



# Children Act 2004

## 2004 CHAPTER 31

### PART 2

#### CHILDREN'S SERVICES IN ENGLAND

##### *General*

#### **[<sup>F1</sup>9A] Targets for safeguarding and promoting the welfare of children**

- (1) The Secretary of State may, in accordance with regulations, set safeguarding targets for a [<sup>F2</sup>local authority] in England.
- (2) The regulations may, in particular—
  - (a) make provision about matters by reference to which safeguarding targets may, or must, be set;
  - (b) make provision about periods to which safeguarding targets may, or must, relate;
  - (c) make provision about the procedure for setting safeguarding targets;
  - (d) specify requirements with which a [<sup>F2</sup>local authority] in England must comply in connection with the setting of safeguarding targets.
- (3) In exercising their functions, a [<sup>F2</sup>local authority] in England must act in the manner best calculated to secure that any safeguarding targets set under this section (so far as relating to the area of the authority) are met.
- (4) “Safeguarding targets”, in relation to a [<sup>F2</sup>local authority] in England, are targets for safeguarding and promoting the welfare of children in the authority's area.]

#### **Textual Amendments**

- F1** S. 9A inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 195(1)**, 269; S.I. 2009/3317, **art. 2**, Sch.

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

**F2** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**

**10 Co-operation to improve well-being**

- (1) Each [<sup>F3</sup>local authority] in England must make arrangements to promote co-operation between—
  - (a) the authority;
  - (b) each of the authority’s relevant partners; and
  - (c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority’s area.
  
- (2) The arrangements are to be made with a view to improving the well-being of children in the authority’s area so far as relating to—
  - (a) physical and mental health and emotional well-being;
  - (b) protection from harm and neglect;
  - (c) education, training and recreation;
  - (d) the contribution made by them to society;
  - (e) social and economic well-being.
  
- (3) In making arrangements under this section a [<sup>F3</sup>local authority] in England must have regard to the importance of parents and other persons caring for children in improving the well-being of children.
  
- (4) For the purposes of this section each of the following is a relevant partner of a [<sup>F3</sup>local authority] in England—
  - (a) where the authority is a county council for an area for which there is also a district council, the district council;
  - (b) [<sup>F4</sup>the local policing body] and the chief officer of police for a police area any part of which falls within the area of the [<sup>F3</sup>local authority];
  - (c) a local probation board for an area any part of which falls within the area of the authority;
  - [<sup>F5</sup>(ca) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;
  - (cb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;]
  - (d) a youth offending team for an area any part of which falls within the area of the authority;
  - [<sup>F6</sup>(da) the National Health Service Commissioning Board;]
  - [<sup>F7</sup>(db) any clinical commissioning group for an area any part of which falls within the area of the authority;]
  - [<sup>F8</sup>(e) .....
  - (f) a person providing services [<sup>F9</sup>in pursuance of section 68 of the Education and Skills Act 2008] in any part of the area of the authority;
  - [<sup>F10</sup>(fa) the governing body of a maintained school that is maintained by the authority  
<sup>F11</sup> ...;

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (fb) the proprietor of a school approved by the Secretary of State under section 342 of the Education Act 1996 and situated in the authority's area;
  - (fc) the proprietor of a city technology college, city college for the technology of the arts or Academy situated in the authority's area;
  - (fd) the governing body of an institution within the further education sector the main site of which is situated in the authority's area;
  - (fe) the Secretary of State, in relation to the Secretary of State's functions under section 2 of the Employment and Training Act 1973.]
  - (g) <sup>F12</sup> .....
- (5) The relevant partners of a [<sup>F3</sup>local authority] in England must co-operate with the authority in the making of arrangements under this section.
- [<sup>F13</sup>(5A) For the purposes of arrangements under this section a relevant person or body may—
- (a) provide staff, goods, services, accommodation or other resources to another relevant person or body;
  - (b) make contributions to a fund out of which relevant payments may be made.]
- (6) <sup>F14</sup> .....
- (7) <sup>F14</sup> .....
- (8) A [<sup>F3</sup>local authority] in England and each of their relevant partners must in exercising their functions under this section have regard to any guidance given to them for the purpose by the Secretary of State.
- (9) Arrangements under this section may include arrangements relating to—
- (a) persons aged 18 and 19;
  - (b) persons over the age of 19 who are receiving services under sections 23C to 24D of the Children Act 1989 (c. 41);
  - (c) persons over the age of 19 but under the age of 25[<sup>F15</sup>—
    - (i) for whom an EHC plan is maintained, or
    - (ii) who have a learning difficulty [<sup>F16</sup>or disability], within the meaning of [<sup>F17</sup>section 15ZA(6) and (7) of the Education Act 1996], and are receiving services under [<sup>F18</sup>section 15ZA of the Education Act 1996 or section <sup>F19</sup> . . . 86 or 87 of the Apprenticeships, Skills, Children and Learning Act 2009]
- [<sup>F20</sup>(10) In deciding for the purposes of subsection (4)(fd) whether the main site of an institution within the further education sector is situated within the area of a [<sup>F3</sup>local authority], the authority and the governing body of the institution must have regard to any guidance given to them by the Secretary of State.
- (11) In this section—
- “governing body”, in relation to an institution within the further education sector, has the meaning given by section 90 of the Further and Higher Education Act 1992;
  - “institution within the further education sector” has the meaning given by section 4(3) of the Education Act 1996;
  - “maintained school” has the meaning given by section 39(1) of the Education Act 2002;
  - “proprietor”, in relation to a city technology college, city college for the technology of the arts, Academy or other school, means the person or body of persons responsible for its management;

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

“ relevant payment ”, in relation to a fund, means a payment in respect of expenditure incurred, by a relevant person or body contributing to the fund, in the exercise of its functions;

“ relevant person or body ” means—

- (a) a [<sup>F3</sup>local authority] in England;
- (b) a relevant partner of a [<sup>F3</sup>local authority] in England.]

