



# 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.

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**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) the police authority 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>F4</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;
  - (e) a Strategic Health Authority and Primary Care Trust for an area any part of which falls within the area of the authority;
  - (f) a person providing services [<sup>F5</sup>in pursuance of section 68 of the Education and Skills Act 2008] in any part of the area of the authority;
  - [<sup>F6</sup>(fa) the governing body of a maintained school that is maintained by the authority  
<sup>F7</sup> . . . ;
  - (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;

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- (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>F8</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>F9</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>F10</sup> .....
- (7) <sup>F10</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 who have a learning difficulty, within the meaning of [<sup>F11</sup>section 15ZA(6) and (7) of the Education Act 1996], and are receiving services under [<sup>F12</sup>section 15ZA of the Education Act 1996 or section 66, 86 or 87 of the Apprenticeships, Skills, Children and Learning Act 2009].
- [<sup>F13</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;
  - “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;

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- “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** 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**
- F5** 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**
- F6** 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.
- F7** 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**
- F8** 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
- F9** 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.
- F10** 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.
- F11** 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))
- F12** 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))
- F13** 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.

#### 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**)

#### Commencement Information

- I1** 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>F14</sup>local authority] in England;
  - (b) a district council which is not such an authority;
  - (c) a Strategic Health Authority;
  - (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;

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- (e) a Primary Care Trust;
  - (f) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;
  - (g) an NHS foundation trust;
  - (h) the police authority 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;
  - (j) a local probation board for an area in England;
  - [<sup>F15</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);
  - (m) any person to the extent that he is providing services [<sup>F16</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
  - (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>F14</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

- F14** 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)**
- F15** 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**
- F16** 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—

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- (a) by regulations require [<sup>F17</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.
- (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>F18</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;

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- (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);
  - (e) the proprietor of an independent school in England (within the meaning of the Education Act 1996 (c. 56));
  - (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>F19</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>F20</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).

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### Textual Amendments

- F17** 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)**
- F18** 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)
- F19** 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)
- F20** 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**



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