

**EXPLANATORY MEMORANDUM TO  
THE LOCAL AUTHORITY (ADOPTION) (MISCELLANEOUS PROVISIONS)  
REGULATIONS 2005**

**2005 No. 3390**

**1.** This explanatory memorandum has been prepared by the Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

**2. Description**

2.1 These Regulations cover three separate subjects: non-agency adoptions (regulations 3 and 4), fees for facilities provided in connection with adoptions with a foreign element (regulation 5), and the commissioning by local authorities of independent social workers (regulation 6).

2.2 Regulation 3 prescribes, for four different cases, the appropriate local authority to which proposed adopters who are living overseas but wish to apply for an adoption order in England must send their notice of intention to adopt, while regulation 4 imposes a requirement on the appropriate local authority to obtain police checks on the proposed adopters and any other adult members of their household when preparing a court report on the proposed adoption. Regulation 5 prescribes the facilities for which local authorities may charge a fee, and the level of that fee, to prospective adopters who wish to adopt a child who is habitually resident outside the British Islands<sup>1</sup>, and preparing pre- and post-adoption reports. Regulation 6 provides for local authorities to commission independent social workers to assist them in providing any of the requisite facilities for the purpose of maintaining an Adoption Service, provided the independent social worker has the prescribed qualifications and experience.

**3. Matters of special interest to the Joint Committee on Statutory Instruments**

3.1 None.

**4. Legislative Background**

4.1 The Act modernises entirely the existing legal framework for domestic and intercountry adoption. This statutory instrument is one of a series of statutory instruments that have been laid to implement the provisions of the Act. The legislative and policy background for the core provisions of the Act is set out in the overarching explanatory memorandum on the implementation of the Act that was laid before Parliament on 2 March 2005. A copy of this memorandum is attached at Annex A.

4.2 Regulation 3 – Prescribed local authorities. Under section 44 of the Adoption and Children Act 2002 (“the Act”) where a proposed adopter wishes to adopt a child who is not placed for adoption with him or her by an adoption agency, the proposed adopter must notify the appropriate local authority at least three months before

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<sup>1</sup> The British Islands are England, Wales, Scotland, Northern Ireland, the Channel Islands and the Isle of Man.

applying to the court for the making of the adoption order. The local authority is then required by section 44(5) to arrange for an investigation of the case and to submit a report to the court. Section 44(9) provides that the appropriate local authority will be, in prescribed cases, the authority prescribed in regulations, and in any other case the authority for the area in which the proposed adopter currently has his or her home.

4.3 Regulation 4 – Requirement to take steps to obtain police checks. Section 9 of the Act contains a general power to make regulations, among other things for any purpose relating to the exercise by local authorities of their functions in relation to adoption. That power is used to make regulation 4, which, as part of the local authority investigation carried out under section 44(5), requires the local authority to obtain police checks. These are enhanced criminal record certificates for the proposed adopter and any other adult member of their household.

4.4 Regulation 5 – Fees for facilities provided in connection with adoption with a foreign element. Section 11 makes specific provision concerning the use of the general regulation-making power in section 9 to prescribe fees. Section 11(2) and (3) provides that the regulations may prescribe the fees that may be charged by local authorities in respect of the provision of prescribed facilities of the Adoption Service where the facilities are provided in connection with:

- a. the adoption of a child brought into the United Kingdom for the purposes of adoption, or
- b. a Convention adoption<sup>1</sup>, an overseas adoption or an adoption effected under the law of a country or territory outside the British Islands.

Section 144(2) provides that any power conferred by the Act to prescribe a fee includes a power to prescribe a fee not exceeding a prescribed amount or a fee determined by the person to whom it is payable, being a fee of a reasonable amount. Under regulation 5 the prescribed facilities are those set out in Part 4 (except for regulation 21) of the Adoption Agencies Regulations 2005, SI 2005/389 and regulations 15-17 of the Adoptions with a Foreign Element Regulations 2005, SI 2005/392.

4.5 Regulation 6 – Local authority provision of facilities. Section 3 of the Act requires each local authority to maintain in their area a service designed to meet the needs of children who may be adopted and persons wishing to adopt. For that purpose, each local authority must provide the requisite facilities which include making and participating in arrangements for the adoption of children, and for the provision of adoption support services. In addition to providing the facilities, a local authority may, under section 3(4) of the Act, provide any of those facilities by securing their provision either by registered adoption societies or by other persons of a description prescribed by regulations.

