



Jersey

**REGULATION OF CARE (STANDARDS AND  
REQUIREMENTS) (JERSEY)  
REGULATIONS 2018**

**Official Consolidated Version**

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Jersey

## REGULATION OF CARE (STANDARDS AND REQUIREMENTS) (JERSEY) REGULATIONS 2018

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Jersey

## REGULATION OF CARE (STANDARDS AND REQUIREMENTS) (JERSEY) REGULATIONS 2018

THE STATES, in pursuance of Articles 9(1), 10, 11, 14, 16 and 30(3) of the [Regulation of Care \(Jersey\) Law 2014](#), and after having consulted the Health and Social Care Commission and in accordance with Article 14(9), have made the following Regulations –

Commencement [[see endnotes](#)]

### PART 1

#### INTRODUCTORY

#### 1 Interpretation

(1) In these Regulations –

“Adoption Panel” and “Panel” means the Adoption Panel established under Article 7 of the Adoption Law;

“barred list” means the children’s barred list or the adults’ barred list maintained under section 2 of the Safeguarding Vulnerable Groups Act 2006 (of Parliament) or any corresponding list maintained under an equivalent enactment in another jurisdiction;

“compulsory school age” is construed in accordance with Article 2 of the [Education \(Jersey\) Law 1999](#);

“disability” includes –

(a) a disability described in paragraph 8 (disability) of Schedule 1 (protected characteristics) to the Discrimination Law; and

(b) a “learning disability” or “mental disorder” as defined in the Mental Health Law;

“Discrimination Law” means the [Discrimination \(Jersey\) Law 2013](#);

“independent person” means a person appointed as such under Regulation 31(1);

“Law” means the [Regulation of Care \(Jersey\) Law 2014](#);

“personal plan” has the meaning assigned by Regulation 9(1);

“protected characteristics” is construed in accordance with Schedule 1 to the Discrimination Law;

“published standards” means the standards for compliance with requirements imposed under these Regulations published in accordance with Article 15 of the Law;

“relevant enactment” means an enactment in relation to children or young people;

“representative” means, in relation to a service user –

- (a) where the service user is aged 16 or over, any person nominated by the service user; or
- (b) where the service user is aged 16 or over but lacks capacity within the meaning of Article 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#), a person mentioned in Article 6(4) of that Law;
- (c) where the service user is under the age of 16, a person who has parental responsibility (within the meaning of the [Children \(Jersey\) Law 2002](#)) for the service user;

“service user” means any individual who receives or otherwise uses services provided in the carrying on of a regulated activity;

“Statement of Purpose” means the document referred to in Regulation 3(1)(c).<sup>1</sup>

- (2) Words and phrases defined in any part of Schedule 1 to the Law have the same respective meanings when used in these Regulations.<sup>2</sup>

## PART 2

### REGISTRATION

#### 2 Fitness criteria

- (1) A person is a fit person to be registered as the provider of, or a manager in relation to, a regulated activity if the person is –
  - (a) of good character;
  - (b) has the qualifications, skill, knowledge or experience necessary for providing or managing the regulated activity as the case may be; and
  - (c) is not taken to be unfit for such registration under paragraph (2) or, in the case of a person applying to be registered as a manager, paragraph (3).
- (2) A person is taken to be unfit to be registered as the provider of, or a manager in relation to, a regulated activity if the person –
  - (a) has been sentenced to a term of imprisonment (whether immediate or suspended and wherever imposed, provided that it was imposed for conduct that would be an offence in any part of the British Islands), without the option of paying a fine, for an offence that, in the reasonable opinion of the Commission, makes the person unsuitable to be so registered;
  - (b) is named on a barred list;
  - (c) has ever been declared bankrupt in Jersey or elsewhere; or
  - (d) is disqualified for holding office as a company director in Jersey or elsewhere.
- (3) A person is taken to be unfit to be registered as a manager in relation to, a regulated activity if the person –

- (a) is required by his or her terms of service as a manager to be registered with a professional body and does not hold that registration; or
  - (b) is not physically and mentally fit to manage the regulated activity.
- (4) In the case of a person that is a body corporate, the requirements of this Regulation apply in the case of every director, board member, trustee or other similar office holder of that body and a reference to “person” in this Regulation is a reference to each such person.

### **3 Conditions of registration: general**

- (1) The Commission must impose the following conditions upon the registration of a provider –
- (a) to have an address in Jersey;
  - (b) to supply the address of each location at which it provides a regulated activity;
  - (c) to submit a Statement of Purpose, namely a document that includes a description of services, including where and to whom they are provided, along with the provider’s aims and objectives, ethos and intended outcomes to –
    - (i) an inspector appointed by the Commission,
    - (ii) any person working in the service,
    - (iii) any service user and his or her representatives, and
    - (iv) any person involved in arranging care for a service user;
  - (d) to provide care only to a stipulated category or categories of service user;
  - (e) where the regulated activity is a care home service, to provide care only to a stipulated maximum number of service users at any one time –
    - (i) in terms of who may be accommodated in the home, and
    - (ii) where both nursing care and personal care or personal support are provided, in terms of who may be provided with nursing care and personal care or personal support;
  - (f) where the regulated activity is a care home service, children’s home service or residential family centre service, to provide care only –
    - (i) to a stipulated maximum number, or
    - (ii) to a stipulated category or categories,  
of service user at any one time who may be accommodated in particular rooms (which may vary depending on the type of care provided);
  - (g) where the regulated activity is a home care service, to provide care only up to a stipulated maximum number of hours, and where both nursing care and social care are provided, to provide care only up to a stipulated maximum number of hours relating to each type of care that may be provided;
  - (h) where the regulated activity is an adult day care service, a child contact centre service or care service in a special school, to provide care only to a stipulated maximum number of service users at any one time –
    - (i) in terms of who may be accommodated on the premises at any one time, and



- (ii) where both nursing care and social care are provided, in terms of for whom each type of care is provided;
  - (i) in relation to any regulated activity, to provide care only to service users of a stipulated age parameter;
  - (j) to conduct the regulated activity in accordance with the Statement of Purpose.<sup>3</sup>
- (1A) The Commission must impose the conditions set out in paragraph (1B) upon the registration of a provider of any of the following regulated activities where those activities are not provided by any Minister –
- (a) a social work service for children and young people;
  - (b) an independent monitoring and review service in respect of looked after children’s cases; and
  - (c) a children and young people’s mental health service.<sup>4</sup>
- (1B) The conditions referred to in paragraph (1A) are –
- (a) to provide care to a stipulated maximum number of service users; or
  - (b) to provide care to a stipulated category or categories of service users.<sup>5</sup>
- (2) It is a further condition of registration as a manager that the manager demonstrate to the satisfaction of the Commission that he or she has undertaken such training and continuing professional development so as to ensure that he or she maintains the experience and skills necessary to manage the regulated activity.
- (3) A registered person must pay the annual fee required by Article 9 of the Law by 31st January each year.

### 3A <sup>6</sup>

## 4 Conditions of registration: regulated activities at one or more premises

- (1) If the Commission has not given permission under Article 4(4) for a person to be the registered provider of a regulated activity carried out at more than one premises, the Commission must impose a condition of registration that the provider must ensure that no registered manager is the registered manager for more than one premises.
- (2) An individual who is a registered provider in relation to a regulated activity may also be the registered manager in relation to the carrying on of that activity provided that the regulated activity is carried on at only one premises.

## PART 3

### SERVICE REQUIREMENTS

## 5 Conduct of regulated activity

- (1) A registered person must ensure that the regulated activity is conducted so as to make proper provision for service users in respect of their health, safety and welfare and that the particular needs of each service user (whether as to education, treatment, supervision or otherwise) are identified and met.<sup>7</sup>

- (2) The registered manager must lead and manage the regulated activity in a way that is consistent with the Statement of Purpose.
- (3) Before making any decisions about a service user with respect to the matters mentioned in paragraph (1), a registered person must –
  - (a) consider the need to safeguard and promote the welfare of the service user; and
  - (b) as far as is practicable ascertain and have regard to the wishes and feelings of the service user or his or her representative.<sup>8</sup>
- (4) A registered person must ensure that the regulated activity is carried on in such a manner as to maintain good personal and professional relationships with both workers and service users.<sup>9</sup>

## 6 Openness and transparency

- (1) A registered person must, in relation to care and treatment provided to service users –
  - (a) act in an open and transparent way; and
  - (b) have due regard to service users' protected characteristics.<sup>10</sup>
- (2) A registered person must notify a service user or his or her representative of any unintended or unexpected serious incident affecting the service user's health or well-being and provide reasonable support to the service user in relation to the incident.<sup>11</sup>

## 7 Respect and involvement<sup>12</sup>

A registered person must make appropriate and adequate arrangements to –

- (a) ensure that service users are –
  - (i) treated with dignity and respect,
  - (ii) afforded privacy, and
  - (iii) enabled and supported to be as independent and autonomous as practicable having regard to their age, disability (if any) and capacity;
- (b) enable service users to make or participate in making decisions about their support, care or treatment which includes enabling and supporting those service users and, if applicable, their representatives –
  - (i) to understand the care or treatment choices available to the service user, and
  - (ii) to discuss, with a competent health care professional or other competent person, the balance of risks and benefits involved in any course of treatment;
- (c) enable service users to manage their own care or treatment where this is appropriate; and
- (d) enable the making of reasonable adjustments to facilitate the delivery of service users' care or treatment.

**8 Person-centred care<sup>13</sup>**

- (1) A registered person must ensure that the care and treatment of service users –
  - (a) is appropriate;
  - (b) meet service users' needs; and
  - (c) reflect service users' preferences.
- (2) Paragraph (1) does not apply to the extent that the provision of care or treatment would result in a breach of Regulation 9A.
- (3) The things which a registered person must do to comply with paragraph (1) include –
  - (a) carrying out, collaboratively with the service user and, if applicable, the service user's representative, an assessment of the needs and preferences for care and treatment of the service user;
  - (b) planning and delivering care or treatment with a view to achieving the service user's preferences and ensuring the service user's needs are met, including any educational or training needs;
  - (c) involving the service user and, if applicable, the service user's representative in decisions relating to the way in which the regulated activity is carried on in so far as it relates to the service user's care or treatment;
  - (d) making reasonable adjustments to enable the service user to receive care or treatment; and
  - (e) having due regard to good practice and in particular any guidance issued by an appropriate professional body.
- (4) A registered person must ensure that service users are protected against the risks of receiving inappropriate or unsafe care or treatment by –
  - (a) keeping under regular review service users' care, welfare, treatment, and health needs;
  - (b) having due regard to, and taking account of, any changes in service users' needs; and
  - (c) only providing care to service users if the care that the registered person is able to provide under the terms of the registered person's registration is suitable for the service user's needs and circumstances.
- (5) A registered person must –
  - (a) where service users are in receipt of care home services or children's home services –
    - (i) have in place arrangements for service users to receive any necessary health care and personal care, including access to general medical or dental services when so required, and
    - (ii) refer the service user to another person or agency to meet those needs where so required; and
  - (b) have in place procedures to deal with emergencies and mitigate the risks to service users arising from those emergencies.

## 9 Personal plans and care records<sup>14</sup>

- (1) A registered person must, in consultation with the service user or, if applicable, the service user's representative, prepare a written plan, known as the "personal plan", setting out how the service user's health, safety and welfare needs are to be met.
- (2) A registered person must, when preparing the personal plan, have due regard to the service user's age, disability (if any) and capacity.
- (3) The registered person must –
  - (a) give the service user access to the service user's personal plan;
  - (b) if the service user has a representative, give the service user's representative access to the personal plan but only if the registered person considers it appropriate to do so; and
  - (c) review and where appropriate revise the personal plan if requested to do so by the service user, or the service user's representative, and whenever there is a significant change in the service user's health, safety, welfare or support needs.
- (4) A registered person must prepare and maintain a care record that is sufficiently detailed, contemporaneous and relevant to ensure that a service user's health, safety and welfare needs, and circumstances, are properly documented, and this record must include –
  - (a) the personal plan together with the documentation relating to the assessment of the service user's needs; and
  - (b) a record of the care or treatment actually provided or delivered to the service user.<sup>15</sup>
- (5) The service user may access the service user's care record.
- (6) The service user's representative may, if the registered person considers it appropriate to do so, access the service user's care record.
- (7) Personal plans and care records must –
  - (a) be available at all times for inspection so as to enable the Commission to judge the effectiveness of the assessment, planning, delivery and evaluation of the care or support offered; and
  - (b) in the case of a service user who is under the age of 18, be retained for not less than 75 years.

