



Department of Health and Social Care

Adoption Act 2021
Implementation Plan



INTRODUCTORY STATEMENT BY THE MINISTER

The Adoption Act 2021 provides a welcome and much-needed update to an essential area of social care.

Acknowledging the impact of the COVID pandemic on the Department of Health and Social Care's priorities, and the resulting delay in implementing the Act, the Department is eager to make progress with this legislation.

This implementation plan provides a timetable for the secondary legislation required to implement the provisions specified in the Adoption Act 2021. The secondary legislation aims to result in an improved and more responsive service that prioritises the welfare of children throughout the adoption process.

Taking into account feedback from public consultation, the Department acknowledges the urgency of making improvements to the adoption process. The plan is ambitious but the Department believes it is achievable, and is committed to collaborating with key stakeholders, including Manx Care and General Registry, to ensure prompt implementation.

Hon. Lawrie Hooper MHK

Minister for Health and Social Care

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1. Introduction

1.1 Various developments in the Island over the past 37 years have changed, considerably, the circumstances around adoption. Compared to 1984 the Island now sees fewer baby and infants being placed for adoption as the majority of adoptions today involve older children in care. This fundamental shift in the demand on the service requires legislation which:

- takes in to account the complexities of these adoptions without parental consent; and
- provides the necessary support for families dealing with adverse childhood experiences.

The Island's Adoption Act (1984) no longer reflects the situation on the ground and as such the legislation in this policy space required wholesale change to ensure the service provision could operate in accordance with these fundamental changes to adoptions in the Island.

1.2 As part of this process to modernise the law, in September 2020, the Department of Health and Social Care ("the Department") opened a public consultation that ran from 14 September to 23 October 2020. The consultation sought to seek feedback on a draft Adoption Bill, and the policy contained therein, from the general public and from the following key stakeholders as identified by the Department:

- Chief Officers of Isle of Man Government Departments.
- General Registry.
- Central Registry.
- The Isle of Man Law Society.
- The Safeguarding Board.
- An independent island-based advocate (adoption specialist).
- Attorney General's Chambers.

1.3 The results of the [consultation were published](#) on 15 December 2020.

2. Legislative Process

2.1 The Adoption Bill 2021 was introduced into the House of Keys on the following dates:

2.1.1 First Reading took place on 2nd March 2021 ([PP 2021/0050](#)).

2.1.2 Second Reading in the House of Keys was on [9th March, 2021](#).

- 2.1.3 The Clauses stage was debated in the House of Keys on [30th March 2021](#) and adjourned until 27th April 2021, which resulted in several amends to the Clauses (Amended Clauses: 7, 11, 14, 19, 28, 29, 30, 47, 49, 99, 104, Schedule 3).
- 2.1.4 The [Third Reading took place](#) on 7th April 2021.
- 2.1.5 On the 4th May 2021, the Adoption Bill 2021, including the [House of Keys amendments](#), had its First Reading in the Legislative Council ([PP 2021/0104](#)).
- 2.1.6 Amendments to the Bill brought within the Legislative Council were considered ([PP 2021/0113](#)) for the Second Reading on 11th May 2021.
- 2.1.7 On the 2nd June 2021, the Legislative Council considered the Adoption Bill 2021. A Motion was made to read the Bill for the Third time ([PP 2021/0135](#)).
- 2.1.8 In the House of Keys on [22nd June 2021](#), the Legislative Council Amendments were considered.
- 2.1.9 The Act received Royal Assent on the 19th October 2021.¹

3. The Act

- .1. The [Adoption Act \(2021\)](#) brings the Island's legislation in line with that which is in operation in England and Wales (i.e., the Adoption and Children Act, 2002). The Department believed it necessary to create parity between the Island's legislation and the UK's due to the frequency of adoption placements between the Island and the UK. This policy convergence should ensure cross-jurisdictional adoptions between the Island and the UK are carried out as seamlessly as possible.
- .2. One of the fundamental aspects of the Act is placing the child at the centre of the adoption process. With the adoptive child taking primacy in the process, it ensures that the child's welfare is at the forefront of every decision taken by an adoption agency or court. One such example of this is the introduction of placement orders, which remove the requirement for

¹ [The Adoption Act 2021](#).

care proceedings to finish before a decision about adoption can be reached. Placement orders enable children to live with their family at the earliest opportunity.

- .3. The Department acknowledges the difficulties faced by many adopted children and adoptive families. In order to address this issue, the Act places on the Department a legal requirement to provide adoption support services.
- .4. Some of the other key measures introduced by the Act include—
 - empowering the Department to regulate in-Island adoption agencies;
 - the need to establish a Review Panel to scrutinise in-Island placements from UK adoption agencies; and
 - introducing an Adoption Contact Register.