### Textual Amendments

- F3** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F4** Words in s. 10(4)(b) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011](#) (c. 13), ss. 99, 157(1), **Sch. 16 para. 331**; S.I. 2011/3019, **art. 3**, Sch. 1
- F5** S. 10(4)(ca)(cb) inserted (1.4.2008) by [Offender Management Act 2007](#) (c. 21), ss. 39, 41(1), **Sch. 3 para. 4(2)**; S.I. 2008/504, **art. 3**
- F6** S. 10(4)(da) inserted (1.4.2013) by [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 128(a)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F7** S. 10(4)(db) inserted (1.4.2013) by [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 128(b)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F8** S. 10(4)(e) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012](#) (c. 7), s. 306(4), **Sch. 5 para. 128(c)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F9** Words in s. 10(4)(f) substituted (26.1.2009) by [Education and Skills Act 2008](#) (c. 25), ss. 169(1), 173(4), **Sch. 1 para. 83**; S.I. 2008/3077, **art. 4**
- F10** S. 10(4)(fa)-(fe) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 193(2)(a)**, 269; S.I. 2009/3317, **art. 2**, Sch.
- F11** Words in s. 10(4)(fa) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010](#) (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 55(3), **Sch. 3 Pt. 2**
- F12** S. 10(4)(g) repealed (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), ss. 193(2)(b), 266, 269, **Sch. 16 Pt. 5**; S.I. 2010/303, **art. 3**, Sch. 2
- F13** S. 10(5A) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 193(3)**, 269; S.I. 2009/3317, **art. 2**, Sch.
- F14** S. 10(6)(7) repealed (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), ss. 193(4), 266, 269, **Sch. 16 Pt. 5**; S.I. 2009/3317, **art. 2**, Sch.
- F15** Words in s. 10(9)(c) inserted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 80(a)**; S.I. 2014/889, **art. 7(a)**
- F16** Words in s. 10(9)(c) inserted (1.9.2014) by [Children and Families Act 2014](#) (c. 6), s. 139(6), **Sch. 3 para. 80(b)**; S.I. 2014/889, **art. 7(a)**
- F17** Words in s. 10(9)(c) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010](#) (S.I. 2010/1080), art. 1(2), **Sch. 1 para. 52(a)** (with art. 2(3))
- F18** Words in s. 10(9)(c) substituted (1.4.2010) by [The Apprenticeships, Skills, Children and Learning Act 2009 \(Consequential Amendments\) \(England and Wales\) Order 2010](#) (S.I. 2010/1080), art. 1(2), **Sch. 1 para. 52(b)** (with art. 2(3))
- F19** Words in s. 10(9)(c) omitted (1.4.2012) by virtue of the [Education Act 2011](#) (c. 21), ss. 67(1), 82(3), **Sch. 16 para. 23**; S.I. 2012/924, **art. 2**
- F20** S. 10(10)(11) inserted (12.1.2010) by [Apprenticeships, Skills, Children and Learning Act 2009](#) (c. 22), **ss. 193(5)**, 269; S.I. 2009/3317, **art. 2**, Sch.

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

**Modifications etc. (not altering text)**

- C1 S. 10 applied (with modifications) (E.) (30.4.2010) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) Regulations 2007 \(S.I. 2007/2979\)](#), Sch. 1 para. 20A (as inserted by [S.I. 2010/1074](#), **reg. 3**)
- C2 S. 10 applied (with modifications) by [S.I. 2007/2979](#), Sch. 1 para. 20B (as inserted (1.9.2012) by [The Education \(Pupil Referral Units\) \(Application of Enactments\) \(England\) \(Amendment\) Regulations 2012 \(S.I. 2012/1201\)](#), regs. 1(3), 3)

**Commencement Information**

- II S. 10 not in force at Royal Assent see s. 67(2); s. 10 in force for E. at 1.4.2005 by [S.I. 2005/394](#), **art. 2(2)**

**11 Arrangements to safeguard and promote welfare**

- (1) This section applies to each of the following—
  - (a) a [<sup>F21</sup>local authority] in England;
  - (b) a district council which is not such an authority;
  - [<sup>F22</sup>(ba) the National Health Service Commissioning Board;]
  - [<sup>F23</sup>(bb) a clinical commissioning group;]
  - <sup>F24</sup>(c) .....
  - (d) a Special Health Authority, so far as exercising functions in relation to England, designated by order made by the Secretary of State for the purposes of this section;
  - <sup>F25</sup>(e) .....
  - (f) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;
  - (g) an NHS foundation trust;
  - (h) the [<sup>F26</sup>local policing body] and chief officer of police for a police area in England;
  - (i) the British Transport Police Authority, so far as exercising functions in relation to England;
  - [<sup>F27</sup>(ia) the National Crime Agency;]
  - (j) a local probation board for an area in England;
  - [<sup>F28</sup>(ja) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;]
  - (k) a youth offending team for an area in England;
  - (l) the governor of a prison or secure training centre in England (or, in the case of a contracted out prison or secure training centre, its director);
  - [<sup>F29</sup>(la) the principal of a secure college in England;]
  - (m) any person to the extent that he is providing services [<sup>F30</sup>in pursuance of section 74 of the Education and Skills Act 2008].
- (2) Each person and body to whom this section applies must make arrangements for ensuring that—
  - (a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.
- (3) In the case of a [<sup>F21</sup>local authority] in England, the reference in subsection (2) to functions of the authority does not include functions to which section 175 of the Education Act 2002 (c. 32) applies.
- (4) Each person and body to whom this section applies must in discharging their duty under this section have regard to any guidance given to them for the purpose by the Secretary of State.

#### Textual Amendments

- F21** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F22** S. 11(1)(ba) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 129(a)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F23** S. 11(1)(bb) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 129(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F24** S. 11(1)(c) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 129(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F25** S. 11(1)(e) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 129(d)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F26** Words in s. 11(1)(h) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 99, 157(1), **Sch. 16 para. 332**; S.I. 2011/3019, art. 3, Sch. 1
- F27** S. 11(1)(ia) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 8(1), 61(2); S.I. 2013/1682, art. 3(j)
- F28** S. 11(1)(ja) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 4(3)**; S.I. 2008/504, art. 3
- F29** S. 11(1)(la) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 9 para. 14**; S.I. 2015/778, art. 2(1)(c)
- F30** Words in s. 11(1)(m) substituted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 169(1), 173(4), **Sch. 1 para. 84**; S.I. 2008/3077, art. 4

#### Commencement Information

- I2** S. 11 not in force at Royal Assent see s. 67(2); s. 11 in force at 1.3.2005 for certain purposes for E. and at 1.10.2005 otherwise for E. by S.I. 2005/394, art. 2(1)(4)

## 12 Information databases

- (1) The Secretary of State may for the purpose of arrangements under section 10 or 11 above or under section 175 of the Education Act 2002—
- (a) by regulations require [<sup>F31</sup>local authorities] in England to establish and operate databases containing information in respect of persons to whom such arrangements relate;
- (b) himself establish and operate, or make arrangements for the operation and establishment of, one or more databases containing such information.
- (2) The Secretary of State may for the purposes of arrangements under subsection (1)
- (b) by regulations establish a body corporate to establish and operate one or more databases.

