



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 9

CHILDREN'S SERVICES

Co-operation to improve well-being of children

193 Arrangements to promote co-operation

- (1) Section 10 of the Children Act 2004 (c. 31) (co-operation to improve well-being) is amended as set out in subsections (2) to (5).
- (2) In subsection (4)—
 - (a) after paragraph (f) insert—
 - “(fa) the governing body of a maintained school that is maintained by the authority in their capacity as a [F1local authority];
 - (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.”;
 - (b) omit paragraph (g).
- (3) After subsection (5) insert—

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“(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.”

(4) Omit subsections (6) and (7).

(5) After subsection (9) insert—

“(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 children's services 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;

“relevant person or body” means—

- (a) a children's services authority in England;
- (b) a relevant partner of a children's services authority in England.”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , [Sch. 2 para. 16\(2\)](#)

Commencement Information

- I1** S. 193(1) (2)(a) (3)-(5) in force at 12.1.2010 by [S.I. 2009/3317](#) , [art. 2](#) , [Sch.](#)
- I2** S. 193(2)(b) in force at 1.4.2010 by [S.I. 2010/303](#) , [art. 3](#) , [Sch. 2](#) (with [arts. 9-11](#))

194 Children's Trust Boards

(1) Part 2 of the Children Act 2004 (c. 31) (children's services in England) is amended as set out in subsections (2) to (5).

(2) After section 12 insert—

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“Children's Trust Boards

12A Establishment of CTBs

- (1) Arrangements made by a [^{F2}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 [^{F2}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 [^{F2}local authority] that establishes the Board;
 - (b) a person or body is a “relevant partner” of a [^{F2}local authority] if it is a relevant partner of the authority for the purposes of section 10.

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).

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- (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.

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.”
- (3) For section 17 substitute—

“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.

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- (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;
 - (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.

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.”
- (4) In section 18(2) (functions of [F³local authority] exercisable by director of children's services) in paragraph (d) for “and 17” substitute “, 12C, 12D and 17A ”.
- (5) In section 23(3) (sections 20 to 22: meaning of “children's services”) in paragraph (b) for “13” substitute “ 12B ”.
- (6) In section 50(2) of the Children Act 2004 (c. 31) (intervention: relevant functions) in paragraph (c) for “and 17” substitute “, 12C, 12D and 17A ”.
- (7) In section 66(3) of that Act (regulations and orders subject to affirmative procedure) after “12” insert “, 12B(1)(b) ”.
- (8) In section 47A of the School Standards and Framework Act 1998 (schools forums)—
 - (a) after subsection (3) insert—

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“(3A) In exercising its functions, a schools forum is to have regard to any children and young people's plan prepared by the local Children's Trust Board.”;

(b) after subsection (9) insert—

“(10) In this section—

(a) a “children and young people's plan” means a plan published by a Children's Trust Board under section 17 of the Children Act 2004;

(b) “the local Children's Trust Board”, in relation to a schools forum, is the Children's Trust Board established by arrangements made under section 10 of that Act by the relevant authority^{F4}”

(9) In section 21 of the Education Act 2002 (c. 32)—

(a) in subsection (9) for paragraph (a) (but not the “and” immediately after it) substitute—

“(a) in relation to a school in England, any plan published by the relevant Children's Trust Board under section 17 of the Children Act 2004 (children and young people's plans: England),”;

(b) after subsection (9) insert—

“(10) In subsection (9)(a), “the relevant Children's Trust Board” means the Children's Trust Board established by arrangements made under section 10 of the Children Act 2004 by the [^{F1}local authority]^{F5}”

Textual Amendments

- F1** Words in Act substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#) , **Sch. 2 para. 16(2)**
- F2** Words in s. 194(2) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 16(7)(a)** (with Sch. 4 para. 2)
- F3** Words in s. 194(4) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, **Sch. 2 para. 16(7)(b)** (with Sch. 4 para. 2)
- F4** Words in s. 194(8)(b) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(7)(c), **Sch. 3 Pt. 1** (with Sch. 4 para. 2)
- F5** Words in s. 194(9)(b) repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(7)(d), **Sch. 3 Pt. 1** (with Sch. 4 para. 2)

Commencement Information

- I3** S. 194(1)(2)(3) in force at 26.2.2010 for specified purposes by [S.I. 2010/303](#), art. 2, **Sch. 1** (with arts. 9-11)
- I4** S. 194(1)-(3) in force at 1.4.2010 in so far as not already in force by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-11)
- I5** S. 194(4)-(9) in force at 1.4.2010 by [S.I. 2010/303](#), art. 3, **Sch. 2** (with arts. 9-12)

Changes to legislation:

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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