-qualification experience and, in the opinion of the adoption agency, relevant management experience.
- (3) The adoption agency must appoint at least one registered medical practitioner to be the agency's medical adviser.
- (4) 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.

9 Establishment of new adoption panels

- (1) All members of an adoption panel established before the date on which these Regulations come into operation (referred to in this regulation as the "old adoption panel") shall cease to hold office on that date.
- (2) With effect from the date on which these Regulations come into operation an adoption agency shall establish a new adoption panel in accordance with regulations 4 and 5.
- (3) All members of an adoption panel established before the date on which these Regulations come into operation are permitted to be members of the new adoption panel.

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

10 Application of regulations 11 to 17

Regulations 11 to 17 apply where the adoption agency is considering adoption for a child.

11 Requirement to open the child's case record

- (1) The adoption agency must set up a case record ("the child's 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) where applicable, the written record of the proceedings of the adoption panel under regulation 18, its recommendation and the reasons for its recommendation and any advice given by the panel to the agency;
 - (d) the record of the agency's decision and any notification of that decision under regulation 19;
 - (e) any consent to placement for adoption under section 20 of the Act (placing children with parental consent);
 - (f) any consent to the making of a future adoption order under section 21 of the Act (advance consent to adoption);
 - (g) any form or notice withdrawing consent under section 20 or 21 of the Act or notice under section 21(5)(a) or (b) of the Act;
 - (h) a copy of any placement order in respect of the child;
 - (i) any other documents or information obtained by the agency which it considers should be included in that case record; and
 - (j) details of any prospective adopters for the child identified by virtue of regulation 12(1) (requirement to identify potential prospective adopters).
- (2) Where an adoption agency places on the child's case record a notice under section 21(5)(a) or (b) of the Act, the agency must send a copy of that notice to the court together with any other information which the agency considers relevant to that notice.

12 Requirement to identify potential prospective adopters

- (1) The adoption agency must —
 - (a) identify prospective adopters who may be suitable to adopt the child; and

- (b) do its best to identify a particular prospective adopter with whom it proposes the child is placed, as soon as reasonably practicable.
- (2) Where the adoption agency is considering adoption for two or more siblings it must, in carrying out the duties in paragraph (1), consider whether to seek to identify prospective adopters who may be suitable to adopt two or more of the siblings together, having regard to the best interests of each sibling.
- (3) In determining whether a prospective adopter may be suitable to adopt the child, the adoption agency must assess the prospective adopter's parenting capacity, including —
 - (a) their understanding of, and ability to meet, the child's current and likely future needs, particularly any needs the child may have arising from harm that the child has suffered;
 - (b) their understanding of, and ability to protect the child from, any current or future risk of harm posed by the child's parents, relatives or any other person the agency considers relevant, particularly in relation to contact between any such person and the child;
 - (c) their ability and suitability to bring up the child until the child reaches the age of eighteen.
- (4) When the adoption agency identifies a particular prospective adopter with whom it proposes to place the child, the adoption agency must —
 - (a) notify the prospective adopter in writing of the decision to place the child with the prospective adopter; and
 - (b) explain the decision to the child in an appropriate manner, having regard to the child's age and understanding.

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

- (1) The adoption agency must, 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.

- (2) Paragraph (1) does not apply if the adoption agency is satisfied that the requirements of that paragraph have been carried out in respect of the child by another adoption agency.

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

- (1) The adoption agency must, so far as is reasonably practicable —
 - (a) provide a counselling service for the parent or guardian of the child;
 - (b) explain to and provide the parent or guardian of the child with written information about —
 - (i) the procedure in relation to both placement for adoption and adoption;
 - (ii) the legal implications of giving consent to placement for adoption under section 20 of the Act;
 - (iii) the legal implications of giving consent to the making of a future adoption order under section 21 of the Act;
 - (iv) the legal implications of a placement order; and
 - (v) the legal implications of adoption; 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) Where the agency is seeking the wishes and feelings of a person who is also a child, the agency must support that child in an appropriate manner to ensure they can express those wishes and feelings fully.
- (3) Paragraph (1) does not apply if the agency is satisfied that the requirements of that paragraph have been carried out in respect of the parent or guardian and any other person the agency considers relevant by another adoption agency.
- (4) This paragraph applies where the father of the child does not have parental responsibility for the child and the father's identity is known to the adoption agency.
- (5) Where paragraph (4) applies and the adoption agency is satisfied it is appropriate to do so, the agency must —

- (a) carry out in respect of the father the requirements of paragraph (1)(a), (b)(i) and (v) and (c) as if they applied to the father unless the agency is satisfied that the requirements have been carried out in respect of the father by another agency; and
- (b) ascertain so far as possible whether the father —
 - (i) wishes to acquire parental responsibility for the child under section 4 of the 2001 Act (acquisition of parental responsibility by natural father); or
 - (ii) intends to apply for a residence or contact order with respect to the child under section 11 of the 2001 Act (orders with respect to children) or, where the child is subject to a care order, an order under section 33 of the 2001 Act (parental contact etc. with children in care).

15 Requirement to obtain information about the child

- (1) The adoption agency must obtain, so far as is reasonably practicable, the information about the child which is specified in Part 1 of Schedule 1.
- (2) Subject to paragraph (4), the adoption agency must —
 - (a) make arrangements for the child to be examined by a registered medical practitioner; and
 - (b) obtain from that practitioner a written report (“the 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 the matters specified in Part 2 of Schedule 1,unless the agency has received written advice from the medical adviser that such an examination and report is unnecessary.
- (3) Subject to paragraph (4), the adoption agency must 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) Paragraphs (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.

16 Requirement to obtain information about the child’s family

- (1) The adoption agency must 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 adoption agency must obtain, so far as is reasonably practicable, the information about the health of each of the child’s natural parents and

brothers and sisters (of the full blood or half-blood) which is specified in Part 4 of Schedule 1.