---

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

---

- (3) A database under this section may only include information falling within subsection (4) in relation to a person to whom arrangements specified in subsection (1) relate.
- (4) The information referred to in subsection (3) is information of the following descriptions in relation to a person—
- (a) his name, address, gender and date of birth;
  - (b) a number identifying him;
  - (c) the name and contact details of any person with parental responsibility for him (within the meaning of section 3 of the Children Act 1989 (c. 41)) or who has care of him at any time;
  - (d) details of any education being received by him (including the name and contact details of any educational institution attended by him);
  - (e) the name and contact details of any person providing primary medical services in relation to him under <sup>F32</sup>the National Health Service Act 2006];
  - (f) the name and contact details of any person providing to him services of such description as the Secretary of State may by regulations specify;
  - (g) information as to the existence of any cause for concern in relation to him;
  - (h) information of such other description, not including medical records or other personal records, as the Secretary of State may by regulations specify.
- (5) The Secretary of State may by regulations make provision in relation to the establishment and operation of any database or databases under this section.
- (6) Regulations under subsection (5) may in particular make provision—
- (a) as to the information which must or may be contained in any database under this section (subject to subsection (3));
  - (b) requiring a person or body specified in subsection (7) to disclose information for inclusion in the database;
  - (c) permitting a person or body specified in subsection (8) to disclose information for inclusion in the database;
  - (d) permitting or requiring the disclosure of information included in any such database;
  - (e) permitting or requiring any person to be given access to any such database for the purpose of adding or reading information;
  - (f) as to the conditions on which such access must or may be given;
  - (g) as to the length of time for which information must or may be retained;
  - (h) as to procedures for ensuring the accuracy of information included in any such database;
  - (i) in a case where a database is established by virtue of subsection (1)(b), requiring children’s services authorities in England to participate in the operation of the database.
- (7) The persons and bodies referred to in subsection (6)(b) are—
- (a) the persons and bodies specified in section 11(1);
  - (b) the Learning and Skills Council for England;
  - (c) the governing body of a maintained school in England (within the meaning of section 175 of the Education Act 2002 (c. 32));
  - (d) the governing body of an institution in England within the further education sector (within the meaning of that section);

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (e) the proprietor of an independent school in England (within the meaning of the Education Act 1996 (c. 56));
  - [<sup>F33</sup>(ea) the proprietor of an alternative provision Academy that is not an independent school (within the meaning of that Act);]
  - (f) a person or body of such other description as the Secretary of State may by regulations specify.
- (8) The persons and bodies referred to in subsection (6)(c) are—
- [<sup>F34</sup>(a) a person registered under Part 3 of the Childcare Act 2006 (regulation of provision of childcare in England);]
  - (b) a voluntary organisation exercising functions or engaged in activities in relation to persons to whom arrangements specified in subsection (1) relate;
  - (c) the Commissioners of Inland Revenue;
  - [<sup>F35</sup>(ca) a private registered provider of social housing;]
  - (d) a registered social landlord;
  - (e) a person or body of such other description as the Secretary of State may by regulations specify.
- (9) The Secretary of State may provide information for inclusion in a database under this section.
- (10) The provision which may be made under subsection (6)(e) includes provision for a person of a description specified in the regulations to determine what must or may be done under the regulations.
- (11) Regulations under subsection (5) may also provide that anything which may be done under regulations under subsection (6)(c) to (e) or (9) may be done notwithstanding any rule of common law which prohibits or restricts the disclosure of information.
- (12) Any person or body establishing or operating a database under this section must in the establishment or operation of the database have regard to any guidance, and comply with any direction, given to that person or body by the Secretary of State.
- (13) Guidance or directions under subsection (12) may in particular relate to—
- (a) the management of a database under this section;
  - (b) the technical specifications for any such database;
  - (c) the security of any such database;
  - (d) the transfer and comparison of information between databases under this section;
  - (e) the giving of advice in relation to rights under the Data Protection Act 1998 (c. 29).

#### **Textual Amendments**

- F31** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F32** Words in s. 12(4)(e) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 265** (with Sch. 3 Pt. 1)
- F33** S. 12(7)(ea) inserted (1.4.2012) by [The Alternative Provision Academies \(Consequential Amendments to Acts\) \(England\) Order 2012 \(S.I. 2012/976\)](#), art. 1, **Sch. para. 14** (with art. 3)
- F34** S. 12(8)(a) substituted (6.4.2007) by [Childcare Act 2006 \(c. 21\)](#), ss. 103(1), 109(2), **Sch. 2 para. 43**; [S.I. 2007/1019](#), **art. 4** (with Sch. para. 7)



*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

**F35** S. 12(8)(ca) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 5, **Sch. 2 para. 128** (with art. 6, Sch. 3)

#### Commencement Information

**I3** S. 12 not in force at Royal Assent see s. 67(2); s. 12 in force for E. at 1.1.2006 by [S.I. 2005/3464](#), art. 2

### *<sup>F36</sup>Children's Trust Boards*

#### Textual Amendments

**F36** Ss. 12A-12D and cross-heading inserted (26.2.2010 for certain purposes and 1.4.2010 otherwise) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), ss. **194(2)**, 269; [S.I. 2010/303](#), arts. 2, 3, Sch. 1, Sch. 2

## 12A Establishment of CTBs

- (1) Arrangements made by a [<sup>F37</sup>local authority] in England under section 10 must include arrangements for the establishment of a Children's Trust Board for their area.
- (2) A Children's Trust Board must include a representative of each of the following—
  - (a) the establishing authority;
  - (b) each of the establishing authority's relevant partners (subject to subsection (4)).
- (3) A Children's Trust Board may also include any other persons or bodies that the establishing authority, after consulting each of their relevant partners, think appropriate.
- (4) A Children's Trust Board need not include any of the establishing authority's relevant partners who are of a description prescribed by regulations made by the Secretary of State.
- (5) Subsection (2) does not require a Children's Trust Board to include a separate representative for each of the persons or bodies mentioned in subsection (2)(a) and (b).
- (6) Where two or more [<sup>F38</sup>local authorities] jointly make arrangements under section 10 for the establishment of a Children's Trust Board, references in sections 12B and 17 to the area of the authority that established the Board are to be read as references to an area consisting of the combined areas of those authorities.
- (7) For the purposes of this section and sections 12B and 12C—
  - (a) “the establishing authority”, in relation to a Children's Trust Board, is the [<sup>F37</sup>local authority] that establishes the Board;
  - (b) a person or body is a “relevant partner” of a [<sup>F37</sup>local authority] if it is a relevant partner of the authority for the purposes of section 10

