

Introduction to voluntary adoption agencies

A children's social care guide to registration

There are different types of adoption services, some of which must register with Ofsted. This guide explains in more detail what the law says anyone intending to open a voluntary adoption agency must do to in order to apply for registration.

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361

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Contents

Introduction	4
Registration	5
Inspection	6
Complaints and concerns about providers	6
Compliance and enforcement	7
Further information	7
Legislation	8

Introduction

This guide to registration provides information about what an applicant must understand and prove in order to become registered to provide a voluntary adoption agency.

Voluntary adoption agencies must meet a range of legal requirements; this includes a requirement to register with Ofsted. We also expect providers to show how they meet the national minimum standards for adoption services and the *Statutory guidance on adoption*.¹

If you want to apply to us to open a voluntary adoption agency, you should first read this guide as well as our *Guide to registration for children's social care services*, which sets out the process of registration for all children's social care providers.²

This guide explains in detail what a voluntary adoption agency is and what the law says in order to help you decide whether you need to register as a voluntary adoption agency provider.

What is adoption?

1. Adoption is a way of providing a new family for children who cannot be brought up by their own parents. It is a legal procedure in which all the parental responsibility is transferred to the adopters. An adoption agency can undertake the following activities:
 - recruit, assess, prepare and approve adopters
 - make adoption placements for children and match them with adopters who can best meet their assessed needs
 - support children in adoptive placements
 - provide support and help to adoptive parents to enable them to provide a stable and permanent home for children placed with them
 - provide support to birth parents and birth families.
2. You can find more about adoption and the laws that apply to adoption on the Department for Education website and the British Association for Adoption & Fostering website. Links to these websites are provided on page 8 of this guide.

¹ *Statutory guidance on adoption*, Department for Education, 2013; <https://www.gov.uk/government/publications/adoption-statutory-guidance-2013>.

² *Guide to registration for children's social care services* (090020), Ofsted, 2014; www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services.

Registration

3. We do not register individual adopters. Instead we register adoption organisations that approve adopters.
4. All voluntary adoption agencies must register with us before they can operate.³ It is an offence to run a voluntary adoption agency without registration. This helps to prevent unsuitable people from operating, managing or working within adoption services.
5. Managers of voluntary adoption agencies are not required to register with Ofsted, but every agency must tell us who the manager is and inform us of any changes to this. We have a specific registration form (SC3) that you can use to tell us of changes if you wish.
6. Voluntary adoption agencies can only have one principal office. They may have separate branches; these form part of the same registration and are listed on the same certificate. However, each branch requires a separate application. An application fee must be paid for the principal office and for each separate branch.
7. In order to register, anyone who wishes to open a voluntary adoption agency must demonstrate how they meet a number of legal requirements and the national minimum standards for adoption services.⁴ At the end of this guide we tell you where you can obtain copies of the relevant regulations and standards.
8. In summary, a voluntary adoption agency must have:
 - a registered provider and, where the provider is an organisation such as a company, a person known as a 'responsible individual' who represents the organisation to Ofsted⁵
 - a manager for the principal office
 - a manager for each branch where applicable
 - a statement of purpose that sets out the overall aims and objectives for the agency⁶ – the law sets out the information that this must contain
 - a complaints procedure including the address and telephone number of Ofsted

³ The Care Standards Act 2000, Part II, Section 11(1).

⁴ *Adoption: National minimum standards*, Department for Education, 2014; www.gov.uk/government/publications/adoption-national-minimum-standards
The Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003; www.legislation.gov.uk/uksi/2003/367/contents/made.

⁵ The Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003, Regulation 1(1); www.legislation.gov.uk/uksi/2003/367/contents/made.

⁶ The Voluntary Adoption Agencies and Adoption Agencies (Miscellaneous Amendments) Regulations 2003, Regulation 3(1), Schedule 1.

- a number of policies and procedures; these are set out in the national minimum standards for voluntary adoption agencies and local authority adoption services in England and Wales 2003.
- 9. There is more information on registration in the *Guide to registration for children's social care services* and in *Changes to children's social care services that are registered and/or inspected by Ofsted*.⁷
- 10. If you wish to add any further branches to a registration once an agency is registered, please refer to our guidance *Changes to children's social care services that are registered and/or inspected by Ofsted*.
- 11. Please note we have a separate guide about adoption support agencies. These have their own set of standards and regulations.