17 Requirement to prepare child's permanence report

- (1) The adoption agency must prepare a written report ("the child's 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 13(1)(c);
 - (d) the wishes and feelings of the child's parent or guardian, and where regulation 14(4) applies, the child's father, and any other person the agency considers relevant, regarding the matters set out in regulation 14(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 child's educational needs;
 - (h) an assessment of the parenting capacity of the child's parent or guardian and, where regulation 14(4) applies, the child's father;
 - (i) a chronology of the decisions and actions taken by the agency with respect to the child;
 - (j) 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
 - (k) any other information which the agency considers relevant.
- (2) The adoption agency may not refer the case to the adoption panel in a case where —
 - (a) the adoption agency is the Department and is considering whether the child ought to be placed for adoption; and
 - (b) either paragraph (3) or paragraph (4) applies.
- (3) This paragraph applies where —
 - (a) the child is placed for adoption by the adoption agency or is being provided with accommodation by it;

- (b) no adoption agency is authorised to place the child for adoption; and
 - (c) the child has no parent or guardian, or the agency consider that the conditions in section 31(2) of the 2001 Act are met in relation to the child.
- (4) This paragraph applies where —
 - (a) an application has been made, and has not been disposed of, on which a care order might be made in respect of the child; or
 - (b) the child is subject to a care order and the adoption agency is not authorised to place the child for adoption.
- (5) In a case not falling within paragraph (2), the adoption agency must send the information and reports referred to in paragraph (6) to the adoption panel.
- (6) For the purposes of paragraph (5) and regulation 19(2) the information and reports are —
 - (a) the child's permanence report;
 - (b) the child's health report and any other reports referred to in regulation 15; and
 - (c) the information relating to the health of each of the child's natural parents,

except that, in a case falling within paragraph (5), the adoption agency may only send to the adoption panel the documents referred to in subparagraphs (b) and (c) if the agency's medical adviser advises it to do so.
- (7) The adoption agency must 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 panel.

18 Function of the adoption panel in relation to a child referred by the adoption agency

- (1) The adoption panel must consider the case of every child referred to it by the adoption 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 must have regard to the duties imposed on the adoption agency under section 16(2), (4), (5) and (7) of the Act (considerations applying to the exercise of powers) and —
 - (a) must consider and take into account the reports and any other information passed to it in accordance with regulation 17;
 - (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 adoption agency that the child should be placed for adoption, it must 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) where the agency is the Department, whether an application should be made by the Department for a placement order in respect of the child.

19 Adoption agency decision and notification

- (1) In any case falling within regulation 17(5) the adoption agency must take into account the recommendation of the adoption panel in coming to a decision about whether the child should be placed for adoption.
- (2) In any case falling within regulation 17(2) the adoption agency must take into account the information and reports referred to in regulation 17(6), and any other relevant information, in coming to a decision about whether the child ought to be placed for adoption.
- (3) No member of the adoption panel or person on the central list shall take part in any decision made by the adoption agency under paragraph (1).
- (4) The adoption agency must, if their whereabouts are known to the agency, notify in writing the parent or guardian and, where regulation 14(4) applies and the agency considers it is appropriate, the father of the child of its decision.

20 Confirmation of consent where parent or guardian in the Isle of Man

- (1) This regulation applies where the parent or guardian of the child resides in the Isle of Man and is prepared to consent to the placement of the child for adoption under section 20 of the Act and, as the case may be, to consent to the making of a future adoption order under section 21 of the Act.
- (2) The adoption agency must appoint an agency officer for the purposes of providing information about the consent process and what this means in relation to the consent to placement or to adoption by that parent or guardian, and provide the officer with the information specified in Schedule 2.
- (3) The consent must be provided in the form specified in rules of Court, and witnessed by an individual specified in those rules.

21 Confirmation of consent where parent or guardian outside the Isle of Man

- (1) This regulation applies where the parent or guardian resides outside the Isle of Man and is prepared to consent to the placement of the child for adoption under section 20 of the Act and, as the case may be, to consent to the making of a future adoption order under section 21 of the Act.
- (2) The adoption agency must arrange for the appointment of an authorised person to witness the execution of the form of consent to placement or to adoption by that parent or guardian and send to that person the information specified in Schedule 2.
- (3) “Authorised person” for the purposes of this regulation means in relation to a form of consent executed —
 - (a) in England, an officer of the Children and Family Court Advisory and Support Service;
 - (b) in Wales, a Welsh family proceedings officer;
 - (c) in Scotland, a Justice of the Peace or a Sheriff;
 - (d) in Northern Ireland, a Justice of the Peace;
 - (e) outside the United Kingdom —
 - (i) any person for the time being authorised by law in the place where the document is executed to administer an oath for any judicial or other legal purpose;
 - (ii) a British Consular officer;
 - (iii) a notary public; or
 - (iv) if the person executing the document is serving in any of the regular armed forces of the Crown, an officer holding a commission in any of those forces.

PART 4 – DUTIES OF ADOPTION AGENCY IN RESPECT OF A PROSPECTIVE ADOPTER

STAGE 1 – THE PRE-ASSESSMENT PROCESS

22 Registration of interest in adoption

Regulations 23 to 28 apply when a person has notified an adoption agency that they want to adopt a child and the agency has notified that person that it has decided to proceed with the pre-assessment process in respect of that person.

23 Prospective adopter stage one plan

The adoption agency must prepare a written plan in consultation with the prospective adopter (“the prospective adopter stage one plan”) which includes the following matters —

- (a) information about the counselling, information and preparation for adoption to be provided under regulation 25;
- (b) the procedure for carrying out police checks under section 28(2) of the Act;
- (c) details of any training that the prospective adopter has agreed to undertake;
- (d) information about the role of the prospective adopter in the stage one process;
- (e) any applicable timescales;
- (f) information about the process for making a representation (including a complaint); and
- (g) any other information that the agency considers relevant.

24 Prospective adopter’s case record

- (1) The adoption agency must set up a case record in respect of the prospective adopter (“the prospective adopter’s case record”) and place on that case record —
 - (a) the prospective adopter stage one plan;
 - (b) the information and reports obtained by the agency by virtue of this Part;
 - (c) the prospective adopter assessment plan;
 - (d) the prospective adopter’s report and the prospective adopter’s observations on that report;
 - (e) the written record of the proceedings of the adoption panel under regulation 32 (and where applicable regulation 33(10)), its recommendation, the reasons for the recommendation and any advice given by the panel to the agency;
 - (f) the record of the agency’s decision under regulation 33(1), (8) or as the case may be (11);
 - (g) where the prospective adopter applied to the agency for a review by an independent review panel, the recommendation of that review panel;
 - (h) where applicable, the prospective adopter’s review report and the prospective adopter’s observations on that report;
 - (i) the prospective adopter matching plan; and
 - (j) any other documents or information obtained by the agency which it considers should be included in that case record.

- (2) The adoption agency may ask the prospective adopter to provide any further information the agency may reasonably require.

25 Requirement to provide counselling, information and preparation for adoption

- (1) The adoption agency must —
 - (a) provide a counselling service for the prospective adopter;
 - (b) explain to the prospective adopter, and provide written information about, the procedure in relation to, and the legal implications of, placement for adoption and adoption;
 - (c) provide the prospective adopter with any information and any training materials available for use which relate to adopting a child; and
 - (d) make arrangements for the prospective adopter to receive such preparation for adoption as the agency considers appropriate.
- (2) In paragraph (1)(d) “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 adoption 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 adoption 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.

