



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 9

CHILDREN'S SERVICES

Children's centres

198 Arrangements for children's centres

In Part 1 of the Childcare Act 2006 (c. 21) (functions of local authorities in England in relation to children) after section 5 insert—

“Children's centres

5A Arrangements for provision of children's centres

- (1) Arrangements made by an English local authority under section 3(2) must, so far as is reasonably practicable, include arrangements for sufficient provision of children's centres to meet local need.
- (2) “Local need” is the need of parents, prospective parents and young children in the authority's area.
- (3) In determining what provision of children's centres is sufficient to meet local need, an authority may have regard to any children's centres—
 - (a) that are provided outside the authority's area, or
 - (b) that the authority expect to be provided outside their area.
- (4) For the purposes of this Part and Part 3A a “children's centre” is a place, or a group of places—

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- (a) which is managed by or on behalf of, or under arrangements made with, an English local authority, with a view to securing that early childhood services in their area are made available in an integrated manner,
 - (b) through which each of the early childhood services is made available, and
 - (c) at which activities for young children are provided, whether by way of early years provision or otherwise.
- (5) For the purposes of this section, a service is made available—
- (a) by providing the service, or
 - (b) by providing advice and assistance to parents and prospective parents on gaining access to the service.
- (6) Guidance given under section 3(6) in respect of arrangements made under section 3(2) by virtue of subsection (1) of this section may, in particular, relate to—
- (a) circumstances in which any early childhood services should be made available through children's centres as mentioned in subsection (5)(a);
 - (b) circumstances in which any early childhood services should be made available through children's centres as mentioned in subsection (5)(b).
- (7) A children's centre provided by virtue of arrangements made by an English local authority under section 3(2) is to be known as a Sure Start Children's Centre.

5B Children's centres: staffing, organisation and operation

- (1) Regulations may make provision about the staffing, organisation and operation of children's centres.
- (2) The regulations may in particular—
- (a) require English local authorities to secure that children's centres have governing bodies;
 - (b) impose obligations and confer powers on any such governing bodies.

5C Children's centres: advisory boards

- (1) This section applies where arrangements made by an English local authority under section 3(2) include arrangements for the provision of one or more children's centres.
- (2) The authority must make arrangements to secure that each of the children's centres is within the remit of an advisory board.
- (3) A children's centre is within the remit of an advisory board if it is specified in relation to the board by the responsible authority.
- (4) An advisory board must provide advice and assistance for the purpose of ensuring the effective operation of the children's centres within its remit.
- (5) An advisory board must include persons representing the interests of—
- (a) each children's centre within its remit;
 - (b) the responsible authority;
 - (c) parents or prospective parents in the responsible authority's area.

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- (6) An advisory board may also include persons representing the interests of any other persons or bodies that the responsible authority think appropriate.
- (7) In exercising their functions under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.
- (8) The guidance may in particular relate to—
 - (a) the membership of advisory boards;
 - (b) the organisation and operation of advisory boards.
- (9) The “responsible authority”, in relation to an advisory board in respect of which arrangements have been made under subsection (2), is the authority that made the arrangements.

5D Children's centres: consultation

- (1) An English local authority must secure that such consultation as they think appropriate is carried out—
 - (a) before making arrangements under section 3(2) for the provision of a children's centre;
 - (b) before any significant change is made in the services provided through a relevant children's centre;
 - (c) before anything is done that would result in a relevant children's centre ceasing to be a children's centre.
- (2) In discharging their duty under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) For the purposes of this section a change in the manner in which, or the location at which, services are provided is to be treated as a change in the services.
- (4) A “relevant children's centre”, in relation to an authority, is a children's centre provided by virtue of arrangements made by the authority under section 3(2).