### 9A Need for consent<sup>16</sup>

- (1) A registered person must only provide care and treatment to a service user with the consent of the service user or, if applicable, the service user's representative.
- (2) If the service user is aged 16 or over but lacks capacity within the meaning of Article 4 of the [Capacity and Self-Determination \(Jersey\) Law 2016](#) (the "2016 Law"), the registered person must, in providing care and treatment to the service user, act in accordance with the provisions of that Law.
- (3) However, if Part 6 (treatment requiring consent) of the Mental Health Law applies to a service user, the registered person must act in accordance with the provisions of that Law.
- (4) Nothing in this Regulation affects the operation of Article 8 (permitted acts in connection with care and treatment of persons lacking capacity) of the 2016 Law as

read with Article 9 (certain acts of restraint etc. which are not permitted) of that Law.

## 10 Health and safety<sup>17</sup>

A registered person must ensure that adequate arrangements are in place to protect the health and safety, including fire safety, of service users, workers and, where relevant, visitors to any place where the regulated activity is provided.

## 11 Safeguarding

- (1) A registered person must safeguard service users from harm or abuse, by –
  - (a) establishing, maintaining and adhering to a written policy in relation to the safeguarding of service users unless the registered person is an individual directly employed by, or personally in receipt of any reward from, the service user for the care provided;
  - (b) taking reasonable steps to identify risk of harm or abuse and prevent its occurrence;
  - (c) responding appropriately to any allegation of abuse or ill treatment whether of a physical or psychological nature;
  - (d) ensuring workers have adequate training in safeguarding;
  - (e) adhering to any guidance and policy endorsed by the Commission in respect of safeguarding;
  - (f) participating where required in any safeguarding investigations, including multi-agency safeguarding investigations;
  - (g) taking immediate action to prevent any worker who has harmed or poses a risk of harm to a service user from having contact with that or any other service user; and
  - (h) taking all reasonable steps to avoid having as a worker any person on the barred list or who has received a caution or conviction for an offence against a service user in Jersey, or in any other jurisdiction if the conduct would be an offence in Jersey had it taken place in Jersey.<sup>18</sup>
- (2) A registered person must share information with other registered persons, regulatory bodies and law enforcement agencies where to do so would assist in safeguarding service users from harm or abuse.<sup>19</sup>
- (3) For the purposes of this Regulation “abuse” means –
  - (a) any behaviour towards a service user that is –
    - (i) an offence under Part 10 (safeguarding: offences against those in receipt of care etc.) of the Mental Health Law, or
    - (ii) an offence under the [Sexual Offences \(Jersey\) Law 2018](#);
  - (b) theft, misuse or misappropriation of money or property belonging to a service user; or
  - (c) neglect of a service user.<sup>20</sup>

## 12 Cleanliness and infection control

- (1) Where premises are provided as part of the regulated activity the registered person must –
  - (a) maintain the premises clean and free from offensive odours;
  - (b) maintain appropriate standards of cleanliness and hygiene in relation to the premises, furnishings, sundries and equipment;
  - (c) make appropriate arrangements for the regular laundering of linen and clothing.
- (2) A registered person must protect service users, workers and other persons from exposure to health care associated infections by –
  - (a) having in place systems to assess the risk of, and detect and control the spread of infection, including having suitable arrangements for the handling and disposal of general and clinical waste;
  - (b) where necessary providing appropriate treatment and care for persons affected by a health care associated infection; and
  - (c) ensuring that workers are trained and provided with sufficient and appropriate personal protective equipment.<sup>21</sup>

## 13 Nutrition and hydration<sup>22</sup>

Where food and drink are provided as part of the regulated activity the registered person must provide –

- (a) sufficient quantities of food and drink to meet service users' needs;
- (b) food that is nutritious and suitable for the needs of the person consuming it, including the person's cultural or religious dietary requirements;
- (c) a variety and choice of food that is properly prepared and presented;
- (d) parenteral nutrition and dietary supplements when prescribed by a doctor or health care professional registered to engage in a registrable occupation;
- (e) support to enable service users to eat and drink sufficient amounts for their needs.

## 14 Management of medicines

- (1) A registered person must ensure that service users are supported so as to enable them, so far as it is practicable and safe to do so, to manage their own medication.<sup>23</sup>
- (2) A registered person must protect service users from the unsafe use and management of medicines, including by making appropriate arrangements for the safe handling, ordering, storage, security, administration, recording and disposal of medicines.<sup>24</sup>
- (3) The registered person must ensure that any worker involved in the dispensing and management of medicines has appropriate training.
- (4) Where equipment or medicines are supplied by the registered person, that person must ensure that there are sufficient quantities of them to ensure the safety of service users and to meet their needs.<sup>25</sup>

## 15 Shared responsibilities

- (1) Where responsibility for a service user's care is shared with or transferred to any other person or agency, a registered person must work collaboratively with that other person or agency so as to ensure the health, safety and welfare of the service user.<sup>26</sup>
- (2) For the purposes of paragraph (1), a registered person must request and share information relating to the service user with the other person or agency so as to ensure that, as far as practicable, the registered person receives sufficient information from that other person or agency about the service user.<sup>27</sup>
- (3) For the purposes of paragraph (2) a registered person must request and share information relating to the service user with the other person or agency so as to ensure as far as practicable, the registered person receives sufficient information from that other person or agency about the service user.<sup>28</sup>

## 16 Control and restraint

- (1) A registered person may control or restrain a service user only where it is lawful, not excessive and in the best interests of the service user to do so.<sup>29</sup>
- (2) A registered person must prepare and implement a policy ensuring that there are proper arrangements in place so that any use of control or restraint complies with paragraph (1).
- (3) A registered person must maintain a record of the date and circumstances of use of control or restraint on a service user and must notify the Commission immediately if the action taken does not comply with paragraph (1).<sup>30</sup>

## 17 Workers

- (1) A registered person must ensure that every worker in the regulated activity is a fit person to work there, and a person is a fit person if he or she is –
  - (a) suitably qualified, skilled, competent and experienced for the duties to which he or she is assigned;
  - (b) mentally and physically fit for those duties; and
  - (c) does not fall within paragraph (2) and is otherwise of integrity and good character.
- (2) A person is not a fit person if the person –
  - (a) has been sentenced to a term of imprisonment (whether immediate or suspended and wherever imposed, provided that it was imposed for conduct that would be an offence in any part of the British Islands), without the option of paying a fine, for an offence that makes the person unsuitable to work in that regulated activity;
  - (b) appears on the barred list or has been convicted of an offence against a service user in Jersey or in any other jurisdiction if the conduct would be an offence in Jersey had it taken place in Jersey.<sup>31</sup>
- (3) When determining the qualifications, skills and number of persons required to work in the regulated activity, the registered person must take into consideration –
  - (a) the size and nature of the regulated activity;
  - (b) the statement of aims, objectives and purposes of the regulated activity; and

- (c) the needs of the service users.<sup>32</sup>
- (4) The registered person must –
  - (a) ensure that at all times suitably qualified, skilled, competent and experienced people are working in the regulated activity in such numbers as are appropriate and sufficient to meet the needs and ensure the health, welfare and safety of service users;
  - (b) ensure that the employment of any person on a temporary basis will not prevent service users from receiving such continuity of care as is reasonable to meet their needs;
  - (c) ensure that workers receive appropriate training, professional development, supervision and appraisal to enable them to provide care and treatment to service users to a safe and appropriate standard;
  - (d) provide assistance and support to workers, including, where appropriate, time off work to obtain relevant qualifications and training;
  - (e) where relevant, support workers to maintain their registration with an appropriate regulatory or occupational body and, when required, provide that body with evidence of the worker's fitness to practise;
  - (f) have in place a disciplinary procedure that enables the registered person to take appropriate action with respect to workers where necessary to protect the safety or welfare of service users; and
  - (g) have in place a policy that enables workers to report concerns about the provision of the regulated activity to a senior manager or the Commission and afford such workers adequate protection from being disadvantaged as a result of making a report in compliance with the policy.<sup>33</sup>
- (5) The registered person must have in place and adhere to a recruitment policy, undertake such criminal records checks for workers as are appropriate for each worker's role and obtain and keep such information as would enable so far as practicable for the requirements of this Regulation to be met.
- (6) The registered person must maintain a record for each worker that includes the information mentioned in paragraph (5).

## 17A <sup>34</sup>

### 18 Premises and equipment

- (1) Where the regulated activity involves the provision of premises or equipment the registered provider must ensure they –
  - (a) are fit for purpose and properly and regularly maintained;
  - (b) are safe and suitable for the regulated activity;
  - (c) achieve the aims and objectives set out in the Statement of Purpose; and
  - (d) in the case of premises, meet the requirements of paragraph (2).<sup>35</sup>
- (2) The premises must –
  - (a) be located and be of such a design and layout as to meet the number and needs of service users;
  - (b) be designed to maximise and facilitate the privacy, dignity and independence of service users;



- (c) be of sound construction and kept in a good state of repair externally and internally;
  - (d) have adequate heating, lighting and ventilation; and
  - (e) be decorated and maintained to a standard appropriate for the regulated activity.<sup>36</sup>
- (3) Without limiting the generality of paragraph (1), a registered provider must –
- (a) ensure that the premises are furnished and equipped to a standard that is appropriate to the needs for the service user and in accordance his or her personal plan;
  - (b) where appropriate, provide adequate facilities, equipment, crockery, cutlery and utensils for service users to store and prepare their own food and ensure that these facilities are fit for use by service users;
  - (c) provide and maintain sufficient and suitable clinical, nursing or other equipment for the benefit of service users as is necessary to meet their health and personal needs;
  - (d) where appropriate provide adequate and suitable facilities for service users to wash, dry and iron their own clothes if they wish;
  - (e) ensure that there are provided at appropriate places sufficient numbers of WCs and wash basins, and baths and showers fitted with a hot and cold water supply;
  - (f) ensure that service users have access to a telephone on which to make and receive calls in private along with suitable access to other forms of communication technology;
  - (g) take adequate precautions against the risk of fire, including the provision of suitable fire safety equipment; and
  - (h) provide an adequate and safe means of escape from the premises in cases of emergency.<sup>37</sup>

## 19 Reviewing quality of service

- (1) A registered person other than an individual directly employed by, or personally in receipt of any reward from, the service user for the care provided, must establish a system for regular review and, if necessary, for improvement of the quality of care provided.<sup>38</sup>
- (2) In undertaking the review the registered person must –
  - (a) consult service users or their representatives, workers for the regulated activity and health and other professionals who serve the needs of service users; and
  - (b) take into account the outcome of any complaint or other investigation into the conduct of the regulated activity.<sup>39</sup>
- (3) A registered person must publish a report on any review carried out under this Regulation and ensure that it is made available to service users, their representatives, the Commission and any other person who requests it.<sup>40</sup>
- (4) Where the registered provider –
  - (a) is not the registered manager; and
  - (b) is not a registered person to whom Regulation 80 applies,

the registered provider must arrange for a representative to report monthly on the quality of the care provided and compliance with the registration requirements under the Law and these Regulations.<sup>41</sup>

- (5) Reports compiled under paragraph (4) must be provided to the registered person and be available for inspection by the Commission.

## **PART 4**

### **GENERAL REQUIREMENTS**

#### **20 Provision of updated information and review of Statement of Purpose**

- (1) A registered person must inform the Commission of any changes to the information supplied when the person applied to be registered or to that information as subsequently updated by virtue of this Regulation.
- (2) The information provided under paragraph (1) may be provided to the Commission by way of an annual return and where there has been no such change the registered person must submit a return so advising the Commission.
- (3) A registered provider must keep the Statement of Purpose under review and revise it where appropriate to do so.
- (4) Where the Statement of Purpose has been revised, the registered provider must notify the Commission of the revision within 28 days.