26 Person not to be considered suitable to adopt a child: specified offences, etc

- (1) An adoption 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;
 - (b) has been cautioned by a constable in respect of any such offence which, at the time the caution was given, was admitted; or
 - (c) has had a domestic abuse protection order made against them under the Domestic Abuse Act 2020.
- (2) In paragraph (2) “specified offence” means —
 - (a) an offence specified in Part 1 of Schedule 3;

- (b) an offence specified in Part 2 of Schedule 3, notwithstanding that the offences specified in that Part have been repealed;
 - (c) any other offence involving bodily injury to a child, other than an offence of common assault or battery.
- (3) Where an adoption agency becomes aware that a prospective adopter or a member of the prospective adopter's household falls within paragraph (1), the agency must notify the prospective adopter as soon as possible in writing that they cannot be considered suitable to adopt a child.

27 Other pre-assessment information

The adoption agency must —

- (a) obtain the information about the prospective adopter which is specified in Part 1 of Schedule 4;
- (b) subject to regulation 28(2), obtain a written report from a registered medical practitioner about the health of the prospective adopter following a full examination which must include the matters specified in Part 2 of Schedule 4 unless the agency has received advice from its medical adviser that such an examination and report is unnecessary;
- (c) obtain a written report of each of the interviews with the persons nominated by the prospective adopter to provide personal references for the prospective adopter;
- (d) where the adoption agency considers it necessary, obtain a personal reference from the prospective adopter's former spouse, civil partner or partner; and
- (e) where the adoption agency is not the Department, ascertain whether the Department or the local authority, where the prospective adopter is resident outside the Isle of Man, has any information about the prospective adopter which may be relevant to an assessment of the prospective adopter's suitability to adopt and if so obtain from the Department or the local authority a written report setting out that information.

28 Pre-assessment decision

- (1) The adoption agency must, taking into account the information obtained under section 28(2) of the Act and regulation 27, decide whether —
 - (a) the prospective adopter may be suitable to adopt a child; or
 - (b) the prospective adopter is not suitable to adopt a child.
- (2) The adoption agency may make a decision under paragraph (1) even if the information requested under regulation 27(b) has yet to be obtained.
- (3) The adoption agency must keep a written record of any decision made in accordance with paragraph (2).

- (4) Subject to paragraph (5), the agency must make its decision under paragraph (1) within a period of two months from the date on which the adoption agency notified the prospective adopter that it had decided to proceed with the pre-assessment process in accordance with regulation 22.
- (5) The adoption agency may delay making the decision under paragraph (1) —
 - (a) where it is satisfied there are good reasons because, for example, there has been a delay in obtaining information about the prospective adopter; or
 - (b) upon the request of the prospective adopter.
- (6) Where the adoption agency decides that the prospective adopter may be suitable to adopt a child the agency must —
 - (a) as soon as practicable, notify in writing the prospective adopter of its decision; and
 - (b) explain to the prospective adopter that they must notify the adoption agency that they wish to continue with the assessment process within six months of the date on which the notification is given.
- (7) Where the adoption agency decides that the prospective adopter is not suitable to adopt a child the agency must as soon as practicable after making the decision notify the prospective adopter in writing of its decision together with reasons for its decision.
- (8) Where a person disagrees with a decision under paragraph (7), they may ask the adoption agency for a review of the decision.

STAGE 2 – THE ASSESSMENT DECISION

29 Stage 2 assessment

- (1) The adoption agency must issue reminders to the prospective adopter both three months and one month before the expiry of six months from the date on which the agency notified the prospective adopter that they may be suitable to adopt under regulation 28(6) if the agency has not received a notification of the prospective adopter's wishes.
- (2) Regulations 30 to 36 apply where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process within the six month period mentioned in paragraph (1).
- (3) Where the prospective adopter notifies the adoption agency that they wish to continue with the assessment process more than six months from the date on which the agency notified the prospective adopter that they may be suitable to adopt under regulation 28(6) the agency must notify the prospective adopter in writing that the prospective adopter cannot proceed with the assessment process.

30 Prospective adopter assessment plan

The adoption agency must prepare a written plan in consultation with the prospective adopter (“the prospective adopter assessment plan”) which includes the following matters —

- (a) the procedure for assessing the prospective adopter’s suitability to adopt a child;
- (b) any applicable timescales;
- (c) the arrangements for the prospective adopter to receive any additional counselling or preparation for adoption;
- (d) details of any training that the prospective adopter has agreed to undertake;
- (e) information about the role of the prospective adopter in the assessment process;
- (f) information about the process for submitting representations or applying to the adoption agency for a review under regulation 33(6)(c); and
- (g) any other matters which the agency considers relevant.

31 Prospective adopter’s report

- (1) The adoption agency must obtain the information about the prospective adopter which is specified in Part 3 of Schedule 4.
- (2) The adoption agency must prepare a written report (“the prospective adopter’s report”) which includes —
 - (a) the information about the prospective adopter and the prospective adopter’s family which is specified in Parts 1 and 3 of Schedule 4;
 - (b) a summary, written by the agency’s medical adviser, of the state of health of the prospective adopter;
 - (c) any relevant information obtained by the agency under regulation 27(e);
 - (d) any observations of the agency on the matters referred to in regulations 25 and 26;
 - (e) the agency’s assessment of the prospective adopter’s suitability to adopt; and
 - (f) any other information which the agency considers relevant.
- (3) Where the adoption agency receives information under paragraph (1) or other information in relation to the assessment of the prospective adopter and is of the opinion that the prospective adopter is unlikely to be considered suitable to adopt a child, it may prepare the prospective adopter’s report under paragraph (2) notwithstanding that the agency may not have received all the information about the prospective adopter which may be required by this regulation.

- (4) The adoption agency must —
 - (a) notify the prospective adopter that the prospective adopter's application is to be referred to the adoption panel;
 - (b) give the prospective adopter a copy of the prospective adopter's report;
 - (c) invite the prospective adopter to send any observations in writing to the agency within 5 working days, beginning with the date on which the notification is sent; and
 - (d) explain to the prospective adopter that the adoption agency may, in exceptional circumstances, extend the timescale referred to in sub-paragraph (c) above.
- (5) At the end of the 5 working days referred to in paragraph (4)(c) (or, where that timescale is extended by the adoption agency, as soon as possible after the prospective adopter's observations are received) the adoption agency must send to the adoption panel —
 - (a) the prospective adopter's report and the prospective adopter's observations;
 - (b) the written reports and references referred to in regulation 27(b) to (e) but in the case of reports obtained in accordance with regulation 27(b), only if the agency's medical adviser advises it to do so; and
 - (c) any other relevant information obtained by the agency.
- (6) The adoption agency must 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 panel.