## **5. Extent**

5.1 These Regulations extend to England and Wales and apply to England only.

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<sup>1</sup> In connection with the adoption of a child under the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29<sup>th</sup> May 1993.

## **6. European Convention on Human Rights**

6.1 No statement is required.

## **7. Policy background and consultation**

### General

7.1 The Act reforms adoption law, implements the proposals in the White Paper *Adoption: a new approach* that require primary legislation, and underpins the Government's programme to improve the performance of the Adoption Service and promote greater use of adoption.

7.2 The Government issued for consultation on 23 March 2005 two draft sets of Regulations: Local Authorities (Prescribed Fees) (Adoptions with a Foreign Element) Regulations; and Local Authority (Non-agency Adoptions) Regulations. These two sets of Regulations have been amalgamated and are now called the Local Authority (Adoption) (Miscellaneous Provisions) Regulations 2005. The consultation period lasted for just under 14 weeks. In total 20 written responses to the consultation were received. The full report on the analysis of responses can be viewed by the DfES website: [www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1326](http://www.dfes.gov.uk/consultations/conResults.cfm?consultationId=1326) A summary of the responses is set out below.

### 7.3 Regulations 3 (prescribed local authorities) and 4 (requirement to take steps to obtain police checks) - Proposals

Section 44 of the Act provides for adoptions in non-agency cases – where the child has not been placed for adoption by an adoption agency and the child's carers with whom the child lives wish to adopt the child. In such cases, an adoption order may be made if the proposed adopters have given notice to their local authority of their intention to adopt the child. In most cases the appropriate local authority will be the one in which the proposed adopters have their home. However, in some cases the applicants may be domiciled or habitually resident in the British Islands but not currently living in England at the time they need to notify a local authority. This could be, for example, because they are working abroad as members of the armed services or as members of the diplomatic service. For such cases the "appropriate local authority" is prescribed by regulation 3. By regulation 4 local authorities must take steps to obtain police checks – enhanced criminal record certificates – for the proposed adopters and any other adult member of their household aged 18 or over.

### Overview of consultation and action taken

7.4 The draft Regulations were welcomed and agreed by all respondents as they clarify which local authority is responsible for investigating and preparing a report to the court under section 44 of the Act. As the proposal was unanimously approved, there has been no change to the policy.

### 7.5 Regulation 5 – Fees for facilities provided in connection with adoption with a foreign element - Proposals

The proposals were that local authorities should be able to charge fees in respect of the cost of adoptions with a foreign element to:

- those wishing to adopt a child from abroad,
- individuals from outside the British Islands who wish to adopt (outside the British Islands) a child living in England who is not placed for adoption with them by an adoption agency,
- adoptive parents who wish to readopt their adopted children in England even though their foreign adoption is recognised in the UK, and
- those who have brought a child into the UK in breach of the requirements imposed as conditions required to be met under section 83 of the Act.

This would include, for example, assessing prospective adopters' suitability to adopt a child, giving advice and counselling to approved prospective adopters on the child details provided by the foreign authority, preparing post-adoption reports for the relevant foreign authority and preparing reports to the court in England hearing applications for an adoption order or parental responsibility order allowing the child to be removed from England to be adopted abroad, and providing services to children. It would be a matter for individual local authorities to decide whether or not to charge a fee.

### Overview of consultation and action taken

7.6 Twenty replies were received on the consultation proposals. Overall, 89% of respondents agreed that local authorities should be able to make a charge for adoptions with a foreign element. However half of all the respondents (including the 11% below) were strongly opposed to including specific services for children and providing reports to the courts. This was because these services are to protect and safeguard the children. The remaining 11% of respondents, who represent or support people adopting from overseas, were opposed on principle to any charges being levied by local authorities. They argued that levying a charge may exclude some families from adopting, especially those seeking relative adoptions and those from minority ethnic communities. Those that could afford to adopt a child from overseas may only be able to do so once. It was clear that respondents considered fees should relate only to the assessment of the prospective adopter's suitability to adopt a child and that no fees should be charged for any services for children or for preparing reports to the court, as it is a service to the court. The Minister accepted that local authorities may charge a fee to prospective adopters for assessing their suitability to adopt a child (see paragraph 4.4 above) (but not including costs in challenging a qualifying determination under section 12 of the Act or making representations to the local authority under regulation 27 of the Adoption Agencies Regulations 2005) and for preparing pre and post-adoption reports to the foreign authority on the progress of the child. The Regulations have been prepared accordingly.