The register will make it easier for adopted persons and their birth relatives to contact each other if they wish to do so.

- .5. The improvements made in the Adoption Act (2021) are the first part of the Department's plan to reform and modernise legislation for children's welfare. The second part will involve reviewing and updating the Children and Young Persons Act (2001), which remains a priority for the Department and has been included in the Government's Legislative Programme as detailed in the Island Plan.

4. Content of the Act

- 4.1 The Act consists of 127 sections over 13 parts and contains 4 schedules. The [first set of Explanatory Notes](#) for the original set of clauses provide further information.
- 4.2 The Schedules are:
 - Schedule 1: Registration of Adoptions –Section 90 of the Act.
 - Schedule 2: Disclosure of Birth Records by Registrar General – Section 97 of the Act.
 - Schedule 3: Minor and Consequential Amendments – Sections 81, 86, and 122.
 - Schedule 4: Transitional and Transitory Provisions and Savings – Sections 122.
- 4.3 Briefly, the layout of the Act is as follows.

4.4 **Part 1 – Introduction**

Short title and commencement of the Act.

4.5 **Part 2 – The Adoption Service**

Introductory and interpretation. This Part –

- recognises the Department is responsible for the Adoption Service
- recognises the role of registered adoption societies;
- inserts provision concerning the regulation and control of registered societies and the provision of adoption support services by the Department;
- sets out that the Department may make joint arrangements for all or any of its functions to be carried out on its behalf by one or more other adoption agencies;
- provides a section on those arrangements for cancellation of registrations and that relating to inactive or defunct registered adoption services; and
- outlines the information the Department can request concerning adoption from an adoption agency relating to performance.

For Regulations under Part 2, this Part details the general powers to regulate adoption agencies and specifies that regulations may make provisions for those who are fit to work for an adoption agency. Further regulations under these sections may prescribe the fees that an adoption agency may charge regarding services. This Part comprises **sections 10 to 12**.

Sections 13 to 14 relate to adoption support and assessments for these services. It permits the Department under regulations to provide financial support in relation to adoption support services.

4.6 **Part 3 – The Considerations**

The introductory part of the Act sets out what a court and an adoption agency should consider when making a decision relating to adoption; and the matters to which the court and an adoption agency must have regard when making that decision. It also refers to the consideration applying to the exercise of those powers covered in **Sections 15 to 16**.

4.7 **Part 4 – The Adoption Process**

This Part of the Act describes the main elements of the adoption process, namely –

- the “placement for adoption”;
- “the adoption application and its preliminaries”; and
- that relating to “adoption orders”.

It also provides for advance consent, Placement Orders and their application and circumstances where a Placement Order may be revoked.

Part 4 – from section 17 to section 34 – generally deals with the restrictions on making adoption orders, how adoption applications may be made, and the age at which “couples” or “one person” may make an adoption application.

Other specific provisions of note include:

- Section 16. Under this section, where a child is placed for adoption by an agency there are certain requirements that will need to be met including reports made to the court.
- Section 27. Section 27 provides for instances where prospective adoptive parents wish to adopt a child not placed for adoption by an agency (i.e. “proposed adopters”) with respect to determining suitability to adopt.

4.8 **Part 5 – Consequences of Placements**

This Part deals with the various consequences of a child being placed for adoption, including—

- the acquisition of parental responsibility by various parties;
- the effect of placement on arrangements for contact with a placed child;
- the making of residence orders in respect of a placed child;
- restrictions on various orders (supervision and child assessment orders); prohibitions, restrictions and permissions relating to the removal of a placed child; and
- the recovery by a parent of a child (whether placed for adoption or not).

It also provides for specifies provisions for securing the return of a child upon revocation of placement orders and the making of recovery orders to effect the return of a child in

certain circumstances. In the same Part, areas of interest related to the applications for adoption, fostering services for foster parents, partners of parents, and those other than 'other' non-agency cases are considered.

This Part also extends to the recovery of children and return of a child or children and that relating to recovery orders – this is covered in **Sections 35 to 52**.

4.9 **Part 6 – Post-Adoption Contact**

4.10 This part of the Act grants the court the power to make an order providing for contact between an adopted child and another person following the adoption of the child and sets out the scope, effect, application and content of an order. It also refers to that which relates to provisions for post-adoption contact where an adoption agency has placed or was authorised to place a child for adoption, and the court is making or has made an adoption order in respect of the child.

4.11 **Part 7 – Disclosure of Information**

4.12 Part 7 relates primarily to the disclosure of information, and where such information may be required or requested. Fundamentally, it covers the disclosing of information regarding the adoption process itself; that which is specific to an adopted person; and the counselling services that may be available to those seeking such information under this part.

4.13 In addition, it grants the Department the power to set out in regulations provisions relating to adoption agencies and their performance.