32 Function of the adoption panel

- (1) Subject to paragraphs (2) and (3), the adoption panel must consider the case of the prospective adopter referred to it by the adoption 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) must consider and take into account all the information and reports passed to it in accordance with regulation 31;
 - (b) may request the adoption agency to obtain any other relevant information which the panel considers necessary; and
 - (c) may obtain legal advice as it considers necessary in relation to the case.
- (3) In relation to the case of a prospective adopter in respect of whom a report has been prepared in accordance with regulation 31(3), the adoption panel must either —

- (a) request the adoption agency to prepare a further prospective adopter's report, covering all the matters set out in regulation 31(2); or
 - (b) recommend that the prospective adopter is not suitable to adopt a child.
- (4) Where the adoption panel makes a recommendation to the adoption agency that the prospective adopter is suitable to adopt a child, the 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 and likely needs.
- (5) Before making any recommendation, the adoption panel must invite the prospective adopter to attend a meeting of the panel.

33 Adoption agency decision and notification

- (1) Subject to paragraph (2), the adoption agency must decide whether the prospective adopter is suitable to adopt a child within four months of the date on which the agency received the prospective adopter's notification that they wished to proceed with the assessment process.
- (2) The adoption agency must not make a decision under paragraph (1) until it has obtained the information required under regulation 27(b).
- (3) The adoption agency may delay making the decision under paragraph (1) in a case where the adoption agency considers there are exceptional circumstances which mean it cannot make the decision within that time.
- (4) No member of the adoption panel may take part in any decision made by the adoption agency under paragraph (1).
- (5) Where the adoption agency decides to approve the prospective adopter as suitable to adopt a child, it must notify the prospective adopter in writing of its decision.
- (6) Where the adoption agency considers that the prospective adopter is not suitable to adopt a child, it must —
 - (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 its reasons together with a copy of the recommendation of the adoption panel if that recommendation is different; and
 - (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) subject to paragraph (7), apply to the adoption agency for a review by an independent review panel of the qualifying determination.
- (7) Where the adoption agency consider that the prospective adopter is not suitable to adopt because of information obtained under regulation 27(b) the prospective adopter may not apply to the adoption agency for a review by an independent review panel of the qualifying determination.
- (8) If, within the period of 40 working days referred to in paragraph (6)(c), the prospective adopter has not made any representations or applied to the adoption agency for a review by an independent review panel, the adoption agency must proceed to make its decision and notify the prospective adopter in writing of its decision together with reasons for that decision.
- (9) If, within the period of 40 working days referred to in paragraph (6)(c), the adoption agency receives further representations from the prospective adopter, it may refer the case together with all relevant information to the adoption panel for further consideration.
- (10) The adoption panel must consider any case referred to it under paragraph (9) and make a fresh recommendation to the adoption agency as to whether the prospective adopter is suitable to adopt a child.
- (11) The adoption agency must make a decision on the case but —
 - (a) if the case has been referred to the adoption panel under paragraph (9), the agency must make the decision only after taking into account the recommendations of the adoption panel made under both paragraph (10) and regulation 32; or
 - (b) if the prospective adopter has applied to the adoption agency for a review by an independent review panel of the qualifying determination, the agency must 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 32.
- (12) As soon as possible after making its decision under paragraph (11), the adoption agency must notify the prospective adopter in writing of its decision stating its reasons for that decision if it does not consider the prospective adopter suitable to adopt a child, and of the adoption panel's recommendation under paragraph (10), if this is different from the agency's decision.
- (13) In a case where an independent review panel has made a recommendation, the adoption agency must retain a copy of the notification referred to in paragraph (12).

34 Information to be sent to the independent review panel

- (1) If the adoption agency receives an application for a review by an independent review panel of the qualifying determination, the adoption agency must, within 10 working days of receipt of that notification, send to the panel the information specified in paragraph (2).
- (2) The following information is specified for the purposes of paragraph (1) —
 - (a) all of the documents and information which were passed to the adoption panel in accordance with regulation 32;
 - (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-paragraph (a) were passed to the adoption panel; and
 - (c) the documents referred to in regulation 33(6)(a) and (b).

35 Review and termination of approval

- (1) The adoption agency must review the approval of each prospective adopter in accordance with this regulation, unless a child is placed for adoption with the prospective adopter or the agency is considering placing a child with the prospective adopter in accordance with regulations 37 to 39.
- (2) A review must take place whenever the adoption agency considers it necessary but otherwise not more than one year after approval and thereafter at intervals of not more than one year.
- (3) When undertaking such a review the adoption agency must —
 - (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 adoption agency considers that the prospective adopter may no longer be suitable to adopt a child, it must —
 - (a) prepare a written report (“the prospective adopter’s review report”) which includes the agency’s reasons;
 - (b) decide whether or not to refer the case to the adoption panel and, where applicable, notify the prospective adopter that the 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 given to the prospective adopter.
- (5) At the end of the period of 10 working days referred to in paragraph (4)(c) (or earlier if the prospective adopter’s comments are received before that period has expired), the adoption agency must, where applicable, send the

prospective adopter's review report together with the prospective adopter's observations to the adoption panel.

- (6) The adoption agency must 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 panel.
- (7) The adoption panel must consider the prospective adopter's review report, the prospective adopter's observations and any other information passed to it by the adoption agency and make a recommendation to the agency as to whether the prospective adopter continues to be suitable to adopt a child.
- (8) The adoption agency must make a decision as to whether the prospective adopter continues to be suitable to adopt a child and regulation 33(3) to (13) apply in relation to that decision by the agency.

36 Prospective adopter matching plan

Where an adoption agency has approved a prospective adopter as suitable to adopt a child in accordance with regulation 33, the agency must prepare a written plan in consultation with the prospective adopter ("the prospective adopter matching plan") which includes —

- (a) information about the duties of the adoption agency under Parts 5 and 6 of these Regulations;
- (b) information about the role of the prospective adopter in identifying a child for whom they would be an appropriate adopter;
- (c) information about the process for making a representation (including a complaint); and
- (d) any other matters that the agency consider relevant.