7.7 Local authority commissioning independent social workers - The policy objective of regulation 6 is to allow local authorities to commission independent social workers with the prescribed qualifications and experience to assist the local authority in making and participating in arrangements for the adoption of children, with respect to the preparation of adoption reports.

7.8 Currently local authorities use independent social workers to prepare adoption reports, for example the report on a child where an adoption agency is considering adoption for him or the report on the suitability of a prospective adopter to adopt a child. The intention is that local authorities should be able to continue to commission independent social workers in this way after the Act comes into force. Regulation 6 is needed to allow this, and sets out the minimum standards in terms of qualifications and experience of the social workers who can be used.

7.9 This regulation has not been consulted on. However, the description of the social workers who can be used mirrors that in the Restriction on the Preparation of Adoption Reports Regulations 2005 which were issued for full public consultation in the document *Draft Regulations and guidance for consultation: Adoption Reports and Adoptions with a Foreign Element* on 31 January 2004. The consultation closed on 30 April 2004. The overall response to the draft Regulations was very positive.

## **8. Impact**

8.1 A Regulatory Impact Assessment has not been prepared for this instrument as it has no impact on business, charities or voluntary bodies.

## **9. Contact**

Non-agency adoptions - Mr B Clark, [Brendan.clark@dfes.gsi.gov.uk](mailto:Brendan.clark@dfes.gsi.gov.uk), 020 7273 5907

Fees for facilities provided in connection with adoptions with a foreign element – Mrs R Wilson, [Ruth.wilson@dfes.gsi.gov.uk](mailto:Ruth.wilson@dfes.gsi.gov.uk), 020 7273 5827

Local authorities commissioning independent social workers - Miss C Allan, [Claire.allan@dfes.gsi.gov.uk](mailto:Claire.allan@dfes.gsi.gov.uk), 020 7273 5692

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## EXPLANATORY MEMORANDUM ON THE IMPLEMENTATION OF THE ADOPTION AND CHILDREN ACT 2002

1. This explanatory memorandum has been prepared by the Department for Education and Skills and is submitted voluntarily.

### Description

2. This is an overarching explanatory memorandum which explains the context of the Adoption and Children Act 2002<sup>1</sup> (“the 2002 Act”), and relates to a series of Statutory Instruments, as set out in paragraphs 14 and 15, which are intended to be made and laid during 2005 to implement the 2002 Act.

### Matters of special interest to the Joint Committee on Statutory Instruments

3. Three of these Statutory Instruments will be subject to the affirmative resolution procedure. These are The Restriction on the Preparation of Adoption Reports Regulations 2005, The Suitability of Adopters Regulations 2005 and an Order to be made under section 142 of the 2002 Act to amend the statutory adoption pay provisions as a consequence of unmarried couples being able to apply to adopt jointly.

### Legislative background

4. Following a review of adoption law carried out by the Department of Health between 1991 and 1993, a draft Adoption Bill was published in 1996. The Bill was generally well received, but was never introduced into Parliament. In February 2000, the Prime Minister announced that he would lead a thorough review of adoption policy. He commissioned the Performance and Innovation Unit (PIU) to carry out a review of adoption and make recommendations to the Government for future action. The PIU review reported in July 2000 and made a number of recommendations to Government, including several related to changes in adoption legislation.
5. In December 2000, the Department of Health published a White Paper *Adoption: a new approach*, which took on board many of the PIU recommendations. The Government made a commitment to legislate in 2001 to ‘overhaul and modernise the legal framework for adoption.’<sup>2</sup>
6. The Adoption and Children Bill was subsequently introduced in 2001, and received Royal Assent in November 2002. The 2002 Act:
  - aligns adoption law with the relevant provisions of the Children Act 1989<sup>3</sup> to ensure that the child’s welfare is the paramount consideration in all decisions relating to adoption;
  - places a duty on local authorities to maintain an adoption service, including

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<sup>1</sup> 2002 c.38.

<sup>2</sup> *Adoption: a new approach*, White Paper, December 2000, p.25.

<sup>3</sup> 1989 c.41.

