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Changes to legislation: Children Act 1989, Part I is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)

SCHEDULES

SCHEDULE 2

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

Modifications etc. (not altering text)

- C1** Sch. 2 modified (temp.) (12.2.2009 for E. and 31.3.2010 for W.) by Children and Young Persons Act 2008 (c. 23), ss. 8(3), 44, Sch. 2 para. 2; S.I. 2009/268, art. 3(1)(b); S.I. 2010/749, art. 2(a)

Commencement Information

- II** Sch. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

PART I

PROVISION OF SERVICES FOR FAMILIES

Commencement Information

- II** Sch. 2 Part I wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Identification of children in need and provision of information

- 1 (1) Every local authority shall take reasonable steps to identify the extent to which there are children in need within their area.
- (2) Every local authority shall—
- (a) publish information—
- (i) about services provided by them under sections 17, 18, 20 and 24; and
- (ii) where they consider it appropriate, about the provision by others (including, in particular, voluntary organisations) of services which the authority have power to provide under those sections; and
- (b) take such steps as are reasonably practicable to ensure that those who might benefit from the services receive the information relevant to them.

Commencement Information

- I2** Sch. 2 Pt. I para. 1 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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VALID FROM 01/04/1996

[^{F1}Children’s services plans]

Textual Amendments

F1 Sch. 2 para. 1A and cross heading inserted (1.4.1996) by S.I. 1996/785, art. 2

- ^{F2}1A (1) Every local authority shall, on or before 31st March 1997—
- (a) review their provision of services under sections 17, 20, 21, 23 and 24; and
 - (b) having regard to that review and to their most recent review under section 19, prepare and publish a plan for the provision of services under Part III.
- (2) Every local authority—
- (a) shall, from time to time review the plan prepared by them under subparagraph (1)(b) (as modified or last substituted under this sub-paragraph), and
 - (b) may, having regard to that review and to their most recent review under section 19, prepare and publish—
 - (i) modifications (or, as the case may be, further modifications) to the plan reviewed; or
 - (ii) a plan in substitution for that plan.
- (3) In carrying out any review under this paragraph and in preparing any plan or modifications to a plan, a local authority shall consult—
- (a) every health authority the whole or any part of whose area lies within the area of the local authority;
 - (b) every National Health Service trust which manages a hospital, establishment or facility (within the meaning of the National Health Service and Community Care Act 1990) ^{F3} in the authority’s area;
 - (c) if the local authority is not itself a local education authority, every local education authority the whole or any part of whose area lies within the area of the local authority;
 - (d) any organisation which represents schools in the authority’s area which are grant-maintained schools or grant-maintained special schools (within the meaning of the Education Act 1993) ^{F4};
 - (e) the governing body of every such school in the authority’s area which is not so represented;
 - (f) such voluntary organisations as appear to the local authority—
 - (i) to represent the interests of persons who use or are likely to use services provided by the local authority under Part III; or
 - (ii) to provide services in the area of the local authority which, were they to be provided by the local authority, might be categorised as services provided under that Part.
 - (g) the chief constable of the police force for the area ^{F5};
 - (h) the probation committee for the area ^{F6};

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- (i) such other persons as appear to the local authority to be appropriate; and
- (j) such other persons as the Secretary of State may direct.

- (4) Every local authority shall, within 28 days of receiving a written request from the Secretary of State, submit to him a copy of—
- (a) the plan prepared by them under sub-paragraph (1); or
 - (b) where that plan has been modified or substituted, the plan as modified or last substituted.

Textual Amendments

- F2** Sch. 2 para. 1A inserted (1.4.1996) by S.I. 1996/785, art.2
- F3** 1990 c.19. See in particular section 5.
- F4** 1993 c.35. "Grant-maintained school" and "grant-maintained special school" are defined in section 306 of the Act.
- F5** The chief constable is appointed by the police authority for the area under section 5A of the Police Act 1964 (c.48), which was inserted by section 5 of the Police and Magistrates' Courts Act 1994 (c.29).
- F6** Probation committees are constituted under section 3 of the Probation Service Act 1993 (c.47).

Maintenance of a register of disabled children

- 2 (1) Every local authority shall open and maintain a register of disabled children within their area.
- (2) The register may be kept by means of a computer.

Commencement Information

- I3** Sch. 2 Pt. I para. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Assessment of children's needs

- 3 Where it appears to a local authority that a child within their area is in need, the authority may assess his needs for the purposes of this Act at the same time as any assessment of his needs is made under—
- (a) the ^{M1}Chronically Sick and Disabled Persons Act 1970;
 - (b) the ^{M2}Education Act 1981;
 - (c) the ^{M3}Disabled Persons (Services, Consultation and Representation) Act 1986; or
 - (d) any other enactment.

Commencement Information

- I4** Sch. 2 Pt. I para. 3 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Marginal Citations

- M1** 1970 c. 44.
- M2** 1981 c. 60.

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M3 1986 c. 33.