4.14 **Part 8 – Supplemental and Miscellaneous**

4.15 This Part deals with a range of matters connected to adoption and the adoption process covering —

- inspections and reviews;
- restrictions on arranging adoptions and making reports;
- payments (prohibitions and exemptions);

- various procedural and evidential matters; and
- the independent review of determinations.

It also sets out, the offences from breaching the restrictions prescribed in section 69 of this Part; the restrictions on reports that relate to the prohibition of certain excepted payments; and details the proceedings, evidence and the use of adoption records from other parts of the British Islands and the United Kingdom.

4.16 **Part 9 – Status Conferred by Adoption**

This Part relates to the status conferred on a person by the adoption process: how an adopted person is to be treated in law as if born as the child of the adoptive parent(s).

This Part also provides provision with respect to the adopted child’s adoptive relatives – i.e. property, dispositions and other related matters. It includes the rules of interpretation for instruments concerning property and property involving peerages and the protection of trustees and personal representatives. The same Part grants powers to create secondary legislation and the specific detail relating to the meaning of disposition, miscellaneous enactments, pensions and insurance (**Sections 82 to 92**).

4.17 **Part 10 – The Registers**

Part 10 deals with the Registrar General’s duty in maintaining the Adopted Children Register. This section also provides certain definitions for “records” and “registers of live-births” in **Sections 93 to 99**.

4.18 **Part 11 – Adoptions with a Foreign Element**

This Part (**Sections 100 to 111**) provides for—

- adoptions with a foreign element and concerns the restrictions on bringing a child into the Island for adoption by a British resident;
- court orders giving parental responsibility in respect of a child adopted under the laws of another country or territory;
- restrictions on taking a child out of the Island for adoption;

- the requirements necessary for an adoption to be treated as an overseas adoption;
- modifications that can be made in respect of Hague Convention adoptions;
- the annulment of such adoptions; and
- fees in respect of overseas adoptions.

4.19 **Part 12 - Modifications and Amendments of the 2001 Act**

In part 12, sections **112 to 117** of the Act set out the modifications and amendments to The Children and Young Persons Act 2001. Such amendments to that Act are consequential from the introduction of this Act.

These amendments cover the following—

- the acquisition of parental responsibility by step-parents;
- the duration of residence orders;
- a local authority’s duty to provide accommodation; and
- the duty to prepare care plans.

4.20 **Part 13 – Final Provisions**

Section 119 prescribes a prohibition on advertisements by banning the publication of advertisements indicating that –

- the parent or guardian of a child wants that child to be adopted;
- a person wants to adopt a child; or
- persons other than adoption agencies are willing to make arrangements for the adoption of a child.

The Department may amend this section to include any technological developments relating to the publication of advertisements.

Section 120 provides that it is an offence to breach the prohibition in **section 119** and prescribes the penalties for such infringement and statutory defences. Subsection (3) provides for time limits for proceedings relating to an offence under this section.

Section 121 refers to the submission of information to the Adoption and Children Act Register (the UK register maintained by the Secretary of State) and provides that an

adoption agency may submit prescribed information to the Secretary of State (United Kingdom) to allow an entry in such register This section also makes amendments, transitional and transitory provisions, savings and repeals and order, rules and regulations and rules of procedure and provides supplementary and consequential provisions along with detail of general interpretation and repeals.

5. Key Stakeholders for Delivery

5.1 We will maintain close links with key organisational stakeholders over the course of the implementation process, including:

- Attorney General's Chambers;
- General Registry;
- Department for Enterprise (i.e. Central Registry);
- Isle of Man Law Society; and
- Manx Care.

6. Key commitments

6.1 A stable framework for the Adoption Services to be delivered

Implementing the Adoption Act (2021), requires a stable framework for delivering adoption services. This framework will include secondary legislation, guidance, and an overarching strategy for the commissioning and delivery of statutory and specialist adoption services. The framework sets out to ensure that adoption services are high quality and meet the needs of children and families as they progress through the adoption process.

6.2 An open dialogue with stakeholders

Throughout the implementation process, we will commit to a continuing an open dialogue with relevant stakeholders. We will engage with the people who access adoption services, as well as the people who manage them, to make sure we understand if there are any problems or opportunities for improvement as we implement the new Act.

6.3 **Clear and transparent communication about what is being done**

We will establish a communications strategy to raise awareness of the Adoption Act (2021), and we will produce information resources to help people who may consider adoption understand clearly the process from the outset.

6.4 **A clear and legal basis for information to be shared between key parties**

We will also establish a clear framework for safe and legal information sharing between key parties in the adoption process. We will ensure that all services which require information will have a legal basis for processing data, and will be able to do so in a way that puts the child's interests at the centre of all activity.