[<sup>F39</sup>otherwise than by virtue of section 10(4)(da) or (db)]

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

### Textual Amendments

- F37** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F38** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F39** Words in s. 12A inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 130**; S.I. 2013/160, art. 2(2) (with arts. 7-9)

## 12B Functions and procedures of CTBs

- (1) The functions of a Children's Trust Board are—
  - (a) those conferred by or under section 17 or 17A (children and young people's plans);
  - (b) any further functions conferred by regulations made by the Secretary of State.
- (2) Regulations under subsection (1)(b) may confer a function on a Children's Trust Board only if the function relates to improving the well-being of children or relevant young persons in the area of the establishing authority.
- (3) In subsection (2) “well-being” means well-being so far as relating to one or more of the matters specified in section 10(2)(a) to (e).
- (4) A Children's Trust Board must have regard to any guidance given to it by the Secretary of State in connection with—
  - (a) the procedures to be followed by it;
  - (b) the exercise of its functions.
- (5) In this section “relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.

## 12C Funding of CTBs

- (1) The establishing authority and any of their relevant partners represented on a Children's Trust Board may make payments towards expenditure incurred by, or for purposes connected with, the Board—
  - (a) by making the payments directly; or
  - (b) by contributing to a fund out of which the payments may be made.
- (2) The establishing authority and any of their relevant partners represented on a Children's Trust Board may provide staff, goods, services, accommodation or other resources for purposes connected with the functions of the Board.
- (3) Two or more Children's Trust Boards may establish and maintain a pooled fund for the purposes of any of their functions.
- (4) A pooled fund is a fund—
  - (a) which is made up of contributions by the Boards concerned, and
  - (b) out of which payments may be made towards expenditure incurred in the discharge of functions of any of the Boards.

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

## 12D Supply of information to CTBs

- (1) A person or body represented on a Children's Trust Board must supply to the Board any information requested by the Board for the purpose of enabling or assisting it to perform its functions.
- (2) Information supplied to a Children's Trust Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.
- (3) Information requested under subsection (1) must be information that relates to—
  - (a) the person or body to whom the request is made;
  - (b) a function of that person or body, or
  - (c) a person in respect of whom a function is exercisable by that person or body.]

### *Local Safeguarding Children Boards*

## 13 Establishment of LSCBs

- (1) Each [<sup>F40</sup>local authority] in England must establish a Local Safeguarding Children Board for their area.
- (2) A Board established under this section must include such representative or representatives of—
  - (a) the authority by which it is established, and
  - (b) each Board partner of that authority,as the Secretary of State may by regulations prescribe.
- (3) For the purposes of this section each of the following is a Board partner of a [<sup>F40</sup>local authority] in England—
  - (a) where the authority is a county council for an area for which there is also a district council, the district council;
  - (b) the chief officer of police for a police area any part of which falls within the area of the authority;
  - (c) a local probation board for an area any part of which falls within the area of the authority;
  - [<sup>F41</sup>(ca) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to England;
  - (cb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Board partner of the authority;]
  - (d) a youth offending team for an area any part of which falls within the area of the authority;
  - [<sup>F42</sup>(da) the National Health Service Commissioning Board;]
  - [<sup>F43</sup>(db) any clinical commissioning group for an area any part of which falls within the area of the authority;]
  - [<sup>F44</sup>(e) .....
  - (f) an NHS trust and an NHS foundation trust all or most of whose hospitals, establishments and facilities are situated in the area of the authority;
  - (g) a person providing services [<sup>F45</sup>in pursuance of section 68 of the Education and Skills Act 2008] in any part of the area of the authority;

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (h) the Children and Family Court Advisory and Support Service;
  - (i) the governor of any secure training centre in the area of the authority (or, in the case of a contracted out secure training centre, its director);
  - [<sup>F46</sup>(ia) the principal of a secure college in the area of the authority;]
  - (j) the governor of any prison in the area of the authority which ordinarily detains children (or, in the case of a contracted out prison, its director).
- (4) A [<sup>F40</sup>local authority] in England must take reasonable steps to ensure that the Local Safeguarding Children Board established by them includes representatives of relevant persons and bodies of such descriptions as may be prescribed by the Secretary of State in regulations.
- (5) A Local Safeguarding Children Board established under this section may also include representatives of such other relevant persons or bodies as the authority by which it is established consider, after consulting their Board partners, should be represented on it.
- [<sup>F47</sup>(5A) A [<sup>F40</sup>local authority] in England must take reasonable steps to ensure that the Local Safeguarding Children Board established by them also includes two persons who appear to the authority to be representative of persons living in the authority's area.
- (5B) An authority may pay remuneration, allowances and expenses to persons who are included by virtue of subsection (5A) in a Local Safeguarding Children Board established by them.]
- (6) For the purposes of subsections (4) and (5), relevant persons and bodies are persons and bodies of any nature exercising functions or engaged in activities relating to children in the area of the authority in question.
- (7) In the establishment and operation of a Local Safeguarding Children Board under this section—
- (a) the authority establishing it must co-operate with each of their Board partners; and
  - (b) each Board partner must co-operate with the authority.
- (8) Two or more [<sup>F48</sup>local authorities] in England may discharge their respective duties under subsection (1) by establishing a Local Safeguarding Children Board for their combined area (and where they do so, any reference in this section or sections 14 to 16 to the authority establishing the Board shall be read as a reference to the authorities establishing it).