PART 5 – DUTIES OF ADOPTION AGENCY IN RESPECT OF PROPOSED PLACEMENT OF CHILD WITH PROSPECTIVE ADOPTER

37 Proposed placement

- (1) Where an adoption agency is considering placing a child for adoption with a particular prospective adopter ("the proposed placement") the agency must —
 - (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 adoption agency considers that the proposed placement should proceed, the agency must —
- (a) where the agency is the Department, 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 regulations made under section 13(8) of the Act;
 - (b) where the agency is a registered adoption society, notify the prospective adopter that they may request the Department to carry out an assessment of their needs for adoption support services under section 13 of the Act and pass to the Department, at its request, a copy of the child’s permanence report and a copy of the prospective adopter’s report;
 - (c) consider the arrangements for allowing any person contact with the child; and
 - (d) prepare a written report (“the 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 paragraph (1);
 - (iii) where the agency is the Department, its 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) Where the adoption agency remains of the view that the proposed placement should proceed, it must notify the prospective adopter that the proposed placement is to be referred to the adoption panel and give them a copy of the adoption placement report, inviting them 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 paragraph (3) (or earlier if observations are received before the 10 working days has expired) the adoption agency must send —
- (a) the adoption placement report;
 - (b) the child’s permanence report; and

- (c) the prospective adopter's report and their observations, to the adoption panel.
- (5) The adoption agency must 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 panel.

38 Function of the adoption panel in relation to proposed placement

- (1) The adoption panel must consider the proposed placement referred to it by the adoption 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 must have regard to the duties imposed on the adoption agency under section 16(2) and (4) of the Act (considerations applying to the exercise of powers in relation to the adoption of a child) and —
 - (a) must consider and take into account all information and the reports passed to it in accordance with regulation 37;
 - (b) may request the agency to obtain any other relevant information which the panel considers necessary; and
 - (c) may obtain legal advice as it considers necessary in relation to the case.
- (3) The adoption panel must consider —
 - (a) in a case where the adoption agency is the Department, the Department's proposals for the provision of adoption support services for the adoptive family;
 - (b) the arrangements the adoption 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 adoption 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 paragraph (3).
- (5) An adoption panel may only make the recommendation referred to in paragraph (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 adoption agency has already made a decision in accordance with regulation 19 that the child should be placed for adoption, and in either case that recommendation is to be made at the same meeting of the panel at which a recommendation has been made that the prospective adopter is suitable to adopt a child or the adoption agency has made a decision in accordance with regulation 33 that the prospective adopter is suitable to adopt a child.

39 Adoption agency decision in relation to proposed placement

- (1) The adoption agency must 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 adoption agency under paragraph (1).
- (3) As soon as possible after making its decision the adoption agency must notify in writing —
 - (a) the prospective adopter of its decision; and
 - (b) if their whereabouts are known to the agency, the parent or guardian and, where regulation 14(4) 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 adoption agency decides that the proposed placement should proceed, the agency must, in an appropriate manner and having regard to the child's age and understanding, explain its decision to the child.
- (5) The adoption agency must place on the child's 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 38, 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's decision under this regulation.

PART 6 – PLACEMENT AND REVIEWS

40 Requirements imposed on the adoption agency before the child may be placed for adoption

- (1) This paragraph applies where the adoption agency —

- (a) has decided in accordance with regulation 39 to place a child for adoption with a particular prospective adopter; and
 - (b) has met with the prospective adopter to consider the arrangements it proposes to make for the placement of the child with them.
- (2) Where paragraph (1) applies, the adoption agency must, as soon as possible, send the prospective adopter a placement plan in respect of the child which covers the matters specified in Schedule 5 (“the adoption placement plan”).
- (3) Where the prospective adopter notifies the adoption agency that they wish to proceed with the placement and the agency is authorised to place the child for adoption, the agency may place the child for adoption with the prospective adopter.
- (4) Where the child is already residing with the prospective adopter, the adoption agency must notify the prospective adopter in writing of the date on which the child is placed for adoption with them by that agency.
- (5) The adoption agency must before the child is placed for adoption with the prospective adopter —
 - (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; and
 - (b) where the child is of compulsory school age, send to the Department of Education, Sport and Culture information about the child’s educational history and whether the child has been or is likely to be assessed for special educational needs under the Education Act 2001.
- (6) The adoption agency may change the adoption placement plan at any stage.
- (7) The adoption agency must place on the child’s case record a copy of the adoption placement plan and any changes to that plan.

41 Reviews

- (1) Where an adoption agency is authorised to place a child for adoption, but the child is not for the time being placed for adoption, the agency must carry out a review of the child’s case —
 - (a) not more than 3 months after the date on which the agency first has authority to place; and
 - (b) thereafter not more than 6 months after the date of the previous review (“6 months review”),until the child is placed for adoption.
- (2) Paragraphs (3) and (4) apply where a child is placed for adoption.
- (3) The adoption agency must carry out a review of the child’s case —

- (a) not more than 4 weeks after the date on which the child is placed for adoption (“the first review”);
 - (b) not more than 3 months after the first review; and
 - (c) thereafter not more than 6 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.
- (4) The adoption agency must —
 - (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.
- (5) When carrying out a review the adoption agency must consider each of the matters set out in paragraph (6) and must, 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 paragraph (6) as the agency considers appropriate.
- (6) The matters referred to in paragraph (5) are —
 - (a) whether the adoption 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) the arrangements in relation to the exercise of parental responsibility for the child, and whether they should continue or be altered;
 - (e) where the child is placed for adoption, 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 paragraphs (1) and (3), the frequency of the reviews.
- (7) Where the child is subject to a placement order and has not been placed for adoption at the time of the first 6 months review, the Department must at that review —
 - (a) establish why the child has not been placed for adoption and consider what further steps the Department 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.
- (8) The adoption agency must, 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 any decision taken by the agency in consequence of that review.
- (9) The adoption agency must 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 child's case record.
- (10) Where the child is returned to the adoption agency in accordance with section 51(1) or (2) of the Act, the agency must conduct a review of the child's case no earlier than 28 days, or later than 42 days, after the date on which the child is returned to the agency and when carrying out that review the agency must consider the matters set out in paragraph (6)(a), (b), (c) and (f).

42 Independent reviewing officers

- (1) An adoption agency which is —
 - (a) the Department; or
 - (b) a registered adoption society which is a voluntary organisation who provide accommodation for a child,must appoint a person ("the independent reviewing officer") in respect of the case of each child authorised to be placed for adoption by the agency.
- (2) The independent reviewing officer must be registered as a social worker in a register of social workers maintained under a UK care Act.

- (3) The independent reviewing officer must, in the opinion of the adoption agency, have sufficient relevant social work experience to undertake the functions referred to in paragraph (1) in relation to the case.
- (4) A person who is an employee of the adoption agency may not be appointed as an independent reviewing officer in a case if they are involved in the management of the case or are 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-paragraph (a); or
 - (c) a person with control over the resources allocated to the case.
- (5) The independent reviewing officer must —
 - (a) attend any meeting held in connection with the review of the child's case; and
 - (b) chair any such meeting that the officer attends.
- (6) The independent reviewing officer must, as far as is reasonably practicable, take steps to ensure that the review is conducted in accordance with regulation 41 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 41 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 adoption agency.
- (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 adoption agency must inform the independent 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.