7. Implementation

7.1 The tables in the appendices to this plan are dynamic meaning regular updates to their contents will be provided throughout the progression of the secondary legislation. Once the regulations have been finalised, the General Registry will develop the associated 'Court Rules'. Updates on the availability of Court Rules will also be provided through this implementation plan.

7.2 Appendix 1 sets out the risks and challenges associated with each of the implementation stages.

Appendix 2 provides a timeframe for the drafting of the secondary legislation.

7.3 Due to the secondary legislation required, court rules and training have been identified as key enablers to ensure the Adoption Act 2021 can be implemented successfully.



8. Timescales

8.1 The Department anticipates that the initial work required to implement the Act will take approximately seven months including the Tynwald four week [Register of Business process for the associated legislation](#).

Appendix 1 – Implementation - Key Deliverables and Risks

Key: Complete  In Progress  Delivery at Risk  Overdue 

Wider Guidance/Resources/Training/Services/Systems

Key Deliverables	Risks/Challenges	Timeframes	Status	Progress commentary
Development of all Secondary legislation (see Appendix 2) to implement the new Island framework effectively.	There has to be a cohesive approach to the legislation that ensures the development and implementation of each segment of the proposed implementation plan to develop an effective first-class service needed to ensure that a child, the Adoption Act and adoption services can respond in the best possible and timely manner to deliver effective services.	See Appendix 2 for details.		Nov 2023 - On track See Appendix 2 for details.
Publish and then update the Implementation Plan throughout the Adoption Act implementation process to inform and provide updates to the public.	Alignment across all key stakeholders for the implementation plan input will be critical and time is being taken to ensure that this process is seamless for the wider adoption legislation development. The demand on resources and other work streams may delay certain aspects from	Updates provided quarterly.		Nov 2023 – On track Ongoing updates will be provided throughout the progression of the Adoption Act process.

	any of the stakeholders, which dependant on the task may potentially delay any aspect of the current implementation process. While any delay is not ideal, planning and priority set will be a key action by the relevant stakeholders. Any delays will be reported and updated in the latest Implementation Plan when updated and published.			
Establish an Adoption Steering Group to feedback on the relevant stakeholder functions and wider implementation of the Regulations.	Ensuring that the correct stakeholders are in attendance and that they are able and willing to provide the necessary resources that can manage and drive the implementation of the adoption legislation.	May 2023		May 2023 – Complete The Steering Group is in operation and the Terms of Reference have been agreed.
Through the Steering Group provide feedback on the initial Drafting Instructions provided by the Department.	Establishing and progressing the feedback on the drafting instructions for the adoption legislation. Discussion with stakeholders to agree realistic timeframes to ensure certain aspects of the adoption legislation can be introduced into practice in a timely manner. This action will partly be achieved through the availability of the stakeholders providing resources including	Ongoing		Nov 2023 – Ongoing The Department is making initial changes to the DIs to incorporate feedback from the Steering Group. Once the amends are made the DI's will be issued to the Department in order to seek approval before

	<p>time within the provisional timeframes provided in Appendix 2 relating to the secondary legislation plan.</p>			<p>being sent to the AGCs for initial drafting.</p> <p>The second set of DIs have been issued to the Steering Group. A full list of secondary legislation timeframes are provided in Appendix 2.</p>
<p>Work with Manx Care and Attorney General's Chambers to identify and prioritise the areas of the Act that can be implemented with the necessary regulations through an Appointed Day Order (ADO).</p>	<p>The area of work may cause a delay to the intended roll out of the Adoption legislation where the stakeholders identify unforeseen technical issues around the legislation implementation and how the intended aims of a provision may be achieved. Where this may occur, this has the potential to hold up the planned implementation of that, or other areas of the Act, which in time may lead to a revision of the Adoption Act implementation plan.</p> <p>This approach to working with key stakeholders will ensure that time is spent providing outcomes that will see key</p>	<p>Feb 2024</p>		<p>Nov 2023 – Ongoing Meeting will be scheduled with the identified relevant stakeholders regarding implementation. Once implementation is possible for a certain set of Regulations, this will assist determining the ADO and implementation timeframes.</p>

	<p>milestones being achieved. This approach to delivery will result in the Department's promise through the intended Adoption Act 2021, which puts the child's interest at the centre of this legislation.</p> <p>Once the initial drafts have been completed – approved by the Department and drafted by the AGC, this will result in a joint meeting with all 3 stakeholders about the practicalities of implementation. These planned dates ensure that when introduced by Tynwald, the relevant services will be able to fulfil the statutory requirements specified in the legislation.</p>			
<p>Provide for the registration and penalties framework set out in the Adoption Act.</p> <p>Review and revise the Court Rules.</p>	<p>Alignment across all key stakeholders for implementation of the Act will be critical and time is being taken to ensure that this enactment is seamless.</p> <p>In addition to this Act, resources within General Registry are required for other major legislative reforms including those in relation to the Capacity Act (Part 1) and the Capacity Bill (Part 2).</p>	<p>Q4 2023 / Q1 2024</p>		<p>Nov 2023 - Ongoing</p> <p>This will be updated once the Department has consulted with the relevant stakeholders. Initial meeting with the General Registry has taken place. There are transition arrangements in the Adoption Act 2021,</p>