#### **21 Notification of incidents, accidents and other events<sup>42</sup>**

A registered person must notify the Commission of such incidents, accidents or other events that have posed or may pose a risk of harm to service users as the Commission may specify in such manner as the Commission may specify.

#### **22 Complaints and representations<sup>43</sup>**

- (1) A registered person must establish a written procedure for identifying, receiving, investigating and considering complaints or representations made by or on behalf of service users.
- (2) The procedure must, in particular, provide –
  - (a) for an opportunity for informal resolution of a complaint at an early stage;
  - (b) that no individual who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only;
  - (c) for dealing with complaints about the registered person;
  - (d) for complaints to be made by a person acting on behalf of a service user; and
  - (e) for the procedure to be made known to –
    - (i) service users and, where appropriate, their representatives, and
    - (ii) persons working for, or on behalf of, the registered person.
- (3) The registered person must supply a copy of the procedure if requested by a person mentioned in paragraph (2).

- (4) The registered person must ensure that a written record is made of any complaint or representation, the action taken in response to it, and the outcome of the investigation.
- (5) The registered person must, on request, supply the Commission with a statement containing a summary of any complaints made during the preceding 12 months and the action taken in response.
- (6) In this Regulation –
  - “complaint” means a statement in writing (including in electronic form) expressing dissatisfaction or disquiet about an act done by or on behalf of the registered person in relation to a service user;
  - “representation” may include a complaint, or may be a statement, enquiry or comment which requires a response.

### **23 Service records**

- (1) A registered person must establish and maintain such records applicable to the regulated activity (“service records”) to evidence compliance with the requirements of these Regulations and any other applicable statutory requirements.
- (2) The service records must be kept in a secure place and be available for inspection by the Commission at any time.
- (3) Service records must be kept for at least 5 years –
  - (a) if the record relates to a service user, from when the service user was last provided care by the registered person;
  - (b) if the record relates to a worker, from when the worker last worked for the registered person;
  - (c) in any other case, from the last entry made in the record.<sup>44</sup>

### **24 Financial viability**

- (1) A registered provider must carry on the regulated activity in such a way to ensure that it is financially viable and able to meet the aims and objectives set out in any Statement of Purpose and the requirements of the Law and these Regulations.
- (2) A registered provider must in particular –
  - (a) maintain detailed accounts and provide certificated copies of them to the Commission every year; and
  - (b) demonstrate to the Commission that the regulated activity has adequate insurance cover.
- (3) The registered provider must notify the Commission of any substantial and imminent risk to the viability of the regulated activity and provide such relevant information as the Commission may require.
- (4) This Regulation does not apply to a regulated activity operated by a Department of the States or by a registered person who is an individual directly employed by, or personally in receipt of any reward from, the service user for the care provided.<sup>45</sup>

## 25 Charges

- (1) A registered person must publish its scale of charges for the regulated activity, including any additional charges not covered by the scale.
- (2) Paragraph (1) does not apply to a regulated activity operated by a registered person who is an individual directly employed by, or personally in receipt of any reward from, the service user for the care provided.<sup>46</sup>
- (3) However, that individual must when requested to do so by the Commission provide the Commission with information about the charges made to service users.<sup>47</sup>

## 26 Commissioned services

- (1) Where care services are commissioned by the States, an administration of the States or other public agency the registered person must ensure that the contractual arrangement with the commissioning body includes a detailed specification of the requirements of that service.
- (2) In particular the contract must set out how the registered person can raise concerns about any deficits in care or risks to service users –
  - (a) that relate to an insufficiency in the amount or type of care provided or an inability to meet the terms of the contract to deliver the personal plan; and
  - (b) in the case of a home care service, that relate to the environment, lack of equipment or other limitations.<sup>48</sup>
- (3) Where the registered person becomes aware of any of the concerns mentioned in paragraph (2) the registered person must notify them to the Commission as well as to the commissioning body.

## 27 Absence of manager

- (1) For a regulated activity to continue to be carried on lawfully during the absence of the registered manager, the registered person must notify the Commission in writing whenever the registered manager intends to be absent from the regulated activity for a continuous period of 28 days or more.
- (2) The notice must be given not later than 30 days before the start of the intended absence and must give details of –
  - (a) the length or expected length of the absence;
  - (b) the reason for the absence;
  - (c) the arrangements that have been made for running the regulated activity during that absence; and
  - (d) the name, address and qualifications of the person who will be responsible for the regulated activity during the absence.
- (3) However, if the absence arises unexpectedly notice giving the details required by paragraph (2) may be provided to the Commission within a week of the start of the absence.
- (4) Where a registered manager has left or intends to leave the regulated activity the registered provider must inform the Commission within a week of the manager's departure of –
  - (a) the arrangements that have been made for the running of the regulated activity until a replacement registered manager is appointed;

- (b) the name, address and qualifications of the person who will be responsible for the regulated activity until a replacement registered manager is appointed;
  - (c) the arrangements that have been made to appoint a new registered manager; and
  - (d) the proposed date by which the appointment is expected to have been made.
- (5) Where the regulated activity is a home care service provided by a registered person who is an individual directly employed by, or personally in receipt of any reward from, the service user for the home care service provided, that registered person must inform the Commission of his or her planned or unplanned absence and the arrangements that have been put in place to ensure that the service user's needs continue to be met during the absence.<sup>49</sup>
- (6) If a registered manager is intended to be absent for more than 12 weeks the Commission may require the registered provider to have another registered manager covering the role until the first registered manager returns or is replaced on a permanent basis.

## **PART 5<sup>50</sup>**

### **CHILDREN'S HOME SERVICE AND SUPPORT SERVICES**

#### **28 Education, employment and leisure activity<sup>51</sup>**

- (1) Where the regulated activity is a children's home service, or a child is provided with a home care service and is not living with a parent, the registered person must ensure that proper provision is made for the education and leisure of any child who is a service user.
- (2) In particular, the registered person must promote the child's educational attainment by –
- (a) implementing a procedure for monitoring educational achievement, progress and school attendance;
  - (b) promoting regular school attendance and participation in school activities;
  - (c) providing the child with any information and assistance, including equipment, that may be necessary to meet the child's educational needs;
  - (d) making provision and providing opportunities for private independent study;
  - (e) maintaining effective links with schools;
  - (f) facilitating and encouraging leisure interest and activities; and
  - (g) where a child is over compulsory school age, assisting and supporting the child with further education, training or employment.

#### **29 Behaviour management, discipline and restraint**

- (1) A registered person must ensure that no child who is a service user is subject to any of the following as a disciplinary measure –
- (a) any form of corporal punishment;
  - (b) any deprivation of food or drink;

- (c) any restriction on contact with, or visits to, or from friends, parents or other relatives other than in accordance with a court order or as may be agreed within the child's personal plan;
  - (d) any restriction on contact with or visits to or from his or her solicitor, appointed guardian, assigned social worker, independent person, inspector authorized by the Commission or any other authorized or appointed person, whether or not the person's authority derives from any enactment.<sup>52</sup>
- (2) Where the regulated activity is a children's home service, the registered person must prepare, implement, review and, where necessary, revise a behavioural management policy, which includes –
- (a) the measures to be taken to prevent a child from going missing from the children's home; and
  - (b) the procedure to be followed when a child is missing from the children's home unexpectedly or without permission.<sup>53</sup>
- (3) The behavioural management policy must be agreed with the States of Jersey Police Force.<sup>54</sup>

### **30 Appointment of independent persons**

- (1) A registered provider must appoint, at the registered provider's expense, a person (the "independent person") to visit the premises of the children's home and report on the children's home service that the registered provider carries on at the children's home.<sup>55</sup>
- (2) If the registered provider carries on more than one children's home service, the registered provider may appoint the same person as the independent person for all or any of those children's home services.<sup>56</sup>
- (3) Subject to paragraphs (4) and (5), the registered provider may not appoint the following as an independent person –
- (a) if the registered provider is a Department or agency of the States, a person who is employed by that Department or agency in connection with the provision of a social work service for children and young people;
  - (b) if the registered provider is not a Department or agency of the States, a person who has a financial interest in the registered provider or receives any payment from the registered provider in connection with the provision of services to the registered provider (other than for services as an independent person);
  - (c) a person involved in preparing the personal plan of any child placed at the children's home, or a person responsible for managing or supervising that person;
  - (d) a person responsible for commissioning or financing services provided by the children's home service;
  - (e) a person with a financial interest in the children's home service; or
  - (f) a person who has, or has had, a connection with –
    - (i) the registered person,
    - (ii) a person working at the children's home, or
    - (iii) a child,

which the registered provider considers to give rise to doubts about that person's impartiality (for the purposes of producing the independent person's report under Regulation 31(4)).<sup>57</sup>

- (4) A worker for the registered provider is not, by reason only of that employment, disqualified under paragraph (3)(a), (b) or (f) for appointment as an independent person if the worker is employed solely to examine and scrutinise critically –
  - (a) the way that a children's home service is carried on or managed; and
  - (b) the quality of care provided for children.<sup>58</sup>
- (5) If the registered provider is a Department or agency of the States, a person appointed by that Department or agency as an independent reviewing officer is not, by reason only of that appointment, disqualified under paragraph (3)(a), (c) or (f) for appointment as an independent person in relation to a children's home service carried on by that Department or agency.<sup>59</sup>
- (6) The independent person must declare any actual or potential conflict of interest (whether of the type mentioned in paragraph (3) or otherwise) to the registered provider without delay and, if reasonably practicable, before conducting a visit to the children's home service under Regulation 31.<sup>60</sup>
- (7) If the registered provider becomes aware of a potential conflict of interest in relation to the independent person before or during the independent person visiting the children's home service under Regulation 31, the registered provider must –
  - (a) make arrangements to cancel the visit without delay; and
  - (b) appoint a different independent person to visit the children's home service.<sup>61</sup>

### **31 Independent person: visits and reports**

- (1) The registered person must ensure that an independent person visits the children's home service at least once each month.<sup>62</sup>
- (2) When the independent person is carrying out a visit, the registered person must help the independent person –
  - (a) to interview in private such of the children, their parents, relatives and persons working at the premises of the children's home as the independent person requires, provided that the interviewee consents to the interview; and
  - (b) to inspect the premises of the children's home and such of the home's records (except for a child's case records, unless the child and the Minister consent) as the independent person requires.<sup>63</sup>
- (3) A visit by the independent person to the premises of the children's home may be unannounced.<sup>64</sup>
- (4) The independent person must produce a report about a visit (the "independent person's report") which sets out, in particular, the independent person's opinion as to whether –
  - (a) children are effectively safeguarded; and
  - (b) the conduct of the children's home service promotes the children's well-being.<sup>65</sup>
- (5) The independent person's report may recommend actions that the registered person may take in relation to the home and timescales within which the registered person must consider whether or not to take those actions.

- (6) If the independent person becomes aware of a potential conflict of interest (whether under Regulation 30(3) or otherwise) after a visit to the premises of the children's home, the independent person must include in the independent person's report –
  - (a) details of the conflict of interest; and
  - (b) the reasons why the independent person did not notify the registered provider of the conflict of interest before the visit.<sup>66</sup>
- (7) The independent person must provide a copy of the independent person's report to the Commission, the Minister, the registered provider and, if applicable, the registered manager.
- (8) In this Regulation "Minister" means the Minister for Children and Families.<sup>67</sup>

## **PART 6<sup>68</sup>**

### **ADOPTION SERVICE**

#### **32 Application and interpretation of Part**

- (1) This Part applies where the regulated activity is an adoption service.
- (2) Regulations 35 to 42 apply in respect of a child that the adoption service is considering placing for adoption.
- (3) Regulations 43 to 48 apply in respect of a prospective adopter that the adoption service is considering may be suitable to adopt a child.
- (4) Regulations 49 to 59 apply in respect of a prospective adopter that the adoption service has decided may be suitable to adopt a child.
- (5) In this Part and Schedules 1 to 3, words or expressions not otherwise defined in the Law or in Regulation 1 have the same definitions as given in the Adoption Law or Children Law, as the case may be, and –
  - "child's permanence report" is construed in accordance with Regulation 41;
  - "medical adviser" is construed in accordance with Regulation 33;
  - "proposed placement" is construed in accordance with Regulation 54;
  - "prospective adopter's assessment plan" is construed in accordance with Regulation 49;
  - "prospective adopter's matching plan" is construed in accordance with Regulation 53;
  - "prospective adopter's plan" is construed in accordance with Regulation 43;
  - "prospective adopter's report" is construed in accordance with Regulation 50;
  - "prospective adopter's review report" is construed in accordance with Regulation 52.

