

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: ADOPTION AND CONTACT

Adoption

Section 4: Recruitment, assessment and approval of prospective adopters

58. This section inserts a new section 3A into the 2002 Act. Section 3 of that Act requires each local authority to maintain within their area an adoption service designed to meet the needs, in relation to adoption, of, and provide facilities for: children who may be adopted; their parents and guardians; persons wishing to adopt a child; and adopted persons, their parents, natural parents and former guardians. Local authorities may provide those facilities by securing their provision by other local authorities and registered adoption societies (defined in section 2(2) of the 2002 Act). Only local authorities and registered adoption societies may make arrangements for adoption (sections 92 and 94 of the 2002 Act).
59. The new section 3A provides a new power for the Secretary of State to direct one or more named local authorities in England, or one or more descriptions of local authority in England, to make arrangements for all or any of their functions in relation to the recruitment of persons as prospective adopters; the assessment of prospective adopters' suitability to adopt a child; and the approval of prospective adopters as suitable to adopt a child, to be carried out on their behalf by one or more other adoption agencies (other local authorities or voluntary adoption agencies).
60. The new section 3A also provides a new power for the Secretary of State to require, by order, all local authorities in England to make arrangements for all or any of their functions in relation to the recruitment of persons as prospective adopters; the assessment of prospective adopters' suitability to adopt a child; and the approval of prospective adopters as suitable to adopt a child, to be carried out on their behalf by one or more other adoption agencies (other local authorities or voluntary adoption agencies). Such an order is subject to the affirmative resolution procedure and cannot be made before 1 March 2015.