- arrangements for the provision of adoption support services;
- provides a new right to an assessment of needs for adoption support services for adoptive families and others;
- sets out a new regulatory structure for adoption support agencies (requiring them to be registered under the Care Standards Act 2000<sup>1</sup>);
- enables the appropriate Minister to establish an independent review mechanism in relation to qualifying determinations made by an adoption agency;
- makes provision for the process of adoption including new measures for placement for adoption with consent and placement orders;
- provides for adoption orders to be made in favour of single people, married couples and, for the first time, unmarried couples (amended by the Civil Partnership Act);<sup>2</sup>
- provides for a new framework designed to ensure a more consistent approach by adoption agencies in respect of access to information held about adoptions which take place after the 2002 Act comes into force;
- provides for a new regulatory framework within which intermediary agencies (registered adoption support agencies or adoption agencies) will be able to assist adopted adults to obtain information about their adoption and facilitate contact between them and their adult birth relatives, where the person was adopted before the 2002 Act came into force;
- provides additional restrictions on bringing a child into the UK in connection with adoption;
- provides for restrictions on arranging adoptions and advertising children for adoption other than through adoption agencies;
- makes provision enabling the Secretary of State to establish a statutory Adoption and Children Act Register to suggest matches between children waiting to be adopted and approve prospective adopters; and
- amends the Children Act 1989 to introduce a new special guardianship order, intended to provide permanence for children for whom adoption is not appropriate.

7. The 2002 Act provides the framework for the new approach to adoption, which is to be complemented by secondary legislation.

### **Early implementation**

8. In accordance with commitments made by Ministers during the passage of the 2002 Act through Parliament, the 2002 Act included provisions to amend the existing Adoption Act 1976<sup>3</sup> to enable important elements of the new adoption framework to be implemented in advance of the full implementation of the 2002 Act (see Schedule 4 of the 2002 Act).

9. In June 2003 the Intercountry Adoption (Hague Convention) Regulations 2003<sup>4</sup> and Adoption (Bringing Children into the United Kingdom) Regulations 2003<sup>5</sup> came into force. These Regulations put in place the necessary provisions to give effect to the Convention on Protection of Children and Co-

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<sup>1</sup> 2000 c.14.

<sup>2</sup> The definition of couple in section 144(4) of the 2002 Act has been amended by the Civil Partnership Act 2004 (2004 c.33) to include a civil partnership.

<sup>3</sup> 1976 c.36.

<sup>4</sup> SI 2003/118.

<sup>5</sup> SI 2003/1173.

operation in respect of Intercountry Adoption concluded at the Hague on the 29 May 1993 (“the Hague Convention”) and provide an increased level of protection to children coming into the UK from other countries.

10. The first phase of the adoption support services framework was implemented on 30 October 2003 when the Adoption Support Services (Local Authorities) (England) Regulations 2003<sup>1</sup> came into force. These Regulations give adoptive families an entitlement to receive an assessment of their adoption support needs and give birth relatives an entitlement to receive an assessment in relation to support for contact arrangements. They also require local authorities to make arrangements for the provision of a range of adoption support services, including financial support, and to appoint an adoption support services adviser to act as a first port of call for enquiries and signpost families to services.
11. The independent review mechanism in respect of qualifying determinations made by adoption agencies, where they consider that a prospective adopter is not suitable to be an adoptive parent and does not propose to approve him as suitable to be an adoptive parent was introduced in April 2004 when the Independent Review of Determinations (Adoption) Regulations 2004<sup>2</sup> came into force.
12. As the early implementation relates to the current Adoption Act 1976 scheme for adoption, similar provision in secondary legislation needs to be made in the context of the 2002 Act scheme for adoption in respect of those elements of the Act which have been implemented early.
13. The annex summarises the position regarding implementation of amendments to the Children Act 1989 made by the 2002 Act which relate to areas other than adoption and special guardianship.

### **Implementation**

14. The statutory instruments necessary to implement the 2002 Act are to be made in two main stages. The first series of statutory instruments will be as follows, and each will be accompanied by an individual explanatory memorandum setting out the detail of the SI, and a regulatory impact assessment:
  - The Adoption Agencies Regulations 2005 will provide for the duties agencies will have in relation to arranging adoptions under the 2002 Act, including agency arrangements for adoption work, considering whether a child should be placed for adoption, approval of prospective adopters and whether a particular child should be placed with prospective adopters.
  - The Adoptions with a Foreign Element Regulations 2005 will provide additional requirements for, and set out additional procedures in relation to, the adoption of children from abroad by British residents and the adoption of children in England and Wales by persons resident abroad. This includes adoptions falling within the scope of the Hague Convention and non-Convention adoptions.
  - The Suitability of Adopters Regulations 2005 (affirmative) will prescribe the matters which must be taken into account by an adoption agency in

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<sup>1</sup> SI 2003/1348.