#### Textual Amendments

- F40** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F41** S. 13(3)(ca)(cb) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 4(4)**; S.I. 2008/504, **art. 3**
- F42** S. 13(3)(da) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 131(a)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F43** S. 13(3)(db) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 131(b)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F44** S. 13(3)(e) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 131(e)**; S.I. 2013/160, **art. 2(2)** (with arts. 7-9)
- F45** Words in s. 13(3)(g) substituted (26.1.2009) by [Education and Skills Act 2008 \(c. 25\)](#), ss. 169(1), 173(4), **Sch. 1 para. 85**; S.I. 2008/3077, **art. 4**

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- F46** S. 13(3)(ia) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), [Sch. 9 para. 15](#); [S.I. 2015/778](#), art. 2(1)(c)
- F47** S. 13(5A)(5B) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 196\(2\)](#), 269; [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#)
- F48** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), [Sch. 2 para. 55\(2\)](#)

#### Commencement Information

- I4** S. 13 not in force at Royal Assent see s. 67(2); s. 13 in force for E. for certain purposes at 1.3.2005 by [S.I. 2005/394](#), [art. 2\(1\)](#); s. 13 otherwise in force at 1.4.2006 by [S.I. 2006/927](#), [art. 2\(a\)](#)

## 14 Functions and procedure of LSCBs

- (1) The objective of a Local Safeguarding Children Board established under section 13 is—
- to co-ordinate what is done by each person or body represented on the Board [<sup>F49</sup>by virtue of section 13(2), (4) or (5)] for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; and
  - to ensure the effectiveness of what is done by each such person or body for those purposes.
- (2) A Local Safeguarding Children Board established under section 13 is to have such functions in relation to its objective as the Secretary of State may by regulations prescribe (which may in particular include functions of review or investigation).
- (3) The Secretary of State may by regulations make provision as to the procedures to be followed by a Local Safeguarding Children Board established under section 13.

#### Textual Amendments

- F49** Words in s. 14(1)(a) inserted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 196\(3\)](#), 269; [S.I. 2010/303](#), [art. 3](#), [Sch. 2](#)

#### Commencement Information

- I5** S. 14 not in force at Royal Assent see s. 67(2); s. 14 in force for E. for certain purposes at 1.3.2005 by [S.I. 2005/394](#), [art. 2\(1\)](#); s. 14 otherwise in force at 1.4.2006 by [S.I. 2006/927](#), [art. 2\(a\)](#)

## [<sup>F50</sup>14A LSCBs: annual reports

- (1) At least once in every 12 month period, a Local Safeguarding Children Board established under section 13 must prepare and publish a report about safeguarding and promoting the welfare of children in its local area.
- (2) The Board must submit a copy of the report to the local Children's Trust Board.
- (3) For the purposes of this section—
- the local area of a Local Safeguarding Children Board is the area of the [<sup>F51</sup>local authority] that established the Board;
  - the local Children's Trust Board, in relation to a Local Safeguarding Children Board, is the Children's Trust Board established for the Board's local area.]

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

#### Textual Amendments

- F50** S. 14A inserted (1.4.2010) by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 197, 269; S.I. 2010/303, art. 3, Sch. 2
- F51** Words in Pt. 2 substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), Sch. 2 para. 55(2)

#### [<sup>F52</sup>14B Supply of information requested by LSCBs

- (1) If a Local Safeguarding Children Board established under section 13 requests a person or body to supply information specified in the request to—
  - (a) the Board, or
  - (b) another person or body specified in the request,
 the request must be complied with if the first and second conditions are met and either the third or the fourth condition is met.
- (2) The first condition is that the request is made for the purpose of enabling or assisting the Board to perform its functions.
- (3) The second condition is that the request is made to a person or body whose functions or activities are considered by the Board to be such that the person or body is likely to have information relevant to the exercise of a function by the Board.
- (4) The third condition is that the information relates to—
  - (a) the person or body to whom the request is made,
  - (b) a function or activity of that person or body, or
  - (c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that person or body.
- (5) The fourth condition is that the information—
  - (a) is information requested by the Board from a person or body to whom information was supplied in compliance with another request under this section, and
  - (b) is the same as, or is derived from, information so supplied.
- (6) The information may be used by the Board, or other person or body to whom it is supplied under subsection (1), only for the purpose of enabling or assisting the Board to perform its functions.
- (7) A Local Safeguarding Children Board must have regard to any guidance given to it by the Secretary of State in connection with the exercise of its functions under this section.]

#### Textual Amendments

- F52** S. 14B inserted (15.4.2013) by Children, Schools and Families Act 2010 (c. 26), ss. 8, 29(5) (with s. 27); S.I. 2013/668, art. 2

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

## 15 Funding of LSCBs

- (1) Any person or body specified in subsection (3) may make payments towards expenditure incurred by, or for purposes connected with, a Local Safeguarding Children Board established under section 13—
  - (a) by making the payments directly; or
  - (b) by contributing to a fund out of which the payments may be made.
- (2) Any person or body specified in subsection (3) may provide staff, goods, services, accommodation or other resources for purposes connected with a Local Safeguarding Children Board established under section 13.
- (3) The persons and bodies referred to in subsections (1) and (2) are—
  - (a) the [<sup>F53</sup>local authority] in England by which the Board is established;
  - (b) any person who is a Board partner of the authority under section 13(3)(a) to (h);
  - (c) in a case where the governor of a secure training centre or prison [<sup>F54</sup>or the principal of a [<sup>F55</sup>directly managed] secure college] is a Board partner of the authority, the Secretary of State; and
  - (d) in a case where the director of a contracted out secure training centre or prison [<sup>F56</sup>or the principal of a contracted-out secure college ] is a Board partner of the authority, the contractor.

### Textual Amendments

- F53** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F54** Words in s. 15(3)(c) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 9 para. 16**; [S.I. 2015/778](#), art. 2(1)(c)
- F55** Words in s. 15(3)(c) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 10 para. 34(a)**; [S.I. 2015/778](#), art. 2(1)(d)
- F56** Words in s. 15(3)(d) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 10 para. 34(b)**; [S.I. 2015/778](#), art. 2(1)(d)

### [<sup>F57</sup>15A Review of LSCBs' performance of functions

- (1) The Secretary of State may by regulations make provision for the Chief Inspector to conduct a review of the performance of specified functions by a Local Safeguarding Children Board established under section 13.
- (2) The regulations may allow or require the Chief Inspector to conduct a review, or may require the Chief Inspector to do so in specified circumstances.
- (3) They may in particular make provision—
  - (a) about reports to be made on completion of a review;
  - (b) requiring or facilitating the sharing or production of information for the purposes of a review.
- (4) In this section—

“the Chief Inspector” means Her Majesty's Chief Inspector of Education, Children's Services and Skills;

“specified” means specified in regulations under this section.]

