



# Children Act 2004

## 2004 CHAPTER 31

### PART 2

#### CHILDREN'S SERVICES IN ENGLAND

##### *Local authority administration*

#### **18 Director of children's services**

- (1) A [<sup>F1</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>F2</sup>education] functions conferred on or exercisable by the authority <sup>F3</sup>. . . ;
  - (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>F4</sup>, 12C, 12D and 17A] of this Act; <sup>F5</sup>. . .
  - (e) any functions exercisable by the authority under [<sup>F6</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>F7</sup>those sections]), so far as those functions relate to children[<sup>F8</sup>; <sup>F9</sup>...]
  - (f) the functions conferred on the authority under Part 1 of the Childcare Act 2006,][<sup>F10</sup> and

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- (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>F11</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>F12</sup>education] functions conferred on or exercisable by a [<sup>F1</sup>local authority] in England <sup>F3</sup> . . . as the Secretary of State may by regulations prescribe.
- (4) An officer appointed by a [<sup>F1</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>F1</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>F1</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>F13</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
  - (b) on and after the appointed day have effect for all purposes.
- <sup>F14</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

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### Textual Amendments

- F1** 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)**
- F2** 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)**
- F3** 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**
- F4** 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
- F5** 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**
- F6** 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)
- F7** 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)
- F8** 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**
- F9** 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)**
- F10** 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)**
- F11** 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**
- F12** 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)**
- F13** 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)**
- F14** 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

- I1** 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)**

**Status:**

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**Changes to legislation:**

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