



Issued 29th September, 2017

PRACTICE DIRECTION 2 OF 2017

ADOPTION PROCEEDINGS – COMMUNICATION OF INFORMATION FOR THE PURPOSES OF AN INSPECTION OF THE SAFEGUARDER SERVICE

(KNOWN AS THE FAMILY PROCEEDINGS ADVISORY SERVICE)

1. I am directed to issue the following practice direction to take immediate effect in The Royal Court.
2. Rule 30 of the Royal Court (Adoption) (Guernsey and Alderney) Rules, 2006 provides that any information obtained by any person in the course of, or relating to, proceedings under the Adoption Law, 1960 shall be treated as confidential and shall not be disclosed by him unless it is necessary for the proper exercise of his functions, the information is requested by a court or public authority outside the Islands having power to authorise an adoption and the disclosure is necessary for the purpose of the discharge of its duties in that behalf or the disclosure is made to a person who is authorised in writing by the Bailiff to obtain the information for the purposes of research.
3. The Office for Standards in Education, Children’s Services and Skills (“OFSTED”) has been commissioned by the Committee *for* Home Affairs of the States of Guernsey to conduct an independent inspection of the Safeguarder Service (known as the Family Proceedings Advisory Service (“the FPAS”)) to commence in October 2017.
4. It is recognised that in order for there to be an effective independent inspection of the FPAS for the purposes of evaluating the quality and effectiveness of its practice, disclosure of information relating to adoption proceedings to appointed inspectors is necessary and appropriate in furtherance of the protection of children provided that adequate safeguards are in place.
5. Consequently, it is directed that the Family Proceedings Advisory Service and Family Proceedings Advisers may disclose to OFSTED any information relating to adoption proceedings, whether the proceedings have concluded or otherwise, which is required by OFSTED for the purpose of the inspection referred to in paragraph 3.
6. OFSTED may communicate such information disclosed by the FPAS for the purposes of the inspection referred to in paragraph 3 only.



7. The person making the disclosure of the information, whether documentary or otherwise, on behalf of the FPAS is required to make the OFSTED inspector to whom it is disclosed aware that they are required to store and use the information only for the purposes of the inspection referred to in paragraph 3 and only in such a way that the confidentiality of the information disclosed is maintained and to remind them that the usual data protection principles apply.

S M D ROSS
Her Majesty's Senior Deputy Greffier