

Education, Lifelong Learning and Skills Committee

ELLS(2) 12-06(p1) Annex C

Children Act 2004 : Summary of Provisions and Commencement Dates

PART & Section	Provision	Ministerial Portfolio	Coming into Force Date
PART 3 25	<p>Creates a power for the Assembly to issue guidance on how co-operation arrangements between core partners and wider relevant bodies to improve the well-being of children should work; and</p> <p>Provides that the Assembly must obtain the consent of the Secretary of State before giving guidance to non-devolved bodies involved in the arrangements.</p>	Education Lifelong Learning & Skills	1 September 2006
26	<p>Provides for the Assembly, by regulations, to:-</p> <ul style="list-style-type: none"> ● require a Children's Services Authority (CSA) in Wales to prepare and publish a plan or a framework of plans setting out its strategy for discharging its functions in relation to children and relevant young persons; ● set out particular provisions which may be specified; ● provide for the Assembly's approval or modification of such plan; and ● requires a CSA to have regard to Assembly guidance in discharging its planning functions. 	Education Lifelong Learning & Skills	31 March 2006
27	<p>Requires a CSA, Local Health Board (LHB) and NHS Trust to have regard to Assembly guidance in discharging their functions and responsibilities under this section, relating to lead officers and members in CSAs and equivalent posts in the NHS.</p>	Education Lifelong Learning & Skills	1 September 2006

28	Requires the relevant persons and bodies to have regard to guidance given to them by the Assembly in relation to safeguarding and promoting the welfare of children, but specifies that it is for the Secretary of State, after consultation with the Assembly, to issue guidance to non-devolved bodies.	Health & Social Services	1 April 2006
29	Provides for the establishment and operation of database(s) of specified information about children and other defined young people by the Assembly itself; or by requiring a local authority to do so; or by establishing a body corporate Provides for the Assembly by regulation to make provision about the management and operation of database(s). Provides that regulations relating to non-devolved bodies may only be made with the consent of the Secretary of State. Requires those establishing or operating such database(s) to have regard to guidance issued by the Assembly.	Education Lifelong Learning & Skills	
30	Provides for the functions of a children's services authority in Wales under sections 25 and 26, (with the exception of those relating to education training or youth support services) and 28 and 29 to be subject to inspection by the Assembly (in practice CSIW).	Health & Social Services	1 October 2006
31	Provides for the Assembly, by regulations, to prescribe the representatives to be included on Local Safeguarding Children Boards (LSCBs). Requires the consent of the Secretary of State for regulations made in respect of non-devolved partner bodies.	Health & Social Services	1 October 2006
32	Provides that the Assembly may, by regulations, prescribe the functions and procedures of LSCBs.	Health & Social Services	1 October 2006
33	Provides that specified persons or bodies may pool funding by contributing pecuniary or non-pecuniary resources for purposes connected with a Local Safeguarding Children Board in Wales.	Health & Social Services	1 October 2006

34	<p>Provides for the Assembly, by regulations, to make provision as to functions of children's services authorities in Wales in relation to LSCBs established by them and to issue guidance on the exercise of those functions. The Assembly must obtain the consent of the Secretary of State before issuing guidance on non-devolved functions.</p> <p>Provides that, in exercising LSCB functions, authorities and their Board partners must have regard to guidance issued by the Assembly for the purpose. Requires the Assembly to obtain the consent of the Secretary of State before giving such guidance to non-devolved bodies.</p>	Health & Social Services	1 October 2006
PART 4	<p>Confers on the Assembly various functions in respect of family proceedings in which the welfare of children ordinarily resident in Wales may be in question. Provide for the Assembly to make provision for the performance of the functions of Welsh family proceedings officers as imposed by any enactment.</p>	Social Justice & Regeneration	1 April 2005
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36	<p>Provides for the Assembly to make arrangements with organisations to perform its functions under section 35 and for any such organisation to designate individuals to perform functions of Welsh family proceedings officers. Set out conditions relating to any such arrangement; and</p> <p>Enables the Assembly to make arrangements with individuals to carry out functions of Welsh family proceedings officers. Allow the Assembly to second staff and provide services to those carrying out the functions and to charge for doing so.</p>	Social Justice & Regeneration	1 April 2005
37	<p>Provides that the Assembly may authorise a Welsh family proceedings officer to conduct litigation and to exercise a right of audience in any proceedings in the exercise of his functions.</p>	Social Justice & Regeneration	1 April 2005
38	<p>Provides that the Assembly may, with the consent of the Secretary of State, request HM Inspectorate of Court Administration (HMICA) to inspect and report on the discharge of functions under this part and that HMICA must comply with such request</p>	Social Justice & Regeneration	1 April 2005