5E Duty to consider providing services through a children's centre

- (1) This section applies where arrangements made by an English local authority under section 3(2) include arrangements for the provision of one or more children's centres.
- (2) The authority must consider whether each of the early childhood services to be provided by them should be provided through any of those children's centres.
- (3) Each relevant partner of the authority must consider whether each of the early childhood services to be provided by it in the authority's area should be provided through any of those children's centres.
- (4) In discharging their duties under this section, the authority and each relevant partner must take into account whether providing a service through any of the children's centres in question would—
 - (a) facilitate access to it, or
 - (b) maximise its benefit to parents, prospective parents and young children.

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- (5) In discharging their duties under this section, an English local authority and each of their relevant partners must have regard to any guidance given from time to time by the Secretary of State.
- (6) For the purposes of this section, early childhood services are provided by a person or body if they are provided on behalf of, or under arrangements made with, that person or body.
- (7) For the avoidance of doubt, nothing in this section is to be taken as preventing an English local authority or any of their relevant partners from providing early childhood services otherwise than through a children's centre.

5F Children's centres: transitional provision

- (1) This section applies if immediately before the commencement date an English local authority has made arrangements for the provision of a children's centre.
- (2) To the extent that this would not otherwise be the case, the arrangements are to be treated for the purposes of this Part and Part 3A as made under section 3(2).
- (3) “The commencement date” is the day on which section 198 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.

5G Children's centres: interpretation

In sections 5A to 5F—

- “children's centre” has the meaning given by section 5A(4);
- “early childhood services” has the same meaning as in section 3;
- “parent” and “prospective parent” have the same meaning as in section 2;
- “relevant partner” has the same meaning as in section 4.”

199 Inspection of children's centres

After Part 3 of the Childcare Act 2006 (c. 21) (regulation of provision of childcare in England) insert—

“PART 3A INSPECTION OF CHILDREN'S CENTRES

98A Inspections

- (1) The Chief Inspector must—
 - (a) inspect a children's centre at such intervals as may be prescribed;
 - (b) inspect a children's centre at any time when the Secretary of State requires the Chief Inspector to secure its inspection.
- (2) The Chief Inspector may inspect a children's centre at any other time when the Chief Inspector considers that it would be appropriate for it to be inspected.
- (3) Regulations may provide that in prescribed circumstances the Chief Inspector is not required to inspect a children's centre at an interval prescribed for the purposes of subsection (1)(a).

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- (4) A requirement made by the Secretary of State as mentioned in subsection (1)(b) may be imposed in relation to—
 - (a) children's centres generally;
 - (b) a class of children's centres;
 - (c) a particular children's centre.
- (5) For the purposes of subsection (4)(b) a class of children's centres may be described, in particular, by reference to a geographical area.
- (6) If the Chief Inspector so elects in the case of an inspection falling within subsection (1)(b) or (2), that inspection is to be treated as if it were an inspection falling within subsection (1)(a).

98B Reports

- (1) After conducting an inspection of a children's centre under section 98A, the Chief Inspector must make a report in writing.
- (2) The report must address the centre's contribution to—
 - (a) facilitating access to early childhood services by parents, prospective parents and young children;
 - (b) maximising the benefit of those services to parents, prospective parents and young children;
 - (c) improving the well-being of young children.
- (3) Regulations may make provision, for the purposes of subsection (2), about—
 - (a) matters required to be dealt with in the report;
 - (b) matters not required to be dealt with in the report.
- (4) The regulations may, in particular, require the matters dealt with in the report to include matters relating to the quality of the leadership and management of the centre, including whether the financial resources made available to it are managed effectively.
- (5) The Chief Inspector—
 - (a) may send a copy of the report to the Secretary of State and must do so without delay if the Secretary of State requests a copy;
 - (b) must ensure that a copy of the report is sent without delay to the relevant local authority;
 - (c) may arrange for the report (or parts of it) to be further published in any manner the Chief Inspector considers appropriate.
- (6) For the purposes of this section and section 98C, the “relevant local authority”, in relation to a children's centre, is the English local authority that made the arrangements under section 3(2) by virtue of which the centre is provided.