#### **33 Requirement to appoint a medical adviser**

- (1) For the purpose of securing the matters set out in Article 14(2)(b) of the Law, the registered person must appoint at least one doctor to be the adoption service's medical adviser.



- (2) The medical adviser must be consulted in relation to the arrangements for access to, and disclosure of, health information which is required or permitted under any enactment (including these Regulations).

### **34 Requirement to prepare written policy and procedures**

- (1) For the purposes of Article 14(3)(a) of the Law, the registered person must, in consultation with the Adoption Panel and medical adviser (or advisers, if more than one) appointed under Regulation 33, prepare and implement written policy and procedural instructions governing the exercise of the functions of the adoption service and Adoption Panel in relation to adoption.
- (2) The instructions must be kept under review and, where appropriate, revised by the registered person in consultation with the Adoption Panel and medical adviser (or advisers).

### **35 Requirement to set up child's adoption case record**

- (1) For the purposes of Article 14(3)(a) and (f) of the Law, the registered person must set up a case record in respect of a child that the adoption service is or was considering placing for adoption.
- (2) The registered person must place the following on the case record –
  - (a) information and reports obtained or prepared by the adoption service in the discharge of its functions;
  - (b) the child's permanence report;
  - (c) where applicable, the written record of the proceedings of the Adoption Panel, its recommendation and the reasons for its recommendation and any advice given by the Adoption Panel to the adoption service;
  - (d) the record of the adoption service's decision under Article 3 (welfare of child to be paramount) of the Adoption Law in relation to the proposed adoption of the child and any notification given of that decision;
  - (e) a copy of any document signifying or evidencing the agreement to adoption of a child aged 14 or over, for the purposes of Article 3A (agreement of child having sufficient understanding) of the Adoption Law;
  - (f) a copy of any document signifying or evidencing agreement to the making of an adoption order for the purposes of Article 10A (consent of spouse or civil partner of adoptive parent) of the Adoption Law;
  - (g) a copy of any document signifying consent to the making of an adoption order for the purposes of Article 14 (evidence of consent of parent or guardian) of the Adoption Law;
  - (h) a copy of any order made under Article 12 (freeing for adoption) of the Adoption Law;
  - (i) a copy of any notice given by the Minister or former parent under Article 12A (progress reports to former parents) of the Adoption Law;
  - (j) a copy of any order made under Article 12B (revocation of Article 12 order) of the Adoption Law;
  - (k) details of any prospective adopters for the child identified under Regulation 36; and

- (l) having regard to any published standards, any other documents or information obtained by the adoption service which the registered person considers should be included in the child's case record.

### **36 Requirement to identify potential prospective adopters**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must, in respect of a child –
  - (a) seek to identify prospective adopters who may be suitable to adopt the child;
  - (b) seek to identify, if and as soon as reasonably practicable, a particular prospective adopter with whom the adoption service proposes the child is placed; and
  - (c) where the adoption service is considering adoption for 2 or more siblings, seek to identify prospective adopters who may be suitable to adopt 2 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 registered person must cause an assessment to be carried out of the ability of the prospective adopter to meet the needs of the child throughout childhood.

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

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must, so far as is reasonably practicable, in respect of a child –
  - (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 that child with appropriate written information about these matters; and
  - (c) ascertain, having regard to the child's age and understanding, the child's wishes and feelings regarding –
    - (i) the child's adoption,
    - (ii) the possibility of placement for adoption with a new family,
    - (iii) the child's religious persuasion, racial origin, and cultural and linguistic background, and
    - (iv) contact with the child's parent or guardian or other relative or with any other individual the adoption service considers relevant.
- (3) Paragraph (2) does not apply if the registered person is satisfied that the requirements of that paragraph have been carried out in respect of the child by an equivalent adoption service in another jurisdiction.

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

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must, so far as is reasonably practicable, in respect of a child –
  - (a) provide a counselling service for the parent or guardian of the child; and
  - (b) explain to that parent or guardian, and provide appropriate written information about –
    - (i) the procedure in relation to both placement for adoption and adoption, and
    - (ii) 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 adoption service considers relevant, regarding –
    - (i) the child,
    - (ii) the placement of the child for adoption and subsequent adoption, including any wishes and feelings about the child’s religious persuasion, racial origin, and cultural and linguistic background, and
    - (iii) contact with the child if the child is placed for adoption or adopted.
- (3) Paragraph (2) does not apply if the registered person is satisfied that the requirements of that paragraph have been carried out in respect of the parent or guardian, and any other person the registered person considers relevant, by an equivalent adoption service in another jurisdiction.
- (4) Paragraph (5) applies where –
  - (a) the father of the child does not have parental responsibility for the child; and
  - (b) the father’s identity is known to the adoption service.
- (5) Where the father of the child meets the description in paragraph (4), and the registered person is satisfied it is appropriate to do so, the registered person must –
  - (a) carry out in respect of the father the requirements of paragraph (2) as if they applied to him; and
  - (b) ascertain so far as possible whether the father –
    - (i) wishes to acquire parental responsibility for the child under Article 5 of the Children Law, or
    - (ii) intends to apply for a residence order or a contact order with respect to the child under Article 10 of the Children Law.

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

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must, in respect of a child –

- (a) obtain, so far as is reasonably practicable, the information about the child specified in Part 1 of Schedule 1;
  - (b) arrange for the examination of the child by a registered medical practitioner;
  - (c) obtain from that practitioner a written report (“the child’s health report”) on the state of the child’s health which must 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 adoption service has received advice from its medical adviser that an examination and report are unnecessary; and
  - (d) arrange for any other medical or psychiatric examinations or tests of the child as are recommended by the medical adviser and obtain written reports in respect of those examinations and tests.
- (3) However, paragraph (2)(b) and (d) does not apply if the child is of sufficient understanding to make an informed decision and refuses to submit to the examinations or tests.

#### **40 Requirement to obtain information about the child’s family**

- (1) This Regulation applies for the purposes of –
- (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must, in respect of a child, obtain so far as is reasonably practicable information about –
- (a) the child’s family as specified in Part 3 of Schedule 1; and
  - (b) the health of each of the child’s natural parents and of the child’s brothers or sisters, if any, of the full blood or half -blood, specified in Part 4 of Schedule 1.

#### **41 Requirement to prepare child’s permanence report**

- (1) This Regulation applies for the purposes of –
- (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) and (h) of the Law.
- (2) The registered person must, in respect of a child –
- (a) prepare a written report (“the child’s permanence report”) to include the information specified in paragraph (3); and
  - (b) provide the child’s permanence report to the Adoption Panel for the purposes of the Panel’s consideration of the question of the child’s proposed adoption.
- (3) The information referred to in paragraph (2)(a) is as follows –
- (a) information about the child and the child’s family, as specified in Parts 1 and 3 of Schedule 1;
  - (b) a written summary by the medical adviser, of the state of the child’s health as at the date of the report, health history and any known need for health care which might arise in the future;
  - (c) the wishes and feelings of the child regarding the matters ascertained under Regulation 37(2)(c);

- (d) the wishes and feelings of the child's parent or guardian, and, where Regulation 38(5)(a) applies, the child's father, and any other person the registered person considers relevant, regarding the matters ascertained under Regulation 38(2)(c);
- (e) the views of the adoption service about the child's need for contact with the child's parent or guardian or other relative or with any other person the adoption service considers relevant and the arrangements the service proposes to make for allowing any person contact with the child;
- (f) an assessment of the child's emotional and behavioural development and any related needs;
- (g) an assessment of the parenting capacity of the child's parent or guardian and, where Regulation 38(5)(a) applies, the child's father;
- (h) a chronology of the decisions and actions taken by the adoption service with respect to the child;
- (i) an analysis of the options for the future care of the child which have been considered by the adoption service and why placement for adoption is considered the preferred option; and
- (j) any other information which the adoption service considers relevant.

#### **42 Requirement to consider Adoption Panel's recommendation**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must –
  - (a) ensure that the adoption service gives consideration to –
    - (i) the recommendation of the Adoption Panel in coming to a decision about whether the child should be placed for adoption, and
    - (ii) any advice given by the Adoption Panel as to the arrangements the adoption service should make for allowing any person contact with the child once that child is placed for adoption;
  - (b) ensure that no member of the Adoption Panel takes part in any decision made by the adoption service; and
  - (c) if their whereabouts are known to the adoption service, notify in writing the parent or guardian and, where Regulation 38(4) applies and the agency considers it is appropriate, the father of the child of its decision.

#### **43 Requirement to prepare prospective adopter's plan**

For the purposes of Article 14(2) and (3) of the Law, the registered person must, in consultation with the prospective adopter, prepare a written plan which must include –

- (a) information about the counselling, information and preparation for adoption to be provided under Regulation 45;
- (b) an explanation of the procedure for carrying out police checks under Regulation 46;
- (c) details of any training that the prospective adopter has agreed to undertake;

- (d) information about the role of the prospective adopter in the adoption process;
- (e) any applicable timescales;
- (f) information about the process for making a representation or complaint; and
- (g) any other information that the adoption service considers relevant.

#### **44 Requirement to set up prospective adopter's case record**

- (1) For the purposes of Article 14(3)(a) and (f) of the Law, the registered person must set up a case record in respect of a prospective adopter, and place on that case record –
  - (a) the prospective adopter's plan;
  - (b) the enhanced criminal record certificate referred to in Regulation 46 and information and reports referred to in Regulation 47;
  - (c) the prospective adopter's 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, its recommendation, the reasons for the recommendation and any advice given by the Panel to the adoption service;
  - (f) the record of any of the adoption service's decisions referred to in Regulation 51(6);
  - (g) where applicable, the prospective adopter's review report and the prospective adopter's observations on that report;
  - (h) the prospective adopter's matching plan; and
  - (i) any other documents or information obtained by the adoption service which the registered person considers should be included in that case record.
- (2) The registered person may ask the prospective adopter to provide any further information which the adoption service may reasonably require.

#### **45 Requirement to provide counselling, information and preparation for adoption**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(a), (b) and (c) of the Law; and
  - (b) Article 14(3)(a) and (h) of the Law.
- (2) The registered person must, in respect of a prospective adopter –
  - (a) provide a counselling service for the prospective adopter;
  - (b) in a prospective overseas adoption case, explain to the prospective adopter, and provide written information about, the procedure in relation to, and the legal implications of, adopting a child from the country from which the prospective adopter wishes to adopt;
  - (c) in any other case, explain to the prospective adopter, and provide written information about, the procedure in relation to, and the legal implications of, placement for adoption and adoption;
  - (d) provide the prospective adopter with any information and training materials relating to adopting a child; and

- (e) make arrangements for the prospective adopter to receive any preparation for adoption as the adoption service considers appropriate.
- (3) In paragraph (2)(e) “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 service;
  - (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 to be placed for adoption or is adopted;
  - (d) the skills which are necessary for an adoptive parent;
  - (e) the adoption service’s procedures in relation to the assessment of a prospective adopter and the placement of a child for adoption; and
  - (f) the procedures in relation to placement for adoption and adoption.