43 Withdrawal of consent

- (1) This paragraph applies where consent given under section 20 or 21 of the Act in respect of a child is withdrawn in accordance with section 20(9) or 21(8) of the Act.

- (2) Where paragraph (1) applies and the adoption agency is the Department, on receipt of the form or notice given in accordance with section 20(9) or 21(8) of the Act the Department must immediately review its decision to place the child for adoption and where, in accordance with section 23(1) to (3) of the Act, the Department decides to apply for a placement order in respect of the child, it must notify as soon as possible —
- (a) the parent or guardian of the child;
 - (b) where regulation 14(4) applies and the Department 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

44 Storage of case records

The adoption agency must ensure that the child's 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.

45 Preservation of case records

An adoption agency must keep the child's case record and the prospective adopter's case record for such period as it considers appropriate in line with its retention policy.

46 Confidentiality of case records

Subject to regulation 47, the contents of the child's case record and the prospective adopter's case record shall be treated by the adoption agency as confidential.

47 Access to case records and disclosure of information

- (1) Subject to paragraph (3), an adoption agency shall provide such access to its case records and disclose such information in its possession, as may be required —
- (a) to the Department;
 - (b) to the registration authority;
 - (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 an officer of the Family Court Welfare Service;
 - (f) to a court having power to make an order under the Act or the 2001 Act; and
 - (g) to the fostering service established by the Department under section 24A of the 2001 Act.
- (2) Subject to paragraph (3), an adoption 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 as an adoption agency.
- (3) A written record shall be kept by an adoption agency of any access provided or disclosure made by virtue of this regulation.

48 Transfer of case records

- (1) An adoption agency may transfer a copy of a child's 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.
- (2) Subject to paragraph (3), a registered adoption society which intends to cease to act or exist as such shall forthwith either transfer its case records to another adoption agency having first obtained the registration authority's approval for such transfer, or transfer its case records —
- (a) to the Department; or
 - (b) in the case of a society which amalgamates with another registered adoption society to form a new registered adoption society, to the new body.
- (3) An adoption agency to which case records are transferred by virtue of paragraph (2)(a) or (b) shall notify the registration authority in writing of such transfer.

49 Application of regulations 45 to 47

Nothing in this Part applies to the information which an adoption agency must keep in relation to an adopted person by virtue of regulations made under section 57 of the Act.

PART 8 – MISCELLANEOUS

50 Modification of 2001 Act in relation to adoption

- (1) This paragraph applies where the Department is authorised to place a child for adoption.
- (2) Where paragraph (1) applies —

- (a) section 24(3)(a)(ii) of the 2001 Act shall not apply;
- (b) section 24(3)(a)(iii) of the 2001 Act shall apply as if for that subparagraph there were inserted “(iii) any prospective adopter with whom the Department has placed the child for adoption” ;
- (c) section 24(3)(b)(ii) of the 2001 Act shall apply as if for the words “(a)(ii), (iii) or (iv)” there were inserted “(a)(iii) or (iv)” ; and
- (d) paragraph 1 of Schedule 2 and paragraph 1 of Schedule 3 to the 2001 Act shall not apply.

51 Contact

- (1) This paragraph applies where an adoption agency decides that a child should be placed for adoption.
- (2) Where paragraph (1) applies and subject to paragraph (3), the adoption agency must 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 adoption agency must —
 - (a) take into account the wishes and feelings of the parent or guardian of the child and, where regulation 14(4) applies and the agency considers it is appropriate, the father of the child;
 - (b) take into account any advice given by the adoption panel in accordance with regulation 18(3); and
 - (c) have regard to the considerations set out in section 16(2) and (4) of the Act,in coming to a decision in relation to the contact arrangements.
- (4) The adoption agency must notify —
 - (a) the child, if the agency considers the child is of sufficient age and understanding;
 - (b) if their whereabouts are known to the agency, the parent or guardian, and, where regulation 14(4) 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 2001 Act which ceased to have effect by virtue of section 37(1) of the Act; and
 - (d) any other person the agency considers relevant,of the contact arrangements.
- (5) Where an adoption agency decides that a child should be placed for adoption with a particular prospective adopter, the agency must 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 38(4).

- (6) If the adoption agency proposes to make any change to the contact arrangements which affects any person mentioned in paragraph (4), it must 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 the child is placed for adoption with the prospective adopter.
- (7) The adoption agency must —
 - (a) set out the contact arrangements in the placement plan; and
 - (b) keep the contact arrangements under review.

MADE 10 MAY 2024

SCHEDULE 1**INFORMATION****PART 1 – INFORMATION ABOUT THE CHILD**

Regulations 15(1) and 17(1)

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. Whether the child is looked after by the Department.
7. Details of any order made by a court with respect to the child under the 2001 Act including the name of the court, the order made and the date on which the order was made.
8. Whether the child has any rights to, or interest in, property or any claim to damages under the Fatal Accidents Act 1981 or otherwise which the child stands to retain or lose if adopted.
9. A chronology of the child's care since birth.
10. A description of the child's personality, the child's social development and the child's emotional and behavioural development.
11. Whether the child has any difficulties with activities such as feeding, washing and dressing themselves.
12. Any harm the child has suffered.
13. Any risk of future harm to the child posed by the child's parents, relative or any other person the adoption agency considers relevant.
14. 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; and
 - (c) any special needs the child has in relation to learning.
15. Information about —
 - (a) the child's relationship with —
 - (i) the child's parent or guardian;

- (ii) any brothers or sisters or other relatives 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.
16. 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.
17. A description of the child's interests, likes and dislikes.
18. Any other relevant information which might assist the adoption panel and the adoption agency.
19. In this Part "parent" includes the child's father whether or not they have parental responsibility for the child.

PART 2 - MATTERS TO BE INCLUDED IN THE CHILD'S HEALTH REPORT

Regulation 15(2)

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 adoption 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 adoption agency.

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

Regulations 16(1) and 17(1)

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 they are living;
 - (b) whether they are looked after by the Department;
 - (c) details of any court order made with respect to them under the 2001 Act, including the name of the court, the order made, and the date on which the order was made; and
 - (d) whether they are 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, or civil partners of, each other at the time of the child's birth (or have subsequently married or formed a civil partnership) and if so, the date and place of marriage or civil partnership.
16. Whether —
 - (a) if the child's parents have been married as mentioned in paragraph 15, they are divorced or separated; or
 - (b) if the child's parents have been civil partners as so mentioned, the partnership has been dissolved or they are separated.
17. Where the child's parents are not married or civil partners, whether the father has parental responsibility for the child and if so how it was acquired.
18. If the identity or whereabouts of the child's father are not known, the information about them that has been ascertained and from whom, and the steps that have been taken to establish paternity.
19. 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.
20. 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).
21. Where it is reasonably practicable, a chronology of each of the child's parents from birth.
22. The observations of the child's parents about their own experiences of being parented and how this has influenced them.
23. The past and present relationship of the child's parents.
24. 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

25. Information about their home and the neighbourhood in which they live.

26. Details of their educational history.
27. Details of their employment history.
28. Information about the parenting capacity of the child's parents, particularly their ability and willingness to parent the child.
29. Any other relevant information which might assist the adoption panel and the adoption agency.
30. In this Part "parent" includes the father of the child whether or not they have parental responsibility for the child.