<sup>2</sup> SI 2004/190 as corrected, and as amended by SI 2004/1081 and 2004/1868.



preparing reports on and determining the suitability of a person wishing to adopt a child.

- The Restriction on the Preparation of Adoption Reports Regulations 2005 (affirmative) will specify who may prepare reports in specified circumstances in connection with adoption.
- The Adoption Support Services Regulations 2005 will build on the framework established through the 2003 Regulations, widening the pool of people entitled to an assessment of their need for adoption support services and extending the list of adoption support services that local authorities are required to maintain to explicitly include services to assist with disruption. The 2005 Regulations also further refine the process for assessment of need and for the planning and review of service provision as well as further clarifying the role of the adoption support services adviser.
- The Adoption Support Agencies Regulations 2005 together with accompanying national minimum standards issued under section 23 of the Care Standards Act 2000 will govern the management and general operation of adoption support agencies, including making provision for their registration.
- The Disclosure of Adoption Information (Post-Commencement Adoptions) Regulations 2005 will apply to adoptions made after the 2002 Act came into force and will provide adoption agencies with a framework within which they are required to consider certain issues, such as the adopted person's welfare, before making a determination as to whether to disclose sensitive identifying information which would identify persons affected by an adoption.
- The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) Regulations 2005 will enable registered adoption support agencies and adoption agencies to operate a regulated intermediary service so that adults adopted before the 2002 Act comes into force can obtain information about their adoption and contact between adopted adults and their adult birth relatives can be facilitated where appropriate.
- The Adopted Children and Adoption Contact Registers Regulations 2005 will prescribe the form of entry in the Adopted Children Register, requirements etc. in relation to registrable foreign adoptions, information for the purposes of the Adoption Contact Register and for obtaining information from the registers and information about adopted persons and their relatives for the purposes of the Adoption Contact Register.
- The Special Guardianship Regulations 2005 will prescribe the list of special guardianship support services which local authorities are required to maintain, the process for assessing special guardianship support needs, and requirements in respect of the planning, delivery and review of special guardianship support services. The Regulations will also prescribe the matters that local authorities are required to include in the report that the court must receive before it can make a special guardianship order.

15. The second series of statutory instruments will be as follows:

- The Independent Review of Determinations (Adoption) Regulations 2005 will provide for the continued operation of an independent review mechanism in respect of qualifying determinations made by adoption agencies under the new scheme for adoption.

- Adoption Agencies (Prescribed Fees) (England) Regulations 2005 will provide that fees may be charged by adoption agencies for their services in certain circumstances, for example, fees local authorities may charge for the preparation and assessment of prospective adopters who wish to adopt a child who is not resident in this country.
- Regulations made under section 108 of the 2002 Act regarding corresponding provisions in the Channel Islands and the Isle of Man. This will allow us to make the new adoption system work with the adoption system in the Channel Islands and the Isle of Man, for example in terms of mutual recognition of orders.
- Regulations made under section 87 of the 2002 Act prescribing the requirements that ought to be met by an adoption for it to be an “overseas adoption”. An overseas adoption is an adoption of a description specified in an order (to be made under section 87), being a description of an adoption effected under the law of any country or territory outside the British Islands. The status of children adopted under an overseas adoption is recognised by virtue of section 66 of the 2002 Act.
- Non-Agency Adoptions Regulations 2005 will prescribe the local authority responsible for assessing the suitability of prospective adopters and providing a report to the court where the child is already living with the applicants and they give notice of their intention to apply for an adoption order, such as foster carers or relatives of the child and require the local authority to carry out CRB checks in respect of the applicants.
- Regulations making provision for any necessary consequential and transitional provisions.
- Regulations under section 2(2) of the European Communities Act 1972 to ensure the 2002 Act is consistent with Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services.
- An order (affirmative) made under section 142 of the 2002 Act will amend the statutory adoption pay provisions as a consequence of unmarried couples being able to apply to adopt jointly.

16. The intention is that all of the SIs set out in paragraphs 14 and 15 above will come into force on 30 December 2005.

17. As noted above, the White Paper recommended the establishment of a statutory adoption register – the Adoption and Children Act Register – for which provision was made in the 2002 Act. This provision is not being implemented at present. Ministers have decided to continue with a non-statutory register for the next three years. This will give a stronger evidence base on which to assess the effectiveness of a non-statutory register and the desirability of moving to a statutory register.