Inspection

- 12. We normally inspect all voluntary adoption agencies for the first time between seven and 12 months from the date of registration, unless there are no children placed by the agency. We inspect voluntary adoption agencies at least once in every three years.⁸ The principal office and any branches have an individual inspection and must each pay an annual fee. We also ask that all adoption agencies complete an annual adoption quality assurance and data form.⁹ We use this data to inform our inspections and to help us decide whether we need to inspect the adoption agency or service within the coming year's cycle, which is between 1 April and 31 March each year.
- 13. At inspection, inspectors will evaluate the outcomes for children. For more information please see *Adoption: inspections of voluntary adoption agencies: the framework and evaluation schedule and grade descriptors*.¹⁰ The evaluation schedule and the judgements made on inspection are underpinned by the regulations and the national minimum standards and are intended to test compliance and support improvement.

Complaints and concerns about providers

- 14. We may receive complaints or concerns about a voluntary adoption agency. When considering complaints we do not investigate the complaint. We do not

⁷ *Changes to children's social care services that are registered and/or inspected by Ofsted*, Ofsted, 2014; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted.

⁸ The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007, Regulation 19(1)(b); www.legislation.gov.uk/ukxi/2007/694/contents/made.

⁹ The quality assurance and data form can be found at www.ofsted.gov.uk/resources/adoption-agencies-dataset.

¹⁰ *Inspections of voluntary adoption agencies: the framework and evaluation schedule and grade descriptors* (130202), Ofsted, 2014; www.ofsted.gov.uk/resources/130202.

decide if complaints are upheld, partially upheld or unsubstantiated. Instead, we investigate concerns to make sure that the provider continues to meet the regulations and associated national minimum standards, and remains suitable for registration. Where it does not we may take compliance action (see section below).

15. For more information about how we deal with complaints about providers please see our guidance *Concerns and complaints about social care providers*.

Compliance and enforcement

16. Voluntary adoption agency providers must comply with the requirements of the regulations and meet the national minimum standards for adoption services.
17. We investigate all instances that suggest that a voluntary adoption agency is not complying with legislation. Where we find non-compliance we take action to ensure children's safety and compliance with the law. We have a range of powers we can use including cancelling a provider's registration or prosecuting for an offence.
18. Our *Social care compliance handbook* provides more information about this and is available on our website.

Further information

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

Ofsted
National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD.

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

For information about **changes to a registration** please see *Changes to children's social care services that are registered and / or inspected by Ofsted* at: www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted.

To **complain** about a registered social care provider please see *Concerns and complaints about social care providers* at: www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers.

To see how we **investigate** information and bring about **compliance** please see our *Social care compliance handbook* at:
www.ofsted.gov.uk/resources/140136.

If you want to find out more about adoption you can go to the Department for Education website www.education.gov.uk/childrenandyoungpeople/families/adoption or go to the British Association for Adoption & Fostering (BAAF) www.baaf.org.uk/info/firstq/index.shtml

Legislation

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

- The Care Standards Act 2000: legal definitions of all agencies and establishments we register; www.legislation.gov.uk/ukpga/2000/14/contents
- The Care Standards Act 2000 (Registration)(England) Regulations 2010; www.legislation.gov.uk/uksi/2010/2130/pdfs/uksi_20102130_en.pdf
- The Fees and Frequencies Regulations 2007; www.legislation.gov.uk/uksi/2007/694/contents/made
- The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002; www.legislation.gov.uk/uksi/2002/865/contents/made
- Link to the adoption legislation: www.education.gov.uk/childrenandyoungpeople/families/adoption

National minimum standards

In addition, voluntary adoption agencies must meet the national minimum standards, available at www.gov.uk/government/publications/adoption-national-minimum-standards.

Statutory guidance

Statutory guidance on adoption, this is available at www.gov.uk/government/publications/adoption-statutory-guidance-2013.