	<p>While there are transitional provisions within the Act and a timeframe for the completion of the regulation process, the Court Rules issued under the previous Adoption legislation are permitted to transfer across to this Act.</p> <p>An identified risk is that, while at this time, it is viewed that the Court Rules are applicable to the Act once the regulations are drafted, and reviewed by the General Registry, they may identify that new Court Rules are needed. If this is the case, this may potentially delay the introduction of the regulations and result in the planned implementation needing to be revised.</p>			<p>which permit many of the existing Court Rules to remain in place and apply to the new Act. General Registry note that they can only make a decision on the current Rules once they have sight of the drafted Regulations. It is the Department's intention to send the first sets of completed Regulations in December 2023 once the initial sets of draft regulations have been approved.</p>
<p>Draft and consult on guidance that sets out a best practice model to assist both the public and adoption service and other professionals to follow the recommendations.</p>	<p>The Department will work alongside Manx Care's Social Services Division to create and maintain the guidance to ensure that it is maintained, relevant and fit for purpose.</p> <p>The availability of resources is key to achieving task in the best possible timeframe. Stakeholders will need to</p>	<p>Update Feb 2024</p>		<p>Nov 2023 – Ongoing</p> <p>Work has started on the Adoption Guidance framework and will continue throughout the Adoption implementation process. The progress of the guidance will be</p>

	identify the resources available to achieve this, however, it is acknowledged that the wider-scope of the adoption implementation must continue in parallel with this task.			steered by the completion and approval of the draft regulations once approved by the Department.
Scope the requirements for operational policies and procedures to ensure that all statutory processes in the legislation is followed both internally and externally.	These policies will be explored to identify the procedures that may be required in statute. Internal and external policies may be identified by Manx Care and the Department who will have duties and responsibilities set out in the Act.	Q1 2024.Q2 -2024		Nov 2023 Work not Commenced
Ensure collaboration across the different agencies since the forming of the Steering-Group. This relationship will need to continue in order to see improvements and shared responsibilities for the adoption implementation tasks that will also need to be formed. A joined-up approach to a supporting service with collective aims that seek to develop, engage and train	It is anticipated that resources will be unitised from the different established agencies and government departments to move this forward. While there will be a joined-up approach to achieving these tasks, it should also be acknowledged that other unplanned issues may develop that were not planned for. In this respect, resources may	Ongoing		Nov 2023 – Ongoing The work of the steering-group continues and achieves its set tasks.

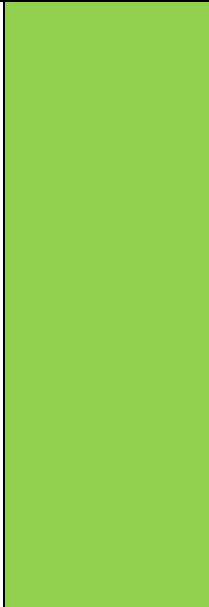
<p>those practitioners who work in the adoption services.</p>	<p>become stretched, however, it is important that a joint up approach to addressing any concerns is shared and collectively addressed through agreed responsibilities and actions as opposed to unnecessary meetings and discussions.</p>			
<p>Scope training requirements and costs for the new adoption procedures will be needed in addition to any guidance produced by Manx Care colleagues. It is envisaged that Manx Care will be responsible for training their members of staff who will deal with any aspect of the new adoption process.</p> <p>Similarly, other agencies and professionals such as those with a legal background such as advocates who deal with family matters will also have to be made aware of the new systems.</p>	<p>Training will be identified by the stakeholders and will be delivered at an appropriate level to ensure best practice is delivered by all those in the adoption process.</p> <p>Once suitable training has been established, training will be informed by both the primary and secondary legislation and any guidance that has been produced by Manx Care or the General Registry regarding the Court Rules</p> <p>Associated training costs yet to be established.</p>	<p>Q1 2024/Q2 2024</p>		<p>Nov 2023 – On Track</p> <p>The Steering group have identified a trainer. The final Regulations, once approved, will be provided to the trainer. The trainer will arrange suitable dates and times to deliver the training to the relevant stakeholders.</p>