PART 4 - INFORMATION RELATING TO THE HEALTH OF THE CHILD'S NATURAL PARENTS AND BROTHERS AND SISTERS

Regulation 16(2)

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 —
 - (a) any serious physical or mental illness,
 - (b) any hereditary disease or disorder,
 - (c) drug or alcohol misuse,
 - (d) disability,
 - (e) accident or hospital admission,and in each case any treatment given where the agency consider 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 adoption agency considers may assist the adoption panel and the agency.

SCHEDULE 2**INFORMATION AND DOCUMENTS TO BE PROVIDED BY THE ADOPTION AGENCY**

Regulations 20(2) and 21(2)

1. A certified copy of the child's birth certificate.
2. Name and address of the child's parent or guardian.
3. A chronology of the actions and decisions taken by the adoption agency with respect to the child.
4. Confirmation by the adoption agency that it has counselled, and explained to the parent or guardian the legal implications of both consent to placement under section 20 of the Act and, as the case may be, to the making of a future adoption order under section 21 of the Act and provided the parent or guardian with written information about this together with a copy of the written information provided.
5. Such information about the parent or guardian or other information as the adoption agency considers the agency officer may need to know.

SCHEDULE 3**OFFENCES SPECIFIED FOR THE PURPOSES OF PART 4****PART 1**

Regulation 26(2)

1. Offences under the Criminal Code 1872

- (1) An offence under any of the following sections of the Criminal Code 1872, where the offence was committed against a child —
- (a) an offence of murder under section 18;
 - (b) an offence of manslaughter under section 20;
 - (c) an offence of wounding with intent to do grievous bodily harm under section 33;
 - (d) an offence of exposing children under section 42;
 - (e) an offence of assault occasioning actual bodily harm under section 60;
 - (f) an offence of false imprisonment under section 60B; and
 - (g) an offence of kidnapping under section 60C.
- (2) An offence under section 31 of that Act by making a threat to kill a child.

2. Offences under the Children and Young Persons Act 1966

An offence of cruelty to persons under sixteen under section 1 of that Act.

3. Offences under the Misuse of Drugs Act 1976

An offence under section 4(3) of that Act by —

- (a) supplying or offering to supply a Class A drug to a child;
- (b) being concerned in the supplying of such a drug to a child; or
- (c) being concerned in the making to a child of an offer to supply such a drug.

4. Offences under the Theft Act 1981

An offence under section 9(1)(a) of that Act (burglary) by entering a building or part of a building with intent to rape a child.

5. Offences under the Customs and Excise Management Act 1986

An offence contrary to section 178 of the Customs and Excise Management Act 1986 in relation to goods prohibited to be imported under section 42 of the Customs

Consolidation Act 1876 (an Act of Parliament), as it has effect in the Island, (prohibitions and restrictions relating to pornography) as it applies in the Island where the prohibited goods included indecent photographs of children under the age of 16.

6. Offences under the Child Custody Act 1987

An offence under section 50 of that Act (abduction of child by parent etc).

7. Offences under the Asylum and Immigration (Treatment of Claimants etc) Act 2004

An offence of trafficking people for exploitation under section 4 of the Asylum and Immigration (Treatment of Claimants etc) Act 2004 as it applies in the Island, where the offence is committed against a child.

8. Offences under the Sexual Offences and Obscene Publications Act 2021

(1) Any of the following offences where the offence was committed against a person of any age —

- (a) an offence of rape under section 4 of the Sexual Offences and Obscene Publications Act 2021;
- (b) an offence of assault by penetration under section 5 of that Act;
- (c) an offence of causing a person to engage in sexual activity without consent under section 7 of that Act, if the activity fell within subsection (4) of that section;
- (d) an offence under any of sections 8 to 29 of that Act (offences against children);
- (e) an offence of sexual activity with a person with a mental disorder impeding choice under section 34 of that Act, 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 35 of that Act, 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 38 of that Act, if the touching involved fell within subsection (2) of that section;
- (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 39 of that Act, if the activity fell within subsection (2) of that section;
- (i) an offence under any of sections 49 to 52 of that Act (sexual exploitation of children); and

- (j) an offence under sections 71 or 72 of that Act (indecent photographs and prohibited images of children).
- (2) Any of the following offences where the offence was committed against a child —
 - (a) an offence of sexual assault under section 6 of that Act;
 - (b) an offence under any of sections 36, 37 or 40 to 46 of that Act (offences against people with mental disorders);
 - (c) an offence of causing or inciting prostitution for gain under section 55 of that Act;
 - (d) an offence of controlling prostitution for gain under section 56 of that Act;
 - (e) an offence of administering a substance with intent under section 66 of that Act;
 - (f) an offence of exposure under section 82 of that Act; and
 - (g) an offence of voyeurism under section 111 of that Act.
- (3) An offence under sections 67 or 68 of that Act in a case where the intended offence was an offence against a child.

9. United Kingdom offences

Any offence under the law of any part of the United Kingdom which is equivalent to an offence specified in this Part.

PART 2 - REPEALED STATUTORY OFFENCES

Regulation 26(2)

1. Offences under the Sexual Offences Act 1967

- (1) An offence under any of the following sections of the Sexual Offences Act 1967 —
 - (a) section 1 (rape);
 - (b) section 5 (intercourse with a girl under thirteen);
 - (c) section 6 (intercourse with a girl under sixteen);
 - (d) section 18 (abduction of unmarried girl under eighteen from parent or guardian);
 - (e) section 19 (abduction of unmarried girl under sixteen from parent or guardian);
 - (f) section 24 (permitting girl under thirteen to use premises for intercourse);
 - (g) section 25 (permitting girl under sixteen to use premises for intercourse);