#### **46 Requirement to carry out police checks**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must, in respect of a prospective adopter and any other member of the prospective adopter’s household who is aged 18 or over, obtain an enhanced criminal record certificate issued under section 113B of the Police Act 1997 of the United Kingdom as extended to Jersey, with modifications, by the Police Act 1997 (Criminal Records) (Jersey) Order 2010 (S.I. 2010/765 of the United Kingdom).
- (3) The registered person must ensure that no prospective adopter is considered as suitable to adopt a child if the prospective adopter or any member of the prospective adopter’s household who is aged 18 or over has been convicted of a specified offence committed at the age of 18 or over.
- (4) In paragraph (3) “specified offence” means an offence listed in paragraph 2 of Schedule 4 (disqualification for caring for children) to the Children Law.
- (5) Where the registered person becomes aware that a prospective adopter or a member of the prospective adopter’s household has been convicted of an offence referred to in paragraph (3), the registered person must notify the prospective adopter as soon as possible in writing that they cannot be considered suitable to adopt a child.

#### **47 Requirement to obtain information in respect of prospective adopter**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must obtain, in respect of a prospective adopter –
  - (a) the information specified in Part 1 of Schedule 2;
  - (b) 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 2 unless the adoption service has

received advice from its medical adviser that an examination and report are unnecessary;

- (c) a written report of any interviews held with the persons nominated by the prospective adopter to provide personal references for the prospective adopter; and
- (d) if the adoption service considers it necessary, a personal reference from the prospective adopter's former spouse, civil partner, or partner.

#### **48 Requirements in respect of adoption service's preliminary decision as to prospective adopter's suitability**

- (1) This Regulation applies for the purposes of Article 14(3)(a), (f) and (h) of the Law.
- (2) The registered person must, in respect of a prospective adopter –
  - (a) ensure that the adoption service takes full account of the information obtained under Regulations 46 and 47, and that a timely decision is made as to whether the prospective adopter –
    - (i) may be suitable to adopt a child, or
    - (ii) is not suitable to adopt a child;
  - (b) ensure that a record is kept of the decision under sub-paragraph (2)(a);
  - (c) where the adoption service decides that the prospective adopter may be suitable to adopt a child –
    - (i) as soon as practicable, notify the prospective adopter in writing of the adoption service's decision, and
    - (ii) explain to the prospective adopter that if they wish to continue with the assessment process they must, within 6 months of the date on which the notification is given under clause (i), notify the adoption service of that wish; and
  - (d) where the adoption service decides that the prospective adopter is not suitable to adopt a child, notify the prospective adopter as soon as possible in writing of the adoption service's decision together with reasons for the adoption service's decision.

#### **49 Requirements in respect of prospective adopter's assessment plan**

For the purposes of Article 14(3)(a) and (h) of the Law, the registered person must, in consultation with a prospective adopter, prepare a written 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 to the adoption service;
- (g) any other matters which the adoption service considers relevant.

## **50 Requirements in respect of prospective adopter's report**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) and (h) of the Law.
- (2) The registered person must, in respect of a prospective adopter –
  - (a) obtain the information about the prospective adopter specified in Part 3 of Schedule 2;
  - (b) prepare a written report (the “prospective adopter’s report”) which includes –
    - (i) the information about the prospective adopter and the prospective adopter’s family specified in Parts 1 and 3 of Schedule 2,
    - (ii) a summary, written by the medical adviser, of the state of health of the prospective adopter,
    - (iii) the result of the enhanced criminal record certificate referred to in Regulation 46 and the information and reports required under Article 47,
    - (iv) the adoption service’s assessment of the prospective adopter’s suitability to adopt,
    - (v) in an overseas adoption case –
      - (A) the name of the country from which the prospective adopter wishes to adopt a child (“country of origin”),
      - (B) confirmation that the prospective adopter meets the eligibility requirements to adopt from the country of origin,
      - (C) any additional information obtained as a consequence of the requirements of the country of origin, and
      - (D) the adoption service’s assessment of the prospective adopter’s suitability to adopt a child whose country of origin is outside the British Islands, and
    - (vi) any other information which the adoption service considers relevant;
  - (c) where applicable, notify the prospective adopter that the prospective adopter’s application is to be referred to the Adoption Panel;
  - (d) give the prospective adopter a copy of the prospective adopter’s report;
  - (e) where notification is given under sub-paragraph (c), invite the prospective adopter to send any observations in writing to the adoption service within 5 working days, beginning with the date on which the notification is given; and
  - (f) explain to the prospective adopter that the adoption service may, in exceptional circumstances, extend the timescale referred to in sub-paragraph (e).

- (3) At the end of the 5 working days referred to in paragraph (2)(e) (or, where that timescale is extended by the adoption service, as soon as possible after the prospective adopter's observations are received) the registered person must decide whether or not to refer the case to an Adoption Panel and, if the case is referred to an Adoption Panel, the registered person must send to the Adoption Panel –
  - (a) the prospective adopter's report and the prospective adopter's observations if any;
  - (b) the written reports and references referred to in Regulation 47(2)(b) to (d) but, in the case of reports obtained in accordance with Regulation 47(2)(b), only if the medical adviser so advises; and
  - (c) any other relevant information obtained by the registered person.
- (4) The registered person must –
  - (a) obtain, so far as is reasonably practicable, any other relevant information which may be required by the Adoption Panel; and
  - (b) send that information to the Adoption Panel.

## **51 Requirements in respect of adoption service's final decision as to prospective adopter's suitability**

- (1) This Regulation applies for the purposes of Article 14(3)(a), (f) and (h) of the Law.
- (2) The registered person must, in respect of a prospective adopter –
  - (a) ensure that the adoption service takes into account the recommendation of the Adoption Panel in coming to a decision about whether the prospective adopter is suitable to adopt a child;
  - (b) ensure that no member of the Adoption Panel takes any part in that decision;
  - (c) where the adoption service decides to approve the prospective adopter as suitable to adopt a child, notify the prospective adopter in writing of that decision; and
  - (d) where the adoption service considers that the prospective adopter is not suitable to adopt a child –
    - (i) notify the prospective adopter in writing that the adoption service declines to approve the prospective adopter as suitable to adopt a child,
    - (ii) send with that notification the adoption service's reasons together with a copy of the Adoption Panel's recommendation if that recommendation is different, and
    - (iii) advise the prospective adopter that within 40 working days beginning with the date on which the notification was given under clause (ii), the prospective adopter may submit to the adoption service any representations the prospective adopter wishes to make in respect of the decision.
- (3) If, within the period of 40 working days the registered person receives representations from the prospective adopter, the registered person must refer the case together with all relevant information to the Adoption Panel for further consideration.
- (4) The registered person must ensure that the adoption service makes a decision on the case only after the adoption service has taken into account the

recommendations of the Adoption Panel following the Panel's further consideration.

- (5) As soon as possible after the adoption service has made its decision in accordance with paragraph (4), the registered person must notify the prospective adopter in writing of –
  - (a) the decision and, if the adoption service does not consider the prospective adopter suitable to adopt a child, the reasons for that decision; and
  - (b) the Adoption Panel's recommendation on further consideration if this is different from the adoption service's decision.
- (6) The registered person must keep a record of the decisions taken under this Regulation.

## **52 Requirements as to review and termination of approval**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a), (f), (h) and (j) of the Law.
- (2) The registered person must ensure that the adoption service reviews the approval of each prospective adopter in accordance with this Regulation.
- (3) A review must take place whenever necessary but, in any case, a first review must take place not more than one year after approval and thereafter a review must take place at intervals of not more than one year.
- (4) When undertaking a review, the registered person must –
  - (a) make enquiries and obtain information the registered person 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.
- (5) If, at the conclusion of the review, the adoption service considers that the prospective adopter may no longer be suitable to adopt a child, the registered person must –
  - (a) prepare a written report (“the prospective adopter’s review report”) which includes the adoption service’s reasons;
  - (b) 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 adoption service within 10 working days beginning with the date on which the report is given to the prospective adopter.
- (6) No later than the end of the period of 10 working days referred to in paragraph (5)(c), the registered person must send the prospective adopter’s review report together with the prospective adopter’s observations to the Adoption Panel.
- (7) The registered person 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.
- (8) The registered person must ensure that the adoption service makes a decision as to whether the prospective adopter continues to be suitable to adopt a child, but only

after the adoption service has taken into account the recommendations of the Adoption Panel following the Panel's consideration of the prospective adopter's review report.

- (9) The registered person must ensure that no member of the Adoption Panel takes any part in that decision.
- (10) As soon as possible after the adoption service has made its decision under paragraph (8), the registered person must notify the prospective adopter in writing of –
  - (a) the decision and, if the adoption service no longer considers the prospective adopter suitable to adopt a child, the reasons for that decision; and
  - (b) the Adoption Panel's recommendation if this is different from the adoption service's decision.
- (11) The registered person must keep a record of the decision.

### **53 Requirements as to prospective adopter's matching plan**

For the purposes of Article 14(3)(a) and (h) of the Law, where an adoption service has approved a prospective adopter as suitable to adopt a child in accordance with Regulation 51, the registered person must prepare a written plan (the "prospective adopter's matching plan") in consultation with the prospective adopter, which must include –

- (a) information about the requirements under Regulations 54 to 60;
- (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 or complaint; and
- (d) having regard to any published standards, any other matters that the adoption service considers relevant.

### **54 Requirements in respect of child's proposed placement**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a), (f) and (h) of the Law.
- (2) Where an adoption service is considering placing a child for adoption with a particular prospective adopter (the "proposed placement") the registered person must –
  - (a) provide the prospective adopter with a copy of the child's permanence report and any other information the adoption service 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 adoption service proposes to make for allowing any individual contact with the child; and
  - (d) provide a counselling service for, and, having regard to any published standards, provide any further information to, the prospective adopter, as may be required.

- (3) Where the adoption service considers that the proposed placement should proceed, the registered person must –
- (a) where the adoption service is the Adoption Service, arrange for an assessment of the needs of the child and the prospective adopter and any children of the prospective adopter (“the adoptive family”) to receive payment of an allowance under Article 9 of the Adoption Law;
  - (b) where the adoption service is an approved adoption society operating independently of the Adoption Service –
    - (i) notify the prospective adopter that the registered person may request the Adoption Service to carry out an assessment of the child’s needs for payment of an allowance under Article 9 of the Adoption Law, and
    - (ii) pass to the Adoption Service, at the Adoption Service’s request, a copy of the child’s permanence report and 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 must include –
    - (i) the adoption service’s reasons for proposing the placement,
    - (ii) the information obtained by the adoption service under paragraph (2),
    - (iii) where the adoption service is the Adoption Service, proposals for the payment of any allowance to the adoptive family under Article 9 of the Adoption Law,
    - (iv) the arrangements, if any, which the adoption service proposes to make for allowing any person contact with the child, and
    - (v) having regard to any published standards, any other relevant information;
  - (e) notify the prospective adopter that the proposed placement is to be referred to the Adoption Panel;
  - (f) give the prospective adopter a copy of the adoption placement report; and
  - (g) invite the prospective adopter to send any observations in writing to the adoption service within 10 working days, beginning with the date on which the notification is sent.
- (4) No later than the end of the period of 10 working days the registered person must send to the Adoption Panel –
- (a) the adoption placement report;
  - (b) the child’s permanence report; and
  - (c) the prospective adopter’s report and observations.
- (5) The registered person must –
- (a) 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
  - (b) send that information to the Panel.

- (6) This paragraph applies where an adoption service (“service A”) intends to refer a proposed placement to the Adoption Panel and an equivalent adoption service in another jurisdiction (“service B”) made the decision that –
  - (a) the child should be placed for adoption; or
  - (b) the prospective adopter is suitable to be an adoptive parent.
- (7) Where paragraph (7) applies, the registered person in respect of service A may only refer the proposed placement to the Adoption Panel if service A has consulted service B about the proposed placement.
- (8) The registered person in respect of service A must –
  - (a) where paragraph (7)(a) applies, open a child’s case record; or
  - (b) where paragraph (7)(b) applies, open a prospective adopter’s case record, and must place on the appropriate record the information and documents received from service B.