<p>Generate statistical information, for example, on the number of successful applications that have been made to the adoption fund and the associated funding costs. These records will also have to outline what services have been acquired.</p>	<p>The Department will need to work with Manx Care to identify specific measures and data that will be required under the new adoption legislation.</p> <p>The data will need to capture basic amounts of management and cost information relating to the adoption implementation. Manx Care will need to identify how this can be extracted and provided to the Department in a timely manner mindful that Manx Care's Business Intelligence Team have a number of competing priorities.</p>	<p>Q1 2024</p>		<p>Nov 2023 – Ongoing</p> <p>The Department's Mandate Team have met with the Steering Group and made it known their intention to capture certain data. Once the provisions are agreed, the Mandate Team will notify and present their data capture proposals to Manx Care.</p>
<p>Consider what information is required from Manx Care under the Mandate as specified in the Manx Care Act 2021.</p>	<p>Non-exhaustive list of examples of information to be collected:</p> <ul style="list-style-type: none"> • Annual statement of overall compliance with the Act, including any exceptions/breaches; • Number of children per year – 1. Adoption started 2. Adoption completed (with age at time of adoption) 3. Number in process • Number of adoptive families registered but not in process; 	<p>Q1 2024</p>		<p>Nov 2023 – On Track</p> <p>Identified by the Department and planning of the data required under the mandate is progressing.</p>

	<ul style="list-style-type: none"> • Total support fund spent in year versus total budget • Compliance with mandatory training (as part of wider mandatory training reporting); <p>The risk contained here is whether this information can be collated by Manx Care. Department to work with Manx Care to ensure accurate, validated and relevant information can be provided.</p> <p>It is important that while areas of Manx Care may be able to provide some of the data required, that the BIT can also capture specific information that substantiates or evidences that provided by C&F as required under the Mandate to Manx Care.</p>			
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Appendix 2 – Secondary Legislation – Key Deliverables and Timescales²

Key: Complete  In Progress  Delivery at Risk  Overdue 

Set	Title	Vires under Act 2021	Description	Start Date	Finish Date	Status	Progress Commentary
1	Adoption Agency Regulations	10(1)	Will provide for the duties agencies will have in relation to arranging adoptions under the 2021 Act. Tynwald procedure – approval	November 23	Q4 2023/ Q1 2024		Nov 2023 – On track DHSC received first draft of the Regulations in October. One outstanding query rests with DHA (Family Court Welfare) in order for the draft Regulations to be completed. Meeting with the DHA will be late November.
2a	Adoptions with a Foreign Element Regulations	101 (5) to (7), 103 (3) to (7), and 111(1)	Sets out the procedures in relation to, the adoption of children from abroad by Isle of Man residents. Tynwald procedure – negative	June 23	Q4 2023/ Q1 2024	Progression of regulation paused	Nov 2023 – On track Manx Care Family Placement Service, noted that these requirements are unable to be delivered at this stage.

² This table will be updated to include the particular Act Parts and dates in which those Parts will be implemented through an Appointed Day Order (ADO) and target Tynwald target dates.

							<p>They have requested that for overseas adoptions will remain in place.</p> <p>The Department has agreed that the current overseas adoptions can remain in place until the adoption agency have implemented the other sets of regulations and addressed any initial problems that may arise when rolling-out these new procedures and processes.</p>
2b	Adoptions with a Foreign Element Regulations (part 2)	101 (5) to (7), 103 (3) to (7), and 111(1)	<p>Sets out the additional procedures in relation to, the adoption of children from abroad and the adoption of children in the IOM by person's resident abroad.</p> <p>Tynwald procedure – negative</p>	June 23	Q4 2023/ Q1 2024	Progression of regulation paused	Same as 2a above.

3	The Suitability of Adopters Regulations	10(1), 28(4), 123 (1) to (3)	Will prescribe the matters which must be taken into account by an adoption agency in preparing reports. Tynwald procedure – approval	July 23	Q4 2023/ Q1 2024	Nov 2023 – On track DHSC received first draft of the Regulations on 01.10.23. Comments returned 02.11.23. DHSC received final draft from the AGC on the 24.11.
4	The Restriction on the Preparation of Adoption Reports Regulations	123(2)(C) and 71(1)	Specifies who may prepare reports in connection with adoption. Tynwald procedure – negative	July 23	Q4 2023/ Q1 2024	Nov 2023 – On Track DHSC received first draft of the Regulations on 01.10.23. Comments returned 11.10.23. DHSC received final draft from the AGC on the 24.11.
5	The Adoption Support Services Regulations		Builds on the framework established in the 2021 Act, widening the pool of people entitled to an assessment of their need for adoption support services. Tynwald procedure – negative	July 23	Q4 2023/ Q1 2024	Nov 2023 – On track DHSC received first draft of the Regulations on 01.10.23 for Department comment. Comments returned 19.10.23. Awaiting final draft from AGC.