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

#### Textual Amendments

- F57** S. 15A inserted (3.7.2013) by [Children, Schools and Families Act 2010 \(c. 26\)](#), **ss. 10**, 29(5) (with s. 27); [S.I. 2013/1573](#), **art. 2**

## 16 LSCBs: supplementary

- (1) The Secretary of State may by regulations make provision as to the functions of [<sup>F58</sup>local authorities] in England relating to Local Safeguarding Children Boards established by them.
- (2) A [<sup>F59</sup>local authority] in England and each of their Board partners must, in exercising their functions relating to a Local Safeguarding Children Board, have regard to any guidance given to them for the purpose by the Secretary of State.

#### Textual Amendments

- F58** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F59** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**

#### Commencement Information

- I6** S. 16 not in force at Royal Assent see s. 67(2); s. 16 in force for E. for certain purposes at 1.3.2005 by [S.I. 2005/394](#), **art. 2(1)**; s. 16 otherwise in force at 1.4.2006 by [S.I. 2006/927](#), **art. 2(a)**

### *Local authority administration*

## [<sup>F60</sup>17 Children and young people’s plans

- (1) The Secretary of State may by regulations require a Children’s Trust Board established by virtue of arrangements under section 10 from time to time to prepare and publish a children and young people’s plan.
- (2) A children and young people’s plan is a plan setting out the strategy of the persons or bodies represented on the Board for co-operating with each other with a view to improving the well-being of children and relevant young persons in the area of the authority that established the Board.
- (3) In subsection (2) “well-being” means well-being so far as relating to the matters specified in section 10(2)(a) to (e).
- (4) Regulations under this section may in particular make provision as to—
  - (a) the matters to be dealt with in a children and young people’s plan;
  - (b) the period to which a children and young people’s plan is to relate;
  - (c) when and how a children and young people’s plan must be published;
  - (d) keeping a children and young people’s plan under review;
  - (e) revising a children and young people’s plan;
  - (f) consultation to be carried out during preparation or revision of a children and young people’s plan;



*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (g) other steps required or permitted to be taken in connection with the preparation or revision of a children and young people's plan.
- (5) In this section “relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.]

#### Textual Amendments

**F60** Ss. 17, 17A substituted (26.2.2010 for certain purposes and 1.4.2010 otherwise) for s. 17 by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 194(3), 269; S.I. 2010/303, arts. 2, 3, Sch. 1, Sch. 2

#### Commencement Information

**I7** S. 17 not in force at Royal Assent see s. 67(2); s. 17 in force for E. at 1.3.2005 by S.I. 2005/394, art. 2(1)

### [<sup>F61</sup>17A Children and young people's plans: implementation

- (1) This section applies where a Children's Trust Board prepares a children and young people's plan in accordance with regulations under section 17.
- (2) The persons and bodies whose strategy for co-operation is set out in the plan must have regard to the plan in exercising their functions.
- (3) The Board must—
- (a) monitor the extent to which the persons and bodies whose strategy for co-operation is set out in the plan are acting in accordance with the plan;
  - (b) prepare and publish an annual report about the extent to which, during the year to which the report relates, those persons and bodies have acted in accordance with the plan.]

#### Textual Amendments

**F61** Ss. 17, 17A substituted (26.2.2010 for certain purposes and 1.4.2010 otherwise) for s. 17 by Apprenticeships, Skills, Children and Learning Act 2009 (c. 22), ss. 194(3), 269; S.I. 2010/303, arts. 2, 3, Sch. 1, Sch. 2

## 18 Director of children’s services

- (1) A [<sup>F62</sup>local authority] in England may, and with effect from the appointed day must, appoint an officer for the purposes of—
- (a) the functions conferred on or exercisable by the authority which are specified in subsection (2); and
  - (b) such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.
- (2) The functions referred to in subsection (1)(a) are—
- (a) [<sup>F63</sup>education] functions conferred on or exercisable by the authority <sup>F64</sup>. . . ;

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (b) functions conferred on or exercisable by the authority which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), so far as those functions relate to children;
  - (c) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (c. 41) (so far as not falling within paragraph (b));
  - (d) the functions conferred on the authority under sections 10 to 12 <sup>F65</sup>, 12C, 12D and 17A] of this Act; <sup>F66</sup> . . .
  - (e) any functions exercisable by the authority under <sup>F67</sup>section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006] on behalf of an NHS body (within the meaning of <sup>F68</sup>those sections]), so far as those functions relate to children<sup>F69; F70</sup> ...
  - (f) the functions conferred on the authority under Part 1 of the Childcare Act 2006,]<sup>F71</sup> and
  - (g) any function conferred on the authority under section 2 of the Childcare Act 2016.]
- (3) Subsection (2)(a) does not include—
- (a) functions under section 120(3) of the Education Reform Act 1988 (c. 40) (functions of LEAs with respect to higher and further education);
  - (b) functions under section 85(2) and (3) of the Further and Higher Education Act 1992 (c. 13) (finance and government of locally funded further and higher education);
  - (c) functions under section 15B of the Education Act 1996 (c. 56) <sup>F72</sup>. . . (education for persons who have attained the age of 19);
  - (d) functions under section 22 of the Teaching and Higher Education Act 1998 (c. 30) (financial support to students);
  - (e) such other <sup>F73</sup>education] functions conferred on or exercisable by a <sup>F62</sup>local authority] in England <sup>F64</sup>. . . as the Secretary of State may by regulations prescribe.
- (4) An officer appointed by a <sup>F62</sup>local authority] in England under this section is to be known as their “director of children’s services”.
- (5) The director of children’s services appointed by a <sup>F62</sup>local authority] in England may also have responsibilities relating to such functions conferred on or exercisable by the authority, in addition to those specified in subsection (1), as the authority consider appropriate.
- (6) The functions in relation to which a director of children’s services may have responsibilities by virtue of subsection (5) include those referred to in subsection (3) (a) to (e).
- (7) A <sup>F62</sup>local authority] in England must have regard to any guidance given to them by the Secretary of State for the purposes of this section.
- (8) Two or more <sup>F74</sup>local authorities] in England may for the purposes of this section, if they consider that the same person can efficiently discharge, for both or all of them, the responsibilities of director of children’s services, concur in the appointment of a person as director of children’s services for both or all of them.
- (9) The amendments in Schedule 2—
- (a) have effect, in relation to any authority which appoint a director of children’s services before the appointed day, from the day of his appointment; and

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

(b) on and after the appointed day have effect for all purposes.

[<sup>F75</sup>(10) In this section—

“the appointed day” means such day as the Secretary of State may by order appoint;

“education functions” has the meaning given by section 579(1) of the Education Act 1996.]