## **55 Requirements in respect of adoption service’s decision in relation to proposed placement**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a), (f) and (h) of the Law.
- (2) The registered person must ensure –
  - (a) that the adoption service takes into account –
    - (i) any recommendation of the Adoption Panel in coming to a decision about whether the child should be placed for adoption with a particular prospective adopter, and
    - (ii) any advice given by the Adoption Panel as to the arrangements the adoption service should make for allowing any person to have contact with the child once that child is placed for adoption; and
  - (b) that no member of the Adoption Panel takes part in the adoption service’s decision.
- (3) If the adoption service decides that the proposed placement should proceed, the registered person must as soon as possible after the adoption service has made its decision, –
  - (a) notify in writing the prospective adopter, of the decision;
  - (b) if their whereabouts are known to the adoption service, notify in writing the parent or guardian;
  - (c) where Regulation 38(4) applies and the registered person considers it is appropriate, notify in writing the father of the child of the fact that the child is to be placed for adoption; and
  - (d) explain the decision to the child in an appropriate manner having regard to the child’s age and understanding.
- (4) The registered person 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, its recommendation, the reasons for its recommendation and any advice given by the Panel to the adoption service; and
- (d) the record and notification of the adoption service's decision.

## **56 Requirements in respect of overseas adoption**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) and (f) of the Law.
- (2) Where, in an overseas adoption case, the adoption service receives from the foreign adoption authority information about a child to be adopted by a prospective adopter, the registered person must –
  - (a) send a copy of the information to the prospective adopter unless the registered person is aware that the prospective adopter has received a copy;
  - (b) consider that information and meet with the prospective adopter to discuss the information; and
  - (c) if appropriate, provide a counselling service for the prospective adopter; and
  - (d) having regard to any published standards, provide any further information to the prospective adopter as may be required.

## **57 Requirements before child may be placed for adoption**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a), (f) and (h) of the Law.
- (2) This paragraph applies where –
  - (a) an adoption service has decided to place a child for adoption with a particular prospective adopter; and
  - (b) the registered person has met with the prospective adopter to consider the arrangements which the adoption service proposes to make for the placement of the child with that individual.
- (3) Where paragraph (2) applies, the registered person must, as soon as possible, send the prospective adopter a placement plan in respect of the child which covers the matters specified in Schedule 3 (the “adoption placement plan”).
- (4) Where the child in question is less than 6 weeks old, the registered person must, if practicable, obtain the agreement to the placement for adoption in writing of that child's parent or guardian.
- (5) Where the child already has a home with the prospective adopter, the registered person must notify the prospective adopter in writing of the date on which the child is placed for adoption with that individual by the adoption service.
- (6) The registered person must, before the child is placed for adoption with the prospective adopter, 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.
- (7) The registered person must –

- (a) notify the prospective adopter in writing of any change to the adoption placement plan; and
- (b) place on the child's case record –
  - (i) in the case of a child who is less than 6 weeks old, a copy of any agreement referred to in paragraph (4), and
  - (ii) a copy of the adoption placement plan and any changes to that plan.

## **58 Requirements as to reviews**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a), (f) and (h) of the Law.
- (2) Where a child is not for the time being placed for adoption, the registered person must carry out a review of the child's case –
  - (a) not more than 3 months after the date on which the adoption service first decides to place the child for adoption; and
  - (b) thereafter and until the child is placed for adoption, not more than 6 months after the date of the previous review.
- (3) Paragraphs (4) and (5) apply where a child is placed for adoption.
- (4) Unless the child is returned to the adoption service by the prospective adopter or an adoption order is made, the registered person 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.
- (5) The registered person must –
  - (a) arrange for the child and the prospective adopter to be visited within one week of the placement and thereafter at least once a week until the first review and thereafter, having regard to any published standards, as frequently as the registered person decides at each review;
  - (b) ensure that written reports are made of the visits; and
  - (c) provide advice and assistance to the prospective adopter as the adoption service considers necessary.
- (6) When carrying out a review under this Regulation the registered person must –
  - (a) consider each of the matters set out in paragraph (7); and
  - (b) so far as is reasonably practicable, in relation to any of the matters set out in paragraph (7) that the registered person considers appropriate, ascertain the views of –
    - (i) the child, having regard to the child's age and understanding,
    - (ii) if the child is placed for adoption, the prospective adopter, and
    - (iii) any other person the adoption service considers relevant.
- (7) The matters referred to in paragraph (6) are –



- (a) whether the adoption service 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 the existing arrangements 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 existing arrangements in relation to the exercise of parental responsibility for the child, and whether they should continue or be altered;
  - (e) in consultation with the appropriate agencies, the existing arrangements for assessing and meeting the child's health care and educational needs; and
  - (f) the frequency of the reviews.
- (8) The registered person must ensure that the following matters are recorded in writing and placed on the child's case record –
- (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 registered person 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.
- (9) Where the child is returned to the adoption service, the registered person 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, and when carrying out that review the registered person must consider the matters set out in paragraph (7)(a), (b), (c) and (e).

## **59 Requirements in respect of independent reviewing officers**

- (1) This Regulation applies for the purposes of –
- (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) In the case of each child to be placed for adoption by the adoption service, the registered person must appoint a person (the "independent reviewing officer") whose function is –
- (a) as far as is reasonably practicable, to attend any meeting held in connection with the review of the child's case under Regulation 58; and
  - (b) to chair any meeting so attended.
- (3) The independent reviewing officer appointed under paragraph (2) must be a social worker –
- (a) who works under the direction or supervision of the registered manager of the independent monitoring and reviewing service referred to in paragraph 10 of Schedule 1 to the Law; and
  - (b) who has sufficient relevant social work experience in relation to adoption cases.
- (4) The registered person must inform the independent reviewing officer of –
- (a) any significant failure to make the arrangements agreed at a review under Regulation 58; and

- (b) any significant change in the child's circumstances after a review.

#### **60 Requirements in respect of case records**

- (1) This Regulation applies for the purposes of Article 14(3)(a) and (f) of the Law.
- (2) The registered person 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.
- (3) The registered person must keep the child's case record and the prospective adopter's case record for not less than 75 years.
- (4) The registered person must treat the contents of the child's case record and the prospective adopter's case record as confidential.

#### **61 Requirements as to access to case records and disclosure of information**

- (1) This Regulation applies for the purposes of Article 14(3)(a), (f) and (h) of the Law.
- (2) This paragraph applies where, despite Regulation 60, an adoption service gives access to its case records or discloses information in its possession, as may be required –
  - (a) by, and to the extent specified in, these Regulations for the purposes of carrying out its functions as an adoption service;
  - (b) by the Commission in the exercise of its functions under the Law or these Regulations; or
  - (c) by the Court in the exercise of powers to make orders under the Adoption Law or Children Law.
- (3) Where paragraph (2) applies, the registered person must keep a written record of any access provided or disclosure made.

#### **62 Requirements in respect of the transfer of case records**

- (1) This Regulation applies for the purposes of Article 14(3)(a), (f) and (h) of the Law.
- (2) Where a registered person transfers a copy of a child's case record or prospective adopter's case record (or part of that record) to an equivalent adoption service in another jurisdiction, a written record must be kept of any transfer.

### **PART 7<sup>69</sup>**

#### **FOSTERING SERVICE**

#### **63 Application and interpretation of Part**

- (1) This Part applies where the regulated activity is a fostering service.
- (2) In this Part –
  - (a) "Minister" means the Minister for Children and Families;

- (b) “Placement Regulations” means the [Children \(Placement\) \(Jersey\) Regulations 2005](#); and
- (c) words or expressions not otherwise defined in the Law or these Regulations have the same definitions as given in the Children Law or the Placement Regulations, as the case may be.<sup>70</sup>

#### **64 Requirements in respect of children’s welfare**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must ensure that –
  - (a) the welfare of children placed or to be placed with foster parents is safeguarded and promoted at all times; and
  - (b) before making any decision affecting a child placed or to be placed with a foster parent, due consideration is given to the child’s –
    - (i) wishes and feelings (having regard to the child’s age and understanding), and
    - (ii) religious persuasion, racial origin and cultural and linguistic background.

#### **65 Requirements as to arrangements for the protection of children placed with foster parents**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(a), (b) and (d) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must prepare and implement a written policy which –
  - (a) is intended to safeguard children placed with foster parents from abuse or neglect; and
  - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

#### **66 Requirements as to behaviour management and children missing from foster parent’s home**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) and (d) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster parents.
- (3) The registered person must ensure that foster parents are aware of, and understand the effect of, Article 79 (abolition of defence of reasonable corporal punishment) of the Children Law.
- (4) The registered person must take all reasonable steps to ensure that –

- (a) no child placed with a foster parent is exposed to any measure of control, restraint or discipline which is excessive or unreasonable; and
  - (b) restraint is used on a child only where it is necessary to prevent injury to the child or other persons, or serious damage to property.
- (5) The registered person must prepare, implement, review and where necessary revise a policy, which is agreed with the States of Jersey Police Force, setting out –
- (a) the measures to be taken to prevent a child placed with foster parents from going missing from the child's placement; and
  - (b) the procedure to be followed when a child is missing from a foster parent's home unexpectedly or without permission.

#### **67 Requirement to promote contact in respect of child placed with foster parents**

- (1) This Regulation applies for the purposes of –
- (a) securing the matters set out in Article 14(2)(b) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must, having regard to the provisions of the child's personal plan and any order of the Court relating to contact, promote contact between a child placed with a foster parent and the child's parents, relatives, and friends unless the contact is not reasonably practicable or consistent with the child's welfare.

#### **68 Requirement to promote health of children placed with foster parents**

- (1) This Regulation applies for the purposes of –
- (a) securing the matters set out in Article 14(2)(b) and (c) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must promote the health and development of children placed with foster parents.
- (3) In particular the registered person must ensure that each child so placed –
- (a) is registered as a patient with a registered medical practitioner;
  - (b) has access to any medical, dental, nursing, psychological and psychiatric or other mental health advice, treatment and other services as the child may require;
  - (c) is provided with any individual support, aids and equipment which the child may require as a result of any particular health needs or disability the child may have; and
  - (d) is provided with guidance, support and advice on health, personal care and health promotion issues appropriate to the child's needs and wishes.

#### **69 Requirement to promote the educational achievement of children placed with foster parents**

- (1) This Regulation applies for the purposes of –
- (a) securing the matters set out in Article 14(2)(c) of the Law; and
  - (b) Article 14(3)(a) of the Law.

- (2) The registered person must promote the educational achievement of children placed with foster parents.
- (3) In particular the registered person must –
  - (a) implement a procedure for monitoring the educational achievement, progress and school attendance of children placed with foster parents;
  - (b) promote the regular school attendance and participation in school activities of children of compulsory school age placed with foster parents; and
  - (c) provide foster parents with any information and assistance, including equipment, that may be necessary to meet the educational needs of children placed with them.
- (4) The registered person must ensure that any education provided for any child placed with a foster parent who is of compulsory school age, but who is not attending school, is delivered efficiently and suitable to the child's age, ability, aptitude and any special educational needs the child may have.
- (5) The registered person must ensure that foster parents promote the leisure interests of children placed with them.
- (6) Where any child placed with a foster parent is above compulsory school age, the registered person must assist with the making of, and give effect to, the arrangements made for the child's education, training and employment.

## **70 Requirement to provide support, training and information for foster parents**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) of the Law; and
  - (b) Article 14(3)(a) and (c) of the Law.
- (2) The registered person must provide foster parents with the training, advice, information and support, including support outside office hours, as appears necessary in the interests of children placed with them.
- (3) The registered person must take all reasonable steps to ensure that foster parents are familiar with, and act in accordance with, the policies established in accordance with Regulations 65(2) and 66(2) and (5).
- (4) The registered person must ensure that, in relation to any child placed or to be placed with a foster parent, the foster parent is given information, which is kept up to date, to enable the foster parent to provide appropriate care for the child, and in particular that each foster parent is provided with a copy of the most recent version of the child's personal plan.