98C Action to be taken by local authority on receiving report

- (1) This section applies where a copy of a report relating to a children's centre is sent to the relevant local authority under section 98B(5)(b).
- (2) The authority may—

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- (a) send a copy of the report (or parts of it) to any person they think appropriate;
 - (b) otherwise publish the report (or parts of it) in any manner they think appropriate.
- (3) The authority must secure that a written statement within subsection (4) is prepared and published.
- (4) A statement within this subsection is one setting out—
- (a) the action that each relevant person proposes to take in the light of the report, and
 - (b) the period within which each relevant person proposes to take that action.
- (5) For the purposes of this section and section 98D, each of the following is a relevant person in relation to a children's centre—
- (a) the relevant local authority;
 - (b) any person or body, other than the relevant local authority, managing the centre.
- (6) In exercising their functions under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.

98D Inspections of children's centres: powers of entry

- (1) The Chief Inspector may, at any reasonable time, enter any relevant premises in England for the purpose of conducting an inspection of a children's centre under section 98A.
- (2) “Relevant premises”, for the purposes of subsection (1), are—
- (a) premises on which services or activities are being provided through the children's centre;
 - (b) premises of a relevant person which are used in connection with the staffing, organisation or operation of the children's centre.
- (3) But premises used wholly or mainly as a private dwelling are not relevant premises for the purposes of subsection (1).
- (4) An authorisation given by the Chief Inspector under paragraph 9(1) of Schedule 12 to the Education and Inspections Act 2006 in relation to functions under subsection (1)—
- (a) may be given for a particular occasion or period;
 - (b) may be given subject to conditions.
- (5) Subject to any conditions imposed under subsection (4)(b), subsections (6) to (8) apply where a person (“the inspector”) enters premises under this section.
- (6) The inspector may—
- (a) inspect the premises;
 - (b) take measurements and photographs or make recordings;
 - (c) inspect any children for whom activities are provided on the premises, and the arrangements made for their welfare;

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- (d) interview in private any person working on the premises who consents to be interviewed.
- (7) The inspector may inspect, and take copies of, any records or documents relating to—
 - (a) the services or activities provided through the children's centre;
 - (b) the staffing, organisation or operation of the children's centre.
- (8) The inspector may require a person to afford such facilities and assistance, with respect to matters within the person's control, as are necessary to enable the inspector to exercise the powers conferred by this section.
- (9) Section 58 of the Education Act 2005 (inspection of computer records) applies for the purposes of this section as it applies for the purposes of Part 1 of that Act.
- (10) In this section “documents” and “records” each include information recorded in any form.

98E Obstruction of power of entry, etc.

- (1) A person commits an offence if the person intentionally obstructs another person exercising a power under section 98D.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

98F Power of constable to assist in exercise of power of entry

- (1) The Chief Inspector may apply to a court for a warrant under this section.
- (2) Subsection (3) applies if on an application under subsection (1) it appears to the court that the Chief Inspector—
 - (a) has attempted to exercise a power conferred by section 98D but has been prevented from doing so, or
 - (b) is likely to be prevented from exercising any such power.
- (3) The court may issue a warrant authorising any constable to assist the Chief Inspector in the exercise of the power, using reasonable force if necessary.
- (4) A warrant under this section must be addressed to, and executed by, a constable.
- (5) Schedule 11 to the Children Act 1989 (jurisdiction of courts) applies in relation to proceedings under this section as if they were proceedings under that Act.
- (6) Subject to any provision made (by virtue of subsection (5)) by or under Schedule 11 to the Children Act 1989, “court” in this section means—
 - (a) the High Court;
 - (b) a county court;
 - (c) a magistrates' court.

98G Inspection of children's centres: interpretation

In sections 98A to 98F—

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

“children's centre” has the meaning given by section 5A(4);

“relevant partner” has the same meaning as in section 4.”

200 Children's centres: safeguarding children

In paragraph 3(1) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (c. 47) (regulated activities relating to children: establishments) after paragraph (f) insert—

“(fa) a children's centre (within the meaning of section 5A(4) of the Childcare Act 2006);”.

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6