

ADOPTION AND CHILDREN ACT 2002

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 2 – Amendments of the Children Act 1989

Section 119: Advocacy services

298. *Section 119* inserts new section 26A into the Children Act 1989 to place a duty on local authorities to make arrangements for assistance to looked after children and young people leaving care who make or intend to make complaints under sections 24D and 26 of the Children Act 1989. *Subsection (2)* provides that the assistance to be provided must include representation.
299. *Subsection (3)(a)* provides that the advocacy service must not be provided by a person who is prevented from doing so by regulations. This provision will be used to ensure the independence of the service for example, by providing that no person involved in the management of the case in question or in considering the complaint may act as an advocate. *Subsection (3)(b)* provides that the arrangements must also comply with any other provision made by the regulations.
300. *Subsection (4)* provides for local authorities to monitor the provision of assistance under this section to ensure that they comply with regulations. This reflects section 26(6) of the Children Act 1989. *Subsection (5)* provides that every local authority shall give such publicity to their arrangements for the provision of assistance as they consider appropriate. This reflects section 26(8) of the Children Act 1989.