## **71 Requirements in respect of complaints procedure**

- (1) This Regulation applies for the purposes of Article 14(3)(a) and (k) of the Law.
- (2) The registered person must, in respect of the written procedure established under Regulation 22, ensure that the procedure includes a procedure for considering complaints or representations made by or on behalf of children placed by the fostering service, and by foster parents approved by the fostering service.
- (3) The procedure must, in particular, provide –
  - (a) for complaints to be made by a person acting on behalf of a child; and
  - (b) for the procedure to be made known to –

- (i) children placed by the fostering service (having regard to their age and understanding),
  - (ii) the parents of those children, and
  - (iii) persons working for, or on behalf of, the fostering service, including foster parents.
- (4) The registered person must ensure that –
- (a) children are enabled to make a complaint or representation; and
  - (b) no child is exposed to any reprisal for making a complaint or representation.

## **72 Requirements in respect of fostering panel**

- (1) This Regulation applies for the purposes of –
- (a) securing the matters set out in Article 14(2)(a) and (d) of the Law; and
  - (b) Article 14(3)(a) and (b) of the Law.
- (2) The registered person must maintain a list of individuals who are considered by the registered person to be suitable to be members of a fostering panel, including one or more social workers who have at least 3 years' relevant post-qualifying experience.
- (3) The registered person must ensure that –
- (a) members of the fostering panel have between them the experience and expertise necessary, to discharge the functions of the panel effectively; and
  - (b) an individual who is independent of the fostering service is appointed to chair the fostering panel.
- (4) For the purposes of this Regulation and Regulation 73, an individual is not independent of the fostering service if the individual –
- (a) is currently approved as a foster parent;
  - (b) is employed by a Department or agency of the States in connection with the provision of a social work service for children and young people;
  - (c) has a financial interest in the fostering service or receives any payment from the fostering service in connection with the provision of services to the fostering service (other than for services as an independent person); or
  - (d) is a member of the States.

## **73 Requirements in respect of meetings of the fostering panel**

- (1) For the purposes of Article 14(3)(a) of the Law, the registered person must ensure that no business is conducted by the fostering panel unless at least the following meet as the panel –
- (a) the individual appointed to chair the panel, or another individual (the “vice chair”) appointed to act if the individual appointed to chair the panel is absent or that office is vacant;
  - (b) one member who is a social worker who has at least 3 years' relevant post-qualifying experience; and
  - (c) 3 other members.

- (2) Where the chair is not present and the vice chair who is present is not independent of the fostering service, the registered person must ensure that at least one of the other panel members is independent of the fostering service.
- (3) The registered person must ensure that the fostering panel makes a written record of its proceedings and the reasons for any recommendations made under Regulation 74.

#### **74 Requirements as to the discharge of fostering panel's functions**

- (1) This Regulation applies for the purposes of –
  - (a) securing the matters set out in Article 14(2)(a) and (d) of the Law; and
  - (b) Article 14(3)(a) and (b) of the Law.
- (2) The registered person must ensure that the fostering panel carries out the following functions –
  - (a) to consider whether or not to recommend that an individual is suitable to be approved as a foster parent in accordance with Regulation 14 (approval of foster parents) of the Placement Regulations;
  - (b) where the fostering panel recommends approval, to recommend the terms of any specification mentioned in Regulation 14(5) of the Placement Regulations in respect of which the approval is to be given;
  - (c) to recommend whether or not an individual remains suitable to be a foster parent, and whether or not the terms of the specification of the individual's approval (if any) remain appropriate on the occasion of any review carried out in accordance with Regulation 15 (reviews and termination of approval) of the Placement Regulations;
  - (d) in a case where the recommendations of an independent review have been referred to the panel in accordance with the procedures established under Regulation 75, to consider whether or not to recommend –
    - (i) that an individual is, or remains suitable to, approved as a foster parent, or
    - (ii) that the terms of a foster parent's specification should be revised; and
  - (e) to advise and make recommendations on any other matters or cases as the registered person may refer to the panel.
- (3) The registered person must ensure that no member of the fostering panel takes any part in any decision made by the Minister under Regulations 14 and 15 of the Placement Regulations.
- (4) The registered person must obtain any information the fostering panel requires and send that information to the panel.
- (5) In this Regulation “advise” and “recommend” means advise, or recommend to, the Minister.

#### **75 Requirements where people are not approved, or no longer approved as foster parents**

- (1) This Regulation applies for the purposes of Article 14(3)(a) and (k) of the Law.
- (2) This Regulation applies where the Minister gives notice of the Minister's decision –

- (a) under Regulation 14(7) of the Placement Regulations, not to approve an individual as a foster parent;
  - (b) under Regulation 15(3) of the Placement Regulations, to revise the terms of a foster parent's specification mentioned in Regulation 14(5) of those Regulations; or
  - (c) under Regulation 15(3) of the Placement Regulations, to terminate an individual's approval as a foster parent.
- (3) The registered person must, having regard to any published standards, establish a procedure –
- (a) for receiving representations from an individual affected by any decision mentioned in paragraph (2);
  - (b) for a timely independent review of any decision; and
  - (c) for any recommendations of that review to be referred to, and considered by, the fostering panel in a timely fashion.

## **76 Requirement to comply with Placement Regulations**

For the purposes of Article 14 of the Law, the registered person must ensure that the fostering service discharges the functions of the Minister in accordance with Part 4 (placement with foster parents), Part 5 (records) and Part 6 (miscellaneous provisions) of the Placement Regulations.

## **PART 8<sup>71</sup>**

### **REGULATED ACTIVITIES UNDER PARAGRAPHS 9 TO 11 OF SCHEDULE 1 TO THE LAW**

## **77 Requirement in respect of provision of a social work service for children and young people**

- (1) This Article applies where the regulated activity is the provision of a social work service for children and young people, and for the purposes of Article 14 of the Law.
- (2) Where the regulated activity is provided in connection with paragraph 9(3) of Schedule 1 to the Law, the registered person must discharge the relevant Minister's functions in accordance with the relevant enactment.
- (3) In paragraph (2) –
  - “relevant Minister” means the Minister for the time being assigned responsibility for the functions of the Minister in the relevant enactment;
  - “relevant enactment” in this Regulation and in Regulation 78 means an enactment in relation to children or young people.

## **78 Requirement in respect of provision of an independent monitoring and review service in respect of looked after children's cases**

- (1) This Article applies where the regulated activity is the provision of a service for the independent monitoring and review of looked after children's cases, and for the purposes of Article 14 of the Law.



- (2) The registered person must discharge the functions of the Minister for Children and Families in relation to the monitoring and review of looked after children's cases in accordance with the relevant enactment.<sup>72</sup>

## **79 Requirements in respect of provision of a child contact centre service**

- (1) This Regulation applies where the regulated activity is the provision of a child contact centre service and for the purposes of –
  - (a) securing the matters set out in Article 14(2)(b) of the Law; and
  - (b) Article 14(3)(a) of the Law.
- (2) The registered person must ensure that a worker always directly supervises contact between a child and any of the people listed in paragraph 11(2) of Schedule 1 to the Law.
- (3) For the purposes of paragraph (2), direct supervision requires that the worker must either be physically present in the same room or have a constant line of sight into the room either through a window or by video-link.

## **PART 9<sup>73</sup>**

### **MISCELLANEOUS**

## **80 Requirement for Commission to carry out certain inspections**

- (1) The Commission must carry out inspections at least once every 12 months of regulated activities for one or more of the following purposes –
  - (a) to monitor compliance with the Law and these Regulations;
  - (b) to review and evaluate the effectiveness of the regulated activity against the Commission's published standards; and
  - (c) to encourage improvement in the provision of the regulated activity.
- (2) However, this Regulation does not apply in the case of a regulated activity carried on by a registered person who is an individual directly employed by, or personally in receipt of any reward from, the service user for the service provided.
- (3) <sup>74</sup>
- (4) <sup>75</sup>
- (5) <sup>76</sup>

## **81 Compliance with Regulations**

Unless these Regulations provide otherwise, every requirement of these Regulations applies to all registered persons irrespective of there being more than one person providing the regulated activity concerned.

## **82 Offences and improvement notices**

- (1) A person commits an offence if that person –
  - (a) contravenes a requirement of these Regulations; and

- (b) fails to comply with an improvement notice within the period specified in the notice for compliance with it.
- (2) An improvement notice is a notice –
  - (a) informing the registered person that these Regulations have been contravened;
  - (b) specifying the time frame within which remedial action must be taken; and
  - (c) explaining the consequences of a failure to take that remedial action.
- (3) A person who contravenes a requirement of these Regulations commits an offence where, as a result of the contravention, a service user has suffered, or was at significant risk of suffering, serious harm.
- (4) Where the Commission has served an improvement notice under this Regulation it must publish the fact.
- (5) A person who commits an offence under this Regulation is liable to a fine of £50,000.

### **83 Expiry of Regulations 3A, 17A and 80(3) to (5)**

Regulations 3A, 17A and 80(3) to (5) expire at the end of 30th September 2022.

### **84 Citation**

These Regulations may be cited as the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018.

**SCHEDULE 1<sup>77</sup>**

(Regulations 39(2)(a) and (c), 40(2) and 41(3)(a))

**INFORMATION RELATING TO THE CHILD****PART 1****1 Information about the child**

- (1) Name, sex, date and place of birth and address.
- (2) A photograph and physical description.
- (3) Nationality.
- (4) Racial origin and cultural and linguistic background.
- (5) Religious persuasion (including details of baptism, confirmation, or equivalent ceremonies).
- (6) Details of any order made by the court with respect to the child under the Children Law including the date on which the order was made.
- (7) Whether the child has any rights to, or interest in, property or any claim to damages under any enactment or rule of customary law, or under the law of any other jurisdiction or otherwise, which the child stands to retain or lose if the child is adopted.
- (8) A chronology of the child's care since birth.
- (9) A description of the child's personality, including social, emotional and behavioural development.
- (10) Whether the child has any difficulties with activities such as feeding, washing or dressing.
- (11) The child's educational history, including –
  - (a) the names, addresses and types of nurseries or schools attended with dates;
  - (b) a summary of the child's progress and attainments;
  - (c) whether there is any plan maintained for the child by the Minister for Education and Lifelong Learning or Minister for Health and Social Services in respect of the child's education and any associated health or care needs;
  - (d) any special needs the child has in relation to learning; and
  - (e) if the child is looked after by the Minister for Children and Families, details of any personal education plan prepared by the Minister for Education and Lifelong Learning.
- (12) 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 individual the registered person considers relevant;
  - (b) the likelihood of any relationship described in clause (a) continuing and the value to the child of it doing so; and

- (c) the ability and willingness of the child's parent or guardian, or any other individual the registered person considers relevant, to provide the child with a secure environment in which the child can develop, and otherwise to meet the child's needs.
- (13) The current arrangements for and the type of contact between the child's parent or guardian or other individual with parental responsibility for the child, the child's father, and any relative, friend or other individual.
- (14) A description of the child's interests, likes and dislikes.
- (15) Any other relevant information which may assist the Adoption Panel and adoption service.

## **PART 2**

### **2 Matters to be included in the child's health report**

- (1) The child's 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 service; 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 the age of 5, 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 adoption service.

## **PART 3**

### **4 Interpretation for Part**

In this Part "parent" includes the father of the child regardless of whether he has parental responsibility for the child.

**5 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 (if any).
- (6) A description of the parent's personality and interests.

**6 Information about the child's brothers or sisters**

- (1) Name, sex, and date and place of birth.
- (2) A photograph, if available, and physical description.
- (3) Nationality.
- (4) Address, if appropriate.
- (5) If the brother or sister is under the age of 18 –
  - (a) where and with whom the brother or sister is living;
  - (b) details of any court order made with respect to the brother or sister under the Children Law, including the date on which the order was made; and
  - (c) whether the brother or sister is also being considered for adoption.

**7 Information about the child's other relatives and any other individual the registered person considers relevant**

- (1) Name, sex and date and place of birth.
- (2) Nationality.
- (3) Address, if appropriate.