- (h) section 27 (causing or encouraging prostitution of, intercourse with, or indecent assault on, girl under sixteen).
- (2) Any of the following offences where the offence was committed against a child —
 - (a) an offence under section 2 or 3 of the Sexual Offences Act 1967 Act (procurement of woman by threats or false pretences);
 - (b) an offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse);
 - (c) an offence under section 13 or 14 of that Act (indecent assault);
 - (d) an offence under section 15 of that Act (assault with intent to commit buggery);
 - (e) an offence under section 16 of that Act (abduction of woman by force or for the sake of her property); and
 - (f) an offence under section 23 of that Act (detention of woman in brothel or other premises).
- (3) Any of the following offences in the cases described —
 - (a) an offence under section 7 of the Sexual Offences Act 1967 (intercourse with defective) by having sexual intercourse with a child;
 - (b) an offence under section 8 of that Act (procurement of defective) by procuring a child to have sexual intercourse;
 - (c) an offence under section 9 of that Act (incest by a man) by having sexual intercourse with a child;
 - (d) an offence under section 10 of that Act (incest by a woman) by allowing a child to have sexual intercourse with her;
 - (e) an offence under section 11 of that Act by committing buggery with a child under the age of 16;
 - (f) an offence under section 12 of that Act by committing an act of gross indecency with a child;
 - (g) an offence under section 20 of that Act (abduction of defective from parent or guardian) by taking a child out of the possession of her parent or guardian;
 - (h) an offence under section 21 of that Act (causing prostitution of women) in relation to a child;
 - (i) an offence under section 22 of that Act (procurement of girl under 21) by procuring a child to have sexual intercourse with a third person;
 - (j) an offence under section 26 of that Act (permitting defective to use premises for intercourse) 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 28 of that Act (causing or encouraging prostitution of defective) by causing or encouraging the prostitution of a child;
 - (l) an offence under section 29 of that Act (man living on earnings of prostitution) in a case where the prostitute is a child;
 - (m) an offence under section 30 of that Act (woman exercising control over prostitute) in a case where the prostitute is 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.

2. Offences under the Mental Health Act 1974

An offence under section 93 of that Act (sexual intercourse with patients) by having sexual intercourse with a child.

3. Offences under the Sexual Offences Act 1992

- (1) An offence under any of the following sections of the Sexual Offences Act 1992 where the offence was committed against a person of any age —
- (a) an offence of rape under section 1 of that Act;
 - (b) an offence of procurement by threats or lies under section 2 of that Act;
 - (c) an offence of intercourse with a young person under section 4 of that Act, except in a case where the offender was under the age of 20 at the time the offence was committed;
 - (d) an offence of committing a sexual act with a subnormal person under section 5 of that Act;
 - (e) an offence of inciting a person aged under 16 years to commit incest under section 8 of that Act;
 - (f) an offence of abuse of position of trust under section 9A of that Act;
 - (g) an offence of indecency with children under section 14 of that Act;
 - (h) an offence of permitting a young person to use premises for a sexual act under section 21 of that Act;
 - (i) an offence of causing or encouraging prostitution of a young person under section 23 of that Act.
- (2) Any of the following offences where the offence was committed against a child —
- (a) an offence of administering drugs to obtain or facilitate a sexual act under section 3 of the Sexual Offences Act 1992;
 - (b) an offence of assault with intent to commit buggery under section 11 of that Act;

- (c) an offence of indecent assault under section 13 of that Act;
 - (d) an offence of abduction by force under section 15 of that Act;
 - (e) an offence of detention of a person in a brothel under section 20 of that Act.
- (3) Any of the following offences in the cases described —
- (a) an offence under section 7 of that Act (incest) by having sexual intercourse with a child;
 - (b) an offence under section 9 of that Act by committing buggery with a child under the age of 16, except in a case where the offender was under the age of 20 at the time the offence was committed;
 - (c) an offence under section 19 of that Act (procurement of subnormal person) by procuring a child to have sexual intercourse.

SCHEDULE 4**PART 1 - INFORMATION TO BE PROVIDED DURING STAGE
1**

Regulations 27(a) and 31(2)(a)

Information about the prospective adopter

1. Name, sex, date and place of birth and address.
2. If the prospective adopter is married or has formed a civil partnership and is applying alone for an assessment of their suitability to adopt, the reasons for this.
3. Details of any previous family court proceedings in which the prospective adopter has been involved.
4. 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.
5. Name and address of the prospective adopter's registered medical practitioner.
6. If the prospective adopter —
 - (a) is married, the date and place of the 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.
7. Details of any previous marriage, civil partnership or relationship.
8. Whether the prospective adopter is domiciled or habitually resident in a part of the British Islands and if habitually resident for how long they have been habitually resident.

Information about the home etc of the prospective adopter

9. Details of other members of the prospective adopter's household (including any children of the prospective adopter whether or not resident in the household).

PART 2

Regulation 27(b)

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 any hereditary disease or disorder.
3. Infertility or reasons for deciding not to have children (if applicable).
4. Past health history, including details of —
 - (a) any serious physical or mental illness;
 - (b) disability;
 - (c) 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 adoption agency considers may assist the adoption panel and the adoption agency.

PART 3 - INFORMATION TO BE PROVIDED DURING STAGE 2

Regulation 31(1) and (2)(a)

Information about the prospective adopter

1. A photograph and physical description.
2. Racial origin and cultural and linguistic background.
3. Religious persuasion.
4. Relationship (if any) to the child.
5. A description of the prospective adopter's personality and interests.
6. A family tree with details of the prospective adopter, the prospective adopter's siblings and any children of the prospective adopter, with their ages (or ages at death).
7. A chronology of the prospective adopter from birth.
8. The observations of the prospective adopter about their own experience of being parented and how this has influenced them.
9. 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.

10. 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

11. 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 etc of the prospective adopter

12. Information about the prospective adopter's home and the neighbourhood in which the prospective adopter lives.
13. 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

14. Details of the prospective adopter's educational history and attainments and the prospective adopter's views about how this has influenced them.
15. Details of the prospective adopter's employment history and the observations of the prospective adopter about how this has influenced them.
16. The current employment of the prospective adopter and the prospective adopter's views about achieving a balance between employment and child care.

Income

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

Other information

18. 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.
19. 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.
20. The views of other members of the prospective adopter's household and wider family in relation to adoption.
21. Any other relevant information which might assist the adoption panel or the adoption agency.

SCHEDULE 5**ADOPTION PLACEMENT PLAN**

Regulation 40(2)

Contents of an adoption placement plan

1. Whether the child is 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 Department has decided to provide adoption support services for the adoptive family, how these will be provided and by whom.
7. The arrangements which the adoption 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 adoption 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.

ENDNOTES

Table of Endnote References

¹ The format of this legislation has been changed as provided for under section 75 of, and paragraph 2 of Schedule 1 to, the Legislation Act 2015. The changes have been approved by the Attorney General after consultation with the Clerk of Tynwald as required by section 76 of the Legislation Act 2015.