6	The Disclosure of Adoption Information (Post-Comm Adoptions) Regulations	10(3), 12(4), 57 to 64, 68(2), 123(3), 125(2) and 126(5)	Will apply to certain adoptions made after the Act came into force. Tynwald procedure – negative	July 23	Q4 2023/ Q1 2024		Nov 2023 – On track Drafting Instructions approved by DHSC - sent to AGC on 14.11
7	The Adoption Information and Intermediary Services (Pre Commence Adoptions) Regulations	2(7), 10(1) to (3), 81, 123(2) and (3) and 126(5)	Will enable registered adoption support agencies and adoption agencies to operate a regulated intermediary service so that adults adopted before the 2021 Act comes into force can obtain certain information about their adoption. Tynwald procedure – negative	Aug 23	Q1 – Q2 2024		Nov 2023 – On track Drafting Instructions approved by DHSC - sent to AGC on 14.11.
8	The Adopted Children and Adoption Contact Registers Regulations	Central Registry	Form of entry in the Adopted Register, requirements etc. in relation to registrable foreign adoptions, information for the purposes of the Adoption Register. Tynwald procedure – negative	Aug 23	Q1 – Q2 2024		Nov 2023 – On track First drafts received 27.11. Dept to check with the AGC on the 27.11 that these can be moved forward for final draft to be provided.

9	The Special Guardians Regulations	TBC	Provide for the arrangements for provision of special guardianship support services including financial support. Tynwald procedure : TBC	Aug 23	Q1 – Q2 2024		Nov 2023 – On track Policy and Legislation Officers have drafted the Regulations and a paper seeking DHSC approval to take forward the amended Regulations for approval in January 2024 Tynwald.
10	The Ind. Review of Determinations (Adoption) Regulations	10, 68, and 125(1) of the 2021 Act. S.88 Interpretation Act	Provide for the continued operation of an independent review mechanism for qualifying determinations made by adoption agencies. Tynwald procedure – negative	Sep 23	Q1– Q2 2024		Nov 2023 – On track Drafting Instructions approved by DHSC - sent to AGC on 15.11.
11	Fees (Adoption) (Misc. Provisions) Regulations	5(3)(b), 10(1), 12(2) and 126(5), s.88 Interpretation Act	Make provision when people wish to adopt a child who is not placed for adoption with them by an agency, Tynwald procedure – negative	Sep 23	Q1 – Q2 2024		Nov 2023 – On track Drafting Instructions received from the Steering Group. Policy and Legislation Officers reviewing.

12	Adoption Agencies (Prescribed Fees) Regulations	10, 12(2), and 126 (5) and s. 88 of the Interpretation Act	Provides that fees may be charged by adoption agencies for their services in certain circumstances. Tynwald procedure – negative	Sept 23	Q1 – Q2 2024		Nov 2023 – On track Drafting Instructions received from the Steering Group. Policy and Legislation Officers reviewing.
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Appendix 3 - Glossary of Terms

Adoption – General Terms

Adoption is a legal procedure in which the parental responsibility for a child is transferred from their birth parent or other person with parental responsibility to their adopter. An adopted child loses all the legal ties with their original parents.

Adoption with a Foreign Element refers to the assessment and approval of applicant/s resident in the Isle of Man who wish to adopt a child who is resident abroad.

Adoption Agency is a service delivered by Manx Care and is sometimes referred to as the Family Placement Service that works with prospective parents and children to assess, match, arrange and support adoptive placements.

Adoption assessment is the process in which adoption agencies assess potential parents in preparation for adoption. The assessment must be completed within six months, unless there exceptional reasons as to why this is not possible, and happens in two stages. Stage 1 includes initial interviews, identity and background checks and references and preparation. Stage 2, a social worker will work in depth with potential adopters to assess their strengths and suitability to become an adoptive parent. In the case of domestic adoption (i.e. of a child in care on the IOM), the cost of assessment is covered by the adoption agency and not by the prospective parent or parents.

Adoption order is issued by the Family Court upon application and gives full parental responsibility for a child to the approved adopters. An adoption order severs the legal ties between a birth parent and the child, so that the adoptive parent(s) become the child's legal parent(s) throughout life.

Adoption Support Fund (ASF) is the way the Department may provide financial support for a range of therapies that are identified to help achieve improved emotional regulation and behaviour, confidence and ability to enjoy positive family life and social relationships.

Care Orders is an order issued by the court upon the Department's application. Such applications are made where the Department believes a child is at risk of or suffering from significant harm and result in the Department taking parental responsibility.

Contact there are different forms of contact. A more common form of direct (face to face) contact would be between an adopted child and their siblings, who may be living in other adoptive or foster families.

Contact Register it is where adults affected by adoption can record a wish about contact with birth relatives or adoptees.

Family Placement Service see Adoption Agency

Placement Order is a court order that may be made at the end of care proceedings. Such order gives permission for the Department to place a child with prospective adopters.