#### Subordinate Legislation Made

**P1** S. 18(10) power exercised: 1.1.2008 appointed by {S.I. 2007/1792}, art. 2

#### Textual Amendments

- F62** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F63** Word in s. 18(2)(a) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(4)(a)(i)**
- F64** Words in s. 18(2)(a)(3)(e) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1)(2), Sch. 2 para. 55(4)(a)(ii)(b)(ii), **Sch. 3 Pt. 2**
- F65** Words in s. 18(2)(d) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 194(4)**, 269; S.I. 2010/303, **art. 3**, Sch. 2
- F66** Word in s. 18(2)(d) repealed (1.4.2007) by [Childcare Act 2006 \(c. 21\)](#), **ss. 16(2)(a)**, 103(2), 109(2), **Sch. 3 Pt. 2**; S.I. 2007/1019, **art. 3**
- F67** Words in s. 18(2)(e) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), **ss. 2**, 8, **Sch. 1 para. 266(a)** (with Sch. 3 Pt. 1)
- F68** Words in s. 18(2)(e) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), **ss. 2**, 8, **Sch. 1 para. 266(b)** (with Sch. 3 Pt. 1)
- F69** S. 18(2)(f) and preceding word inserted (1.4.2007) by [Childcare Act 2006 \(c. 21\)](#), **ss. 16(2)(b)**, 109(2); S.I. 2007/1019, **art. 3**
- F70** Word in s. 18(2)(e) omitted (10.1.2017) by virtue of [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **42(2)(a)**
- F71** S. 18(2)(g) and preceding word inserted (10.1.2017) by [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **42(2)(b)**
- F72** Words in s. 18(3)(c) repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), **ss. 30**, 32, **Sch. 2**; S.I. 2008/313, **art. 2**
- F73** Word in s. 18(3)(e) inserted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(4)(b)(i)**
- F74** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F75** S. 18(10) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(4)(c)**

#### Commencement Information

**I8** S. 18 not in force at Royal Assent see s. 67(2); s. 18 in force for E. at 1.4.2005 by S.I. 2005/394, **art. 2(2)**

## 19 Lead member for children’s services

(1) A [<sup>F76</sup>local authority] in England must, in making arrangements for the discharge of—

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (a) the functions conferred on or exercisable by the authority specified in section 18(1)(a) and (b), and
  - (b) such other functions conferred on or exercisable by the authority as the authority consider appropriate,
- designate one of their members as their “lead member for children’s services”.
- (2) A [<sup>F76</sup>local authority] in England must have regard to any guidance given to them by the Secretary of State for the purposes of subsection (1).

#### Textual Amendments

**F76** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**

### *Inspections of children's services*

#### 20 Joint area reviews

- (1) Any two or more of the persons and bodies to which this section applies must, at the request of the Secretary of State—
- (a) conduct, in accordance with a timetable drawn up by them and approved by the Secretary of State, a review of children’s services provided in—
    - (i) the area of every [<sup>F77</sup>local authority] in England;
    - (ii) the areas of such [<sup>F78</sup>local authorities] in England as may be specified in the request;
  - (b) conduct a review of such children’s services provided in the area of such [<sup>F77</sup>local authority] in England as may be specified in the request.
- (2) Any two or more of the persons and bodies to which this section applies may conduct a review of any children’s services provided in the area of a particular [<sup>F77</sup>local authority] in England.
- (3) The purpose of a review under this section is to evaluate the extent to which, taken together, the children’s services being reviewed improve the well-being of children and relevant young persons (and in particular to evaluate how those services work together to improve their well-being).
- (4) The persons and bodies to which this section applies are—
- (a) the Chief Inspector of Schools;
  - (b) <sup>F79</sup> .....
  - (c) <sup>F79</sup> .....
  - <sup>F80</sup>(d) the Care Quality Commission;
  - <sup>F81</sup>(e) .....
  - (f) the chief inspector of constabulary;
  - <sup>F82</sup>(g) Her Majesty's Chief Inspector of Probation for England and Wales]
  - <sup>F83</sup>(h) .....
  - (i) the Chief Inspector of Prisons.
- (5) Reviews under this section are to be conducted in accordance with arrangements made by the Chief Inspector of Schools.

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- (6) Before making arrangements for the purposes of reviews under this section the Chief Inspector of Schools must consult such of the other persons and bodies to which this section applies as he considers appropriate.
- (7) The annual report of the Chief Inspector of Schools required by [<sup>F84</sup>subsection (1) of section 121 of the Education and Inspections Act 2006] to be made to the Secretary of State must include an account of reviews under this section; and the power conferred by [<sup>F85</sup>subsection (3)] of that section to make other reports to the Secretary of State includes a power to make reports about such reviews.
- (8) The Secretary of State may by regulations make provision for the purposes of reviews under this section and in particular provision—
- (a) requiring or facilitating the sharing or production of information for the purposes of a review under this section (including provision for the creation of criminal offences);
  - (b) authorising any person or body conducting a review under this section to enter any premises for the purposes of the review (including provision for the creation of criminal offences);
  - (c) imposing requirements as to the making of a report on each review under this section;
  - (d) for the making by such persons as may be specified in or under the regulations of written statements of proposed action in the light of the report and the period within which any such action must or may be taken;
  - (e) for the provision to members of the public of copies of reports and statements made under paragraphs (c) and (d), and for charging in respect of any such provision;
  - (f) for the disapplication, in consequence of a requirement under this section, of any requirement under any other enactment to conduct an assessment or to do anything in connection with an assessment.
- (9) Regulations under subsection (8) may in particular make provision by applying enactments falling within subsection (10), with or without modification, for the purposes of reviews under this section.
- (10) The enactments falling within this subsection are enactments relating to the powers of persons and bodies to which this section applies for the purposes of assessments other than reviews under this section.
- (11) Regulations under subsection (8) may make provision authorising or requiring the doing of anything by reference to the determination of a person of a description specified in the regulations.