Prevention of neglect and abuse

- 4 (1) Every local authority shall take reasonable steps, through the provision of services under Part III of this Act, to prevent children within their area suffering ill-treatment or neglect.
- (2) Where a local authority believe that a child who is at any time within their area—
- (a) is likely to suffer harm; but
 - (b) lives or proposes to live in the area of another local authority
- they shall inform that other local authority.
- (3) When informing that other local authority they shall specify—
- (a) the harm that they believe he is likely to suffer; and
 - (b) (if they can) where the child lives or proposes to live.

Commencement Information

I5 Sch. 2 Pt. I para. 4 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Provision of accommodation in order to protect child

- 5 (1) Where—
- (a) it appears to a local authority that a child who is living on particular premises is suffering, or is likely to suffer, ill treatment at the hands of another person who is living on those premises; and
 - (b) that other person proposes to move from the premises,
- the authority may assist that other person to obtain alternative accommodation.
- (2) Assistance given under this paragraph may be in cash.
- (3) Subsections (7) to (9) of section 17 shall apply in relation to assistance given under this paragraph as they apply in relation to assistance given under that section.

Commencement Information

I6 Sch. 2 Pt. I para. 5 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Provision for disabled children

- 6 Every local authority shall provide services designed—
- (a) to minimise the effect on disabled children within their area of their disabilities; and
 - (b) to give such children the opportunity to lead lives which are as normal as possible.

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Commencement Information

I7 Sch. 2 Pt. I para. 6 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Provision to reduce need for care proceedings etc.

- 7 Every local authority shall take reasonable steps designed—
- (a) to reduce the need to bring—
 - (i) proceedings for care or supervision orders with respect to children within their area;
 - (ii) criminal proceedings against such children;
 - (iii) any family or other proceedings with respect to such children which might lead to them being placed in the authority's care; or
 - (iv) proceedings under the inherent jurisdiction of the High Court with respect to children;
 - (b) to encourage children within their area not to commit criminal offences; and
 - (c) to avoid the need for children within their area to be placed in secure accommodation.

Commencement Information

I8 Sch. 2 Pt. I para. 7 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Provision for children living with their families

- 8 Every local authority shall make such provision as they consider appropriate for the following services to be available with respect to children in need within their area while they are living with their families—
- (a) advice, guidance and counselling;
 - (b) occupational, social, cultural or recreational activities;
 - (c) home help (which may include laundry facilities);
 - (d) facilities for, or assistance with, travelling to and from home for the purpose of taking advantage of any other service provided under this Act or of any similar service;
 - (e) assistance to enable the child concerned and his family to have a holiday.

Commencement Information

I9 Sch. 2 Pt. I para. 8 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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VALID FROM 28/03/2011

[^{F7}Provision for accommodated children

Textual Amendments

F7 Sch. 2 para. 8A and cross-heading inserted (28.3.2011 for W., 1.4.2011 for E.) by Children and Young Persons Act 2008 (c. 23), ss. 19, 44; S.I. 2010/2981, art. 4(f); S.I. 2011/949, art. 3(1)(b)

- 8A (1) Every local authority shall make provision for such services as they consider appropriate to be available with respect to accommodated children.
- (2) “Accommodated children” are those children in respect of whose accommodation the local authority have been notified under section 85 or 86.
- (3) The services shall be provided with a view to promoting contact between each accommodated child and that child's family.
- (4) The services may, in particular, include—
- (a) advice, guidance and counselling;
 - (b) services necessary to enable the child to visit, or to be visited by, members of the family;
 - (c) assistance to enable the child and members of the family to have a holiday together.
- (5) Nothing in this paragraph affects the duty imposed by paragraph 10.]

Family centres

- 9 (1) Every local authority shall provide such family centres as they consider appropriate in relation to children within their area.
- (2) “Family centre” means a centre at which any of the persons mentioned in subparagraph (3) may—
- (a) attend for occupational, social, cultural or recreational activities;
 - (b) attend for advice, guidance or counselling; or
 - (c) be provided with accommodation while he is receiving advice, guidance or counselling.
- (3) The persons are—
- (a) a child;
 - (b) his parents;
 - (c) any person who is not a parent of his but who has parental responsibility for him;
 - (d) any other person who is looking after him.

Commencement Information

I10 Sch. 2 Pt. I para. 9 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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Maintenance of the family home

- 10 Every local authority shall take such steps as are reasonably practicable, where any child within their area who is in need and whom they are not looking after is living apart from his family—
- (a) to enable him to live with his family; or
 - (b) to promote contact between him and his family,
- if, in their opinion, it is necessary to do so in order to safeguard or promote his welfare.

Commencement Information

I11 Sch. 2 Pt. I para. 10 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

Duty to consider racial groups to which children in need belong

- 11 Every local authority shall, in making any arrangements—
- (a) for the provision of day care within their area; or
 - (b) designed to encourage persons to act as local authority foster parents,
- have regard to the different racial groups to which children within their area who are in need belong.

Commencement Information

I12 Sch. 2 Pt. I para. 11 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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