39	Applies the Protection of Children Act 1999 to the Assembly as though it was a childcare organisation for the purposes of the functions of the Assembly under this part. Also provides for the Assembly to ensure that persons employed in organisations carrying out related functions on its behalf are suitable for that purpose.	Social Justice & Regeneration	1 April 2005
40	Gives effect to Schedule 3 which makes supplementary and consequential provisions in respect of CAFCASS functions.	Social Justice & Regeneration	1 April 2005
41	Provides for the Assembly and CAFCASS to be given powers to share information where such exchange is clearly in the interests of family proceedings and good practice and management issues. Provision is also made for corresponding powers to be given to individual officers of both organisations.	Social Justice & Regeneration	1 April 2005
42	Provides that the Assembly and SoS may jointly, by order, make schemes for the transfer to the Assembly of property, rights and liabilities of CAFCASS (excluding rights and liabilities under a contract of employment). Provides for pre-exemption, compensation, disputes, property rights and certificates of transfer.	Social Justice & Regeneration	16 March 2005
43	Provides that the Assembly and the Secretary of State may jointly, by order, make a scheme for the transfer of staff of CAFCASS to the Assembly. Expand on employee rights and provide that the making of a scheme is subject to any requirement for consultation prescribed in joint regulations having been complied with.	Social Justice & Regeneration	16 March 2005
PART 5 44 – 47	Amends section 67 of the Children Act 1989 to strengthen local authorities' duties in respect of the welfare of privately fostered children and extends those duties to include children who are proposed to be adopted. It introduces a power for the Assembly by regulations, to require local authorities to monitor the discharge of their functions under Part 9 of that Act. A reserve power to introduce a registration scheme should these measures not prove effective is provided together with provision that the regulation making powers within section 46 expire if not used within four years of the day on which this Act is passed.	Health & Social Services	s44 - 1 April 2006 s45 - s47 15 January 2005

48	Gives effect to Schedule 4, which makes provision amending Part 10A of the Children Act 1989 in relation to the registration of child minders and providers of day care including registration fees, disqualification waivers, employers procedures for undertaking suitability assessments, day care in hotels, financial interests of individuals and unincorporated associations	Education Lifelong Learning & Skills	1 April 2006
49	Provides for the Assembly, by order, to make provision for the level of payments local authorities and voluntary organisations in Wales may make to foster parents.	Health & Social Services	15 January 2005
50	Amends section 497A of the Education Act 1996 extending the Assembly's powers to intervene where local authorities are failing to discharge functions relating to children's services to an adequate standard, to include the relevant functions of a children's services authority in Wales.	Health & Social Services	1 October 2006
51	Amends section 38 of the Education Act 1997 to provide for Estyn to inspect the exercise of local authority functions under sections 25 and 26 of this Act, insofar as they relate to education training or youth support services.	Education Lifelong Learning & Skills	Amended by Childcare Act 2006
52	Amends section 22 of the Children Act 1989 extending local authorities' duties in respect of looked after children to include an additional duty to promote the child's educational achievement.	Education Lifelong Learning & Skills	1 October 2006
53	Amends sections 17, 21 and 47 of the Children Act 1989 extending local authorities' duties in respect of safeguarding and promoting the welfare of children, to require local authorities to ascertain, and give consideration to, the wishes and feelings of children in need, in relation to the provision of services.	Health & Social Services	1 April 2006
54	Amends section 83 of the Children Act 1989 to include information that relates to and identifies individual children to be transmitted by local authorities and voluntary organisations to the Assembly for research and information returns.	Health & Social Services	1 April 2006
55	Repeals and amends the Local Authority Social Services Act 1970, the Health Services and Public Health Act 1968, the Local Government and Housing Act 1989 and the Local Government Act 2000 to remove the requirement on local authorities in Wales to establish a social services committee.	Health & Social Services	1 April 2006

56	Amends Schedule 1 to the Local Authority Social Services Act 1970 to include the provisions of sections 31 - 34 of the Children Act 2004 as social services functions.	Health & Social Services	1 October 2006
57	Amends section 12(3)(d) of the Adoption and Children Act 2002 (power to make provision as to the payment of expenses of members of an adoption review panel) by substituting the word "fees" for "expenses".	Health & Social Services	30 December 2005
58	Amends and repeals existing legislation in respect of the defence of reasonable punishment.	Non devolved	15 January 2005
59	Amends section 14 of the Education Act 2002 so as to extend the powers of the Assembly to give, or make arrangements for giving of financial assistance.	Education Lifelong Learning & Skills	15 November 2004
60	Amends and repeals existing legislation in respect of Child Safety Orders.	Non devolved	1 March 2005
61	Amends section 76 of the Care Standards Act 2000 to provide the Children's Commissioner for Wales with powers to enter premises, other than private homes, to interview children when reviewing and monitoring functions of, and arrangements made by, the Assembly and other specified persons.	Education Lifelong Learning & Skills	1 April 2006
62	Amends section 97 of the Children Act 1989 and section 12 of the Administration of Justice Act 1960 to make clear that the publication of material from family proceedings which is intended, or likely, to identify any child as being involved in such proceedings (or the address or school of such a child) is only prohibited in relation to publication of information to the public or any section of the public and make it clear that rules of court will set out the cases in which publication of information relating to children is authorised.	Non-devolved	12 April 2005
63	Amends schedule 5 of the Tax Credits Act 2002 to enable the Inland Revenue to share Tax Credit, Child Benefit or Guardian's Allowance information (except where it relates to a person's income) with local authorities for the purposes of enquiries and investigations relating to the welfare of a child.	Non devolved	15 November 2004

<p>PART 6 64</p>	<p>Gives effect to Schedule 5 which makes provision for repeals arising from the commencement of Children Act 2004 provisions including the introduction of single education plans, local authority plans for adoption services, child minding and day care and social services committees.</p>	<p>Education Lifelong Learning & Skills</p>	<p>Parts 1 (partially) 2 & 4 1 April 2006 Part 1 (remainder except for Children Act 1989 provision) 1 September 2006 Part 5 15 January 2005 Part 6 1 March 2005</p>
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