Post-Adoption Support refers to a range of services that can be accessed by adoptive parents. These include counselling, therapies, legal and medical advice and assessments. Some specified therapies can be

paid for by an Adoption Support Fund, after an assessment is carried out by the Manx Care's post adoption team.

Special Guardianship provides for parental responsibility to be shared between the child's parents and an individual or individuals other than the birth parents. This could be a grandparent, close relative, foster carer or other connected person.

Adoption – Tynwald Procedures, Drafting Instructions & Legal Definitions

Appointed Day Order sets the date on which an Act of Tynwald comes into operation.

Department in this document is this refers to the Department of Health and Social Care.

Drafting Instructions provide a description of how the legislation will actually work, including the type of legal mechanism proposed, the related powers and duties and how compliance with the legislation is to be monitored and enforced.

Explanatory Notes are documents that explain the purpose of a Bill, Act, or piece of secondary legislation. All legislation has an accompanying Explanatory Note.

Motions are a proposal, on any matter of policy or concern, made to Tynwald by a Member. The Member putting forward the motion is known as the mover. A motion should state that Tynwald Court, the House of Keys or Legislative Council do something, order something to be done, or express an opinion with regard to some matter. Motions are tabled in advance and appear on the Order Paper.

Order Paper is where the business of the House and is prepared by the Clerk of Tynwald, Secretary of the House of Keys, or the Clerk to the Legislative Council, and issued under the authority of the Presiding Officer.

Parts a typical Act can be placed in sections or parts where the Act is long.

Readings of the Act

First Reading of a Bill is the initial stage of its consideration. The first reading formally brings the Bill before the House. The Secretary reads the short title of the Bill and states the name of the Member taking the Bill through the House. There is no debate or vote.

Second Reading of the Bill takes place at a subsequent sitting of the House. At this stage the general principles and ideas behind the Bill are debated, and the Bill is voted on. After the motion 'that the Bill be now read a second time' is carried, the Bill, or some of its clauses, the Bill proceeds to the Clauses Stage.

Clauses Stage at this stage the House considers and debates the Bill clause by clause. Amendments may be moved to the clauses and new clauses added. In the House the clauses are considered either individually or in groups on a motion that the clause or clauses "stand part" of the Bill. When consideration of the clauses of the Bill has been completed, the Bill proceeds to the next stage, the Third Reading, at a subsequent sitting.

Third Reading the Bill, as then agreed by the House, is further debated on a motion 'that this Bill be now read a third time'. For this motion to be carried at least 13 members of the Keys must vote in favour. The Bill is then submitted to the Legislative Council for its consideration. The Bill goes through three Readings and a Clauses stage in the Council, which are similar to their counterparts in the House of Keys.

Register of Business the Register acts as a publically visible list of upcoming business in Tynwald Court and enables Officers, Member and the public to have advanced notice or opportunity to consider items before they reach the Order Paper.

Regulations A typical example is where primary legislation gives the powers or vires that permits something to be changed such as a fee or fine to be charged, such as, the amount to be charged will be specified in secondary legislation. Secondary legislation may also be in the form of Regulations. These tend to be in the form of rules and administrative codes and often include penalties for violations. Some secondary legislation requires the approval of Tynwald Court before it comes into force, and some does not. The process to be followed is set out in the primary legislation or enabling Act under which the secondary legislation was made.

Royal Assent following the Bill's completion in the Houses, it is submitted for Royal Assent. Historically this was given by the Monarch in Council but today most Bills are dealt with by the Lieutenant Governor who is advised by the Ministry of Justice. Once a Bill has received Royal Assent it becomes an Act of Tynwald.

Schedules are components of Bills and Acts. They appear at the end of legislation. Schedules are either amending or non-amending.

Secondary legislation - Secondary legislation can be used for a wide range of purposes. It provides the technical details that make the primary legislation work in practice.

Statutory guidance sets out how a government Department, Body or Board will have to do to comply with the law. Statutory guidance must be followed without exception.

Tynwald Procedures

Tynwald procedure – negative Regulations must be laid before Tynwald as soon as practicable after they are made, and if Tynwald at the sitting at which the Regulations are laid or at the next following sitting resolves that they are to be annulled, they cease to have effect. A Member would need to place a Motion on the Order Paper to accomplish this.

Tynwald Procedure - approval requires Tynwald to approve the statutory document at the sitting in which it is laid. Should Tynwald determine not to approve the legislation then it shall not come into effect. Unlike negative procedure, legislation using this procedure cannot be given legal effect prior to its approval.

Tynwald Procedure – Laid before is given effect at the Department's discretion and may does not require approval in any form: legislation made under this procedure cannot be struck down by Tynwald.



Isle of Man
Government
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