**8 Family history and relationships**

- (1) 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.
- (2) Whether –
  - (a) if the child's parents have been married to each other, they are divorced or separated; or
  - (b) if the child's parents have been civil partners of each other, the partnership has been dissolved or they are separated.
- (3) 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.
- (4) If the identity or whereabouts of the child's father are not known, the information about him that has been ascertained and from whom, and the steps that have been taken to establish paternity.

- (5) Where the child's parents have been previously married or formed a civil partnership, the date of the marriage or the date and place of registration of the civil partnership.
- (6) So far as is possible, a family tree with details of the child's grandparents, parents and aunts and uncles with their ages (or ages at death).
- (7) Where it is reasonably practicable, a chronology of each of the child's parents from birth.
- (8) The observations of the child's parents about their own experiences of being parented and how this has influenced them.
- (9) The past and present relationship of the child's parents.
- (10) Details of the wider family and their role and importance to –
  - (a) the child's parents; and
  - (b) any of the child's brothers or sisters.

## **9 Other information about each parent of the child**

- (1) Information about the parent's home and the neighbourhood in which the parent lives.
- (2) Details of the parent's educational history.
- (3) Details of the parent's employment history.
- (4) Information about the parenting capacity of the child's parent, particularly their ability and willingness to parent the child.
- (5) Any other relevant information which might assist the Adoption Panel and adoption service.

## **PART 4**

## **10 Information relating to the health of the child's natural parents and brothers or sisters**

- (1) Name, date of birth, sex, weight and height of each parent.
- (2) A health history of each parent, including details of any serious physical or mental illness, any hereditary disease or disorder, drug or alcohol misuse, disability, accident, or hospital admission and in each case any treatment given where the adoption service considers that information to be relevant.
- (3) A health history of the child's brothers or sisters (of the full blood or half-blood), and any 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 may assist the Adoption Panel and adoption service.

**SCHEDULE 2<sup>78</sup>**

(Regulations 47(2)(a) and (b) and 50(2)(a) and (b))

**INFORMATION RELATING TO PROSPECTIVE ADOPTER****PART 1****1 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 but 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 3 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 which has ended.
- (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.
- (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****2 Report on the health of the prospective adopter**

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

- (8) Any other relevant information which may assist the Adoption Panel and the adoption service.

### **PART 3**

#### **3 Information for purposes of prospective adopter's report**

- (1) A photograph and physical description.
- (2) Racial origin and cultural and linguistic background.
- (3) Religious persuasion (if any).
- (4) Relationship to the child (if applicable).
- (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, if applicable).
- (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.
- (11) A description of the prospective adopter's wider family 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.
- (12) Information about the prospective adopter's home and the neighbourhood in which the prospective adopter lives.
- (13) Information about the prospective adopter's local community, including the degree of the family's integration with its peer groups, friendships and social networks.
- (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 prospective adopter's current employment and the prospective adopter's views about achieving a balance between employment and child care.
- (17) Details of the prospective adopter's income and expenditure.
- (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 persuasion, racial origin, and cultural and linguistic background; and
  - (h) views and feelings about contact between the child's parent or guardian or other individual with parental responsibility for the child, the child's father, and any relative, friend or other individual.
- (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 may assist the Adoption Panel and the adoption service.

**SCHEDULE 3<sup>79</sup>**

(Regulation 57(3))

**ADOPTION PLACEMENT PLAN**

- (1) Whether the child is placed 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) Whether the Minister for Children and Families is to pay an allowance under Article 9 of the Adoption Law and if so, the amount of the allowance and how and when it is to be paid.
- (7) The arrangements which the adoption service has made for allowing any individual 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 later life letter and life story book are to be passed by the adoption service 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.
- (11) In this Schedule –
  - “later life letter” means a letter prepared by the child's social worker explaining the child's history from birth and containing factual details about the child's birth family and life before adoption;
  - “life story book” is an account of a child's life in words, pictures and documents to assist a child in understanding the child's early history and life before adoption.

## ENDNOTES

### Table of Legislation History

Legislation	Year and No	Commencement	°Projet No (where applicable)
Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018	<a href="#">R&amp;O.119/2018</a>	1 January 2019	<a href="#">P.127/2018</a>
Regulation of Care (Standards and Requirements) (Covid-19 – Temporary Amendments) (Jersey) Regulations 2020	<a href="#">R&amp;O.28/2020</a>	25 March 2020	<a href="#">P.26/2020</a>
Covid-19 (Amendments – Extension, Suspension and Repeal) (Jersey) Regulations 2020	<a href="#">R&amp;O.115/2020</a>	30 September 2020	<a href="#">P.103/2020</a>
Covid-19 (Regulation of Care – Standards and Requirements) (Jersey) Regulations 2020	<a href="#">R&amp;O.150/2020</a>	26 November 2020	<a href="#">P.160/2020</a>
Covid-19 (Amendments – Extension and Suspension) (Jersey) Regulations 2021	<a href="#">R&amp;O.52/2021</a>	29 April 2021	<a href="#">P.25/2021</a>
Covid-19 (Amendments – Further Extensions) (Jersey) Regulations 2021	<a href="#">R&amp;O.127/2021</a>	15 October 2021	<a href="#">P.84/2021</a>
Covid-19 (Amendments – Extensions to September 2022) (Jersey) Regulations 2022	<a href="#">R&amp;O.35/2022</a>	1 April 2022	<a href="#">P.28/2022</a>
Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations 2022	<a href="#">R&amp;O.56/2022</a>	1 January 2023	<a href="#">P.46/2022</a>
Changes to Ministerial Offices (Jersey) Amendment Order 2024	<a href="#">R&amp;O.10/2024</a>	9.30 a.m. on 27 February 2024	

°Projets available at [www.statesassembly.gov.je](http://www.statesassembly.gov.je)

### Table of Endnote References

- <sup>1</sup> Regulation 1(1) amended by R&O.56/2022
- <sup>2</sup> Regulation 1(2) amended by R&O.56/2022
- <sup>3</sup> Regulation 3(1) amended by R&O.56/2022
- <sup>4</sup> Regulation 3(1A) inserted by R&O.56/2022
- <sup>5</sup> Regulation 3(1B) inserted by R&O.56/2022
- <sup>6</sup> Regulation 3A inserted by R&O.28/2020, deleted by R&O.115/2020, inserted by R&O.150/2020, expired on 30 September 2022
- <sup>7</sup> Regulation 5(1) amended by R&O.56/2022
- <sup>8</sup> Regulation 5(3) amended by R&O.56/2022
- <sup>9</sup> Regulation 5(4) amended by R&O.56/2022

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- <sup>10</sup> Regulation 6(1) substituted by R&O.56/2022
- <sup>11</sup> Regulation 6(2) amended by R&O.56/2022
- <sup>12</sup> Regulation 7 amended by R&O.56/2022
- <sup>13</sup> Regulation 8 substituted by R&O.56/2022
- <sup>14</sup> Regulation 9 substituted by R&O.56/2022
- <sup>15</sup> Regulation 9(4) substituted by R&O.56/2022
- <sup>16</sup> Regulation 9A inserted by R&O.56/2022
- <sup>17</sup> Regulation 10 amended by R&O.56/2022
- <sup>18</sup> Regulation 11(1) amended by R&O.56/2022
- <sup>19</sup> Regulation 11(2) amended by R&O.56/2022
- <sup>20</sup> Regulation 11(3) inserted by R&O.56/2022
- <sup>21</sup> Regulation 12(2) amended by R&O.56/2022
- <sup>22</sup> Regulation 13 amended by R&O.56/2022
- <sup>23</sup> Regulation 14(1) amended by R&O.56/2022
- <sup>24</sup> Regulation 14(2) amended by R&O.56/2022
- <sup>25</sup> Regulation 14(4) inserted by R&O.56/2022
- <sup>26</sup> Regulation 15(1) substituted by R&O.56/2022
- <sup>27</sup> Regulation 15(2) substituted by R&O.56/2022
- <sup>28</sup> Regulation 15(3) amended by R&O.56/2022
- <sup>29</sup> Regulation 16(1) amended by R&O.56/2022
- <sup>30</sup> Regulation 16(3) amended by R&O.56/2022
- <sup>31</sup> Regulation 17(2) amended by R&O.56/2022
- <sup>32</sup> Regulation 17(3) amended by R&O.56/2022
- <sup>33</sup> Regulation 17(4) amended by R&O.56/2022
- <sup>34</sup> Regulation 17A inserted by R&O.28/2020, deleted by R&O.115/2020, inserted by R&O.150/2020, expired on 30 September 2022
- <sup>35</sup> Regulation 18(1) amended by R&O.56/2022
- <sup>36</sup> Regulation 18(2) amended by R&O.56/2022
- <sup>37</sup> Regulation 18(3) amended by R&O.56/2022
- <sup>38</sup> Regulation 19(1) amended by R&O.56/2022
- <sup>39</sup> Regulation 19(2) amended by R&O.56/2022
- <sup>40</sup> Regulation 19(3) amended by R&O.56/2022
- <sup>41</sup> Regulation 19(4) amended by R&O.56/2022
- <sup>42</sup> Regulation 21 amended by R&O.56/2022
- <sup>43</sup> Regulation 22 substituted by R&O.56/2022
- <sup>44</sup> Regulation 23(3) amended by R&O.56/2022
- <sup>45</sup> Regulation 24(4) amended by R&O.56/2022
- <sup>46</sup> Regulation 25(2) amended by R&O.56/2022
- <sup>47</sup> Regulation 25(3) amended by R&O.56/2022
- <sup>48</sup> Regulation 26(2) amended by R&O.56/2022
- <sup>49</sup> Regulation 27(5) amended by R&O.56/2022
- <sup>50</sup> Part 5 sub-heading amended by R&O.56/2022
- <sup>51</sup> Regulation 28 substituted by R&O.56/2022
- <sup>52</sup> Regulation 29(1) editorial change, “measures” deleted, “measure” inserted instead, amended by R&O.56/2022
- <sup>53</sup> Regulation 29(2) substituted by R&O.56/2022
- <sup>54</sup> Regulation 29(3) inserted by R&O.56/2022
- <sup>55</sup> Regulation 30(1) substituted by R&O.56/2022
- <sup>56</sup> Regulation 30(2) amended by R&O.56.2022
- <sup>57</sup> Regulation 30(3) amended by R&O.56/2022
- <sup>58</sup> Regulation 30(4) amended by R&O.56/2022

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- <sup>59</sup> Regulation 30(5) *amended by R&O.56/2022*
- <sup>60</sup> Regulation 30(6) *editorial change, “32” deleted, “31” inserted instead, amended by R&O.56/2022*
- <sup>61</sup> Regulation 30(7) *editorial change, “32” deleted, “31” inserted instead, amended by R&O.56/2022*
- <sup>62</sup> Regulation 31(1) *amended by R&O.56/2022*
- <sup>63</sup> Regulation 31(2) *amended by R&O.56/2022*
- <sup>64</sup> Regulation 31(3) *amended by R&O.56/2022*
- <sup>65</sup> Regulation 31(4) *amended by R&O.56/2022*
- <sup>66</sup> Regulation 31(6) *amended by R&O.56/2022*
- <sup>67</sup> Regulation 31(8) *amended by R&O.56/2022, R&O.10/2024*
- <sup>68</sup> Part 6 *substituted by R&O.56/2022*
- <sup>69</sup> Part 7 *inserted by R&O.56/2022*
- <sup>70</sup> Regulation 63(2) *amended by R&O.10/2024*
- <sup>71</sup> Part 8 *inserted by R&O.56/2022*
- <sup>72</sup> Regulation 78(2) *amended by R&O.10/2024*
- <sup>73</sup> Part 9 *inserted by R&O.56/2022*
- <sup>74</sup> Regulation 80(3) *expired on 30 September 2022*
- <sup>75</sup> Regulation 80(4) *expired on 30 September 2022*
- <sup>76</sup> Regulation 80(5) *expired on 30 September 2022*
- <sup>77</sup> Schedule 1 *inserted by R&O.56/2022, amended by R&O.10/2024*
- <sup>78</sup> Schedule 2 *inserted by R&O.56/2022*
- <sup>79</sup> Schedule 3 *inserted by R&O.56/2022, amended by R&O.10/2024*