## **Extent**

18. Regulations will apply either in England only or in England and Wales. Each individual explanatory memorandum will set out the application of each statutory instrument.

## **Policy background**

19. The total number of adoption orders made in England has declined from 5,657 in the year ending 31 December 2001, to 4,479 in 2003. At the same time, the number of adoptions in respect of looked after children in England has increased from 3,400 in the year ending 31 March 2002, to 3,700 in 2004. The number of applications to adopt a child from overseas processed by the DfES has remained relatively steady at around 300 each year (330 in year ending 31 December 2004).
20. The PIU review of adoption in 2000 and the White Paper Adoption: a new approach identified some key problems which meant the needs of looked after children were not consistently being met, including:
- wide variation by councils in the use and practice of adoption;
  - to the detriment of children, the adoption process was widely seen as prone to delay, with clear concerns over the consistency, quality and clarity of the process;
  - a lack of consistency in the law;
  - the review mechanism for those applying to adopt was seen as unfair and not impartial;
  - little support was available for adopters; and
  - delays in the court processes over adoption.
21. Implementation of the 2002 Act will fulfil the Government's intention to reform adoption law and implement the proposals in the 2000 White Paper which require legislation. The overriding aim of improving the adoption service and promoting greater use of adoption will be furthered by the implementation of the SIs.

## **Public Consultation**

22. There has been extensive public consultation upon the adoption procedures set out in the regulations. The explanatory memorandum to accompany each statutory instrument will give further details of the public consultations.
23. Five consultation packages on draft regulations and draft guidance to be made under the 2002 Act were published in 2003 and 2004. A further consultation document will be issued in early 2005 to cover the key draft SIs in the second series set out in paragraph 15 above which introduce the final changes. The numbers of respondents for each package are listed below. The overall number of written responses was 422.
- Arranging Adoptions and Assessing Prospective Adopters – (115 responses)
  - Adoption Reports and Adoptions with a Foreign Element – (50 responses)
  - Access to Information (including the Registrar General's functions) – (124 responses)
  - Adoption Support and Adoption Support Agencies (75 responses)
  - Care Planning and Special Guardianship (58 responses)
24. The responses to these documents together with the information gathered at 14

regional consultation events and 15 focus groups and numerous other meetings held earlier in the year have informed the development of the Regulations and implementation arrangements. The explanatory memorandum in relation to the individual SIs will provide more detail.

**Impact**

25. Each Statutory Instrument will have a regulatory impact assessment attached.

**Contact**

26. Helen Steele, Head of Adoption, 4<sup>th</sup> Floor, Caxton House, Tothill Street, London, SW1H 9NA.

## **Annex: Implementation of amendments to the Children Act 1989 that are not adoption or special guardianship related**

The Government has already implemented the following key provisions of the Adoption and Children Act 2002:

- On Royal Assent (7 November 2002): provision in respect of local authorities' power to provide accommodation for children in need under section 17 of the Children Act 1989.
- 1 December 2003: parental responsibility for unmarried fathers who jointly register the birth of their child with the mother.
- 1 April 2004: advocacy services for children and young people. Amendment and widening of the application of, the procedure for making representations under that Act and to impose a duty on local authorities to make arrangements for the provision of advocacy services to children or young people making or intending to make representations.
- 27 September 2004: Independent Reviewing Officers, responsible for chairing statutory reviews of all looked after children.
- 31 January 2005: Amendment to the definition of 'harm' in the 1989 Act to make clear that harm includes any impairment of the child's health or development as a result of witnessing the ill treatment of another person.

The remaining provisions will be implemented as follows:

- 30 December 2005: Amendment enabling the acquisition of parental responsibility by a step-parent either by agreement of both parents or a court order.
- 30 December 2005: Amendment enabling local authority foster carers to seek leave of the court to apply for an order under section 8 of the 1989 Act (including a residence order) if the child has been living with them for one year, rather than the current three years.
- 30 December 2005: Amendment enabling courts to make residence orders that have effect until the child reaches the age of 18.
- DfES have consulted on the draft Regulations required to implement the provisions in respect of inquiries by local authorities into representations. Ministers are considering the timetable for implementation in the light of the responses to that consultation.