#### Textual Amendments

- F77** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F78** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(2)**
- F79** S. 20(4)(b)(c) repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 184, 188, [Sch. 14 para. 96\(2\)](#), **Sch. 18 Pt. 5**; S.I. 2007/935, **art. 5**
- F80** S. 20(4)(d) substituted (1.4.2009) by [Health and Social Care Act 2008 \(c. 14\)](#), ss. 95, 170, **Sch. 5 para. 78**; S.I. 2009/462, **art. 2**, [Sch. 1 para. 35](#)

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

- F81** S. 20(4)(e) omitted (1.4.2015) by virtue of [Local Audit and Accountability Act 2014 \(c. 2\)](#), s. 49(1), [Sch. 12 para. 68](#); [S.I. 2015/841](#), art. 3(x)
- F82** Words in s. 20(4)(g) substituted (1.4.2008) by [The Offender Management Act 2007 \(Consequential Amendments\) Order 2008 \(S.I. 2008/912\)](#), art. 3, [Sch. 1 para. 27\(2\)\(f\)](#)
- F83** S. 20(4)(h) omitted (18.9.2012) by virtue of [The Public Bodies \(Abolition of Her Majesty’s Inspectorate of Courts Administration and the Public Guardian Board\) Order 2012 \(S.I. 2012/2401\)](#), art 1(2), Sch. 1 para. 19
- F84** Words in s. 20(7) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 96\(3\)\(a\)](#); [S.I. 2007/935](#), art. 5
- F85** Words in s. 20(7) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, [Sch. 14 para. 96\(3\)\(b\)](#); [S.I. 2007/935](#), art. 5

#### Commencement Information

- I9** S. 20 not in force at Royal Assent see s. 67(2); s. 20 in force for E. at 1.3.2005 by [S.I. 2005/394](#), art. 2(1)

## 21 Framework

- (1) The Chief Inspector of Schools must devise a Framework for Inspection of Children’s Services (“the Framework”).
- (2) The Framework must, for the purpose specified in subsection (3), set out principles to be applied by any person or body conducting a relevant assessment.
- (3) The purpose referred to in subsection (2) is to ensure that relevant assessments properly evaluate and report on the extent to which children’s services improve the well-being of children and relevant young persons.
- (4) The principles in the Framework may—
  - (a) include principles relating to the organisation of the results of any relevant assessment;
  - (b) make different provision for different cases.
- (5) For the purposes of subsections (2) to (4) a relevant assessment is an assessment conducted under any enactment in relation to any children’s services.
- (6) When devising the Framework, the Chief Inspector of Schools must consult the other persons and bodies to which section 20 applies.
- (7) The Chief Inspector of Schools must publish the Framework, but before doing so must—
  - (a) consult such persons and bodies, other than those referred to in subsection (6), as he thinks fit; and
  - (b) obtain the consent of the Secretary of State.
- (8) The Chief Inspector of Schools may at any time revise the Framework (and subsections (6) and (7) apply in relation to revisions to the Framework as to the original Framework).

#### Commencement Information

- I10** S. 21 not in force at Royal Assent see s. 67(2); s. 21 in force for E. at 1.3.2005 by [S.I. 2005/394](#), art. 2(1)

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Part 2. (See end of Document for details)*

## 22 Co-operation and delegation

- (1) Each person or body with functions under any enactment of conducting assessments of children’s services must for the purposes of those assessments co-operate with other persons or bodies with such functions.
- (2) A person or body with functions under any enactment of conducting assessments of children’s services may delegate any of those functions to any other person or body with such functions.

### Commencement Information

**III1** S. 22 not in force at Royal Assent see s. 67(2); s. 22 in force for E. at 1.3.2005 by [S.I. 2005/394](#), [art. 2\(1\)](#)

## 23 Sections 20 to 22: interpretation

- (1) This section applies for the purposes of sections 20 to 22.
- (2) “Assessment” includes an inspection, review, investigation or study.
- (3) “Children’s services” means—
  - (a) anything done for or in relation to children and relevant young persons (alone or with other persons)—
    - (i) in respect of which, apart from section 20, a person or body to which that section applies conducts any kind of assessment, or secures that any kind of assessment is conducted; and
    - (ii) which is specified in, or is of a description prescribed by, regulations made by the Secretary of State;
  - (b) any function under sections 10 and <sup>F86</sup>[12B] to 19; <sup>F87</sup> . . .
  - (c) any function conferred on a <sup>F88</sup>[local authority] under section 12<sup>F89</sup>; <sup>F90</sup> . . .
  - (d) any function conferred on a local authority under Part 1 of the Childcare Act 2006,<sup>F91</sup> and
  - (e) any function conferred on a local authority under section 2 of the Childcare Act 2016.]
- (4) “Relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.
- <sup>F92</sup>(5) “The Chief Inspector of Schools” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills.]

### Textual Amendments

- F86** Word in s. 23(3) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), [ss. 194\(5\)](#), 269; [S.I. 2010/303](#), [art. 3](#), Sch. 2
- F87** Word in s. 23(3)(b) repealed (1.4.2007) by [Childcare Act 2006 \(c. 21\)](#), [ss. 16\(3\)\(a\)](#), 103(2), 109(2), [Sch. 3 Pt. 2](#); [S.I. 2007/1019](#), [art. 3](#)
- F88** Words in Pt. 2 substituted (5.5.2010) by [The Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), [arts. 1](#), 5(1), [Sch. 2 para. 55\(2\)](#)
- F89** S. 23(3)(d) and preceding word inserted (1.4.2007) by [Childcare Act 2006 \(c. 21\)](#), [ss. 16\(3\)\(b\)](#), 109(2); [S.I. 2007/1019](#), [art. 3](#)

*Status: Point in time view as at 10/01/2017.*

*Changes to legislation: There are currently no known outstanding effects  
 for the Children Act 2004, Part 2. (See end of Document for details)*

- F90** Word in s. 23(3)(c) omitted (10.1.2017) by virtue of [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **42(3)(a)**
- F91** S. 23(3)(e) and preceding word inserted (10.1.2017) by [The Childcare \(Early Years Provision Free of Charge\) \(Extended Entitlement\) Regulations 2016 \(S.I. 2016/1257\)](#), regs. 1(2), **42(3)(b)**
- F92** S. 23(5) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, **Sch. 14 para. 97**; S.I. 2007/935, **art. 5**

#### Commencement Information

- I12** S. 23 not in force at Royal Assent see s. 67(2); s. 23 in force for E. at 1.3.2005 by [S.I. 2005/394](#), **art. 2(1)**

## 24 Performance rating of social services

F93 .....

#### Textual Amendments

- F93** S. 24 repealed (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 184, 188, **Sch. 18 Pt. 5**; S.I. 2007/935, **art. 5**



**Status:**

Point in time view as at 10/01/2017.

**Changes to legislation:**

There are currently no known outstanding effects for the Children Act 2004, Part 2.