

CHILDREN AND FAMILIES (WALES) MEASURE 2010

EXPLANATORY NOTES

Part 1: Child Poverty, Play and Participation

Part 1, Chapter 2: Play and Participation

Section 12: Participation of children in local authority decision making

43. **Section 12** requires local authorities to make arrangements to promote and facilitate participation by children in decisions across the full range of authorities' functions which affect them. "Children" for these purposes are defined in section 71 as persons below the age of 18.
44. Subsection (2) requires local authorities to publish information about its arrangements for participation and to keep the information up to date.
45. Subsection (3) repeals section 176 of the Education Act 2002 as amended. Section 176 placed a duty on local authorities and governing bodies in Wales to have regard to the Welsh Ministers' guidance about consultation with pupils in connection with the taking of decisions affecting them. The new duty places a duty to make arrangements to promote and facilitate participation by children in decisions of the authority which might affect them. The old duty is overtaken by the new duty except with regards to decisions which are for the governing body of maintained schools and not the local authority, which are now the subject of separate provision in section 29B of the Education Act 2002 (inserted by section 157 of the Education and Skills Act 2008).