
STATUTORY INSTRUMENTS

2005 No. 1973

CHILDREN AND YOUNG PERSONS, ENGLAND

The Children Act 2004 (Joint Area Reviews) Regulations 2005

Made - - - - - *20th July 2005*
Laid before Parliament *2nd August 2005*
Coming into force - - - *1st September 2005*

The Secretary of State, in exercise of the powers conferred upon her by sections 20(8), (9) and (11) and 66(1) of the Children Act 2004(1), hereby makes the following Regulations:

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Children Act 2004 (Joint Area Reviews) Regulations 2005 and shall come into force on 1st September 2005.

(2) These Regulations apply in relation to England only.

(3) In these Regulations—

“the Act” means the Children Act 2004;

“review” means a review conducted under section 20(1) or (2) of the Act, except in paragraphs 6(2) (words in parentheses) and 7(2) (second reference) in the Schedule; and

“working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(2).

Powers for the purposes of a review

2. The Schedule makes provision for the purposes of reviews.

Report on a review

3.—(1) Where a review has been completed the Chief Inspector of Schools must make a report on the review.

(2) A report under paragraph (1) must contain a summary of the report that is suitable for children.

(3) The Chief Inspector of Schools must send a copy of the report to—

(1) 2004 c. 31.
(2) 1971 c. 80.

- (a) the children’s services authority for the area to which the review relates; and
 - (b) the Secretary of State.
- (4) The children’s services authority to which the review relates must, within 30 working days of receiving the report—
- (a) send a copy to—
 - (i) each of the authority’s relevant partners under section 10 of the Act,
 - (ii) any person or body with whom the authority has made arrangements under section 10(1)(c) of the Act,
 - (iii) each of the authority’s Board partners under section 13 of the Act,
 - (iv) at least one newspaper circulating in the area of the authority, and
 - (v) at least one radio station serving that area;
 - (b) make a copy of the report available for inspection free of charge at the offices of the authority;
 - (c) supply a copy of the report to a member of the public on demand on payment of a reasonable charge.

Written statement of proposed action

4.—(1) A children’s services authority which has received a report under regulation 3(1) must make a written statement of proposed action (“written statement”) in the light of the report within 70 working days of receiving it.

(2) The written statement must include a statement of the period within which the action is proposed to be taken.

(3) In compiling the written statement the authority must consult the persons and bodies to whom a copy of the report of the review was sent by virtue of regulation 3(4)(a)(i) to (iii).

- (4) The authority must—
- (a) send a copy of the written statement to—
 - (i) the Chief Inspector of Schools, and
 - (ii) the Secretary of State;
 - (b) send a copy of the written statement to the persons or bodies to whom a copy of the report of the review was sent by virtue of regulation 3(4)(a);
 - (c) make a copy of the written statement available for inspection free of charge at the offices of the authority;
 - (d) supply a copy of the written statement to a member of the public on demand on payment of a reasonable charge.

20th July 2005

Beverley Hughes
Minister of State,
Department for Education and Skills

SCHEDULE

Regulation 2

PROVISIONS FOR THE PURPOSES OF REVIEWS

1. In this Schedule—

- “the 2000 Act” means the Learning and Skills Act 2000(3);
- “the 2003 Act” means the Health and Social Care (Community Health and Standards) Act 2003(4);
- “the 2005 Act” means the Education Act 2005(5);
- “the ALI” means the Adult Learning Inspectorate established by section 52 of the 2000 Act;
- “the Audit Commission” means the Audit Commission for Local Authorities and the National Health Service in England and Wales(6);
- “the CSCI” means the Commission for Social Care Inspection established by section 42(1) of the 2003 Act;
- “local education authority” has the same meaning as in section 12 of the Education Act 1996(7).

Chief Inspector of Schools

2.—(1) This paragraph applies where the Chief Inspector of Schools conducts a review of children’s services(8) in so far as those services relate to functions performed by a children’s services authority in their capacity as a local education authority.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and—

- (a) sections 38(5) (conduct of inspections of local education authorities) and 40(2), (3) and (5) to (7) (inspector’s rights of entry etc.) of the Education Act 1997(9) apply to such an inspection as they apply for the purposes of an inspection of a local education authority under section 38 of that Act; and
- (b) section 58 of the 2005 Act (inspection of computer records) applies to such an inspection as it applies for the purposes of Chapter 1 of Part 1 of that Act.

3.—(1) This paragraph applies where the Chief Inspector of Schools conducts a review of children’s services in so far as those services relate to the education and training that may be made the subject of an area inspection under section 65(4) of the 2000 Act.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 63(2) to (6) (right of entry and offences) and 65(3) and (5) to (8) (area inspections: further provisions) of the 2000 Act apply to such an inspection as they apply to an inspection under section 65 of that Act.

4.—(1) This paragraph applies where the Chief Inspector of Schools conducts a review of children’s services in so far as those services relate to services provided in pursuance of section 114(1) of the 2000 Act (provision of services encouraging participation by young persons in education or training), including the management and use of resources in providing services.

(3) 2000 c. 21.

(4) 2003 c. 43.

(5) 2005 c. 18.

(6) The Audit Commission is continued in being by section 1 of the Audit Commission Act 1998 (c. 18).

(7) 1996 c. 56.

(8) “Children’s services” is defined in section 23(3) of the Children Act 2004 and the Children Act 2004 (Children’s Services) Regulations 2005, S.I.2005/1972.

(9) 1997 c. 44. Section 38(5) is amended by paragraph 11 of Schedule 9 to the Education Act 2005; section 40 was substituted by section 180 of the Education Act 2002 (c. 32).

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(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and—

- (a) section 118(7) of the 2000 Act (offence of obstruction) applies to such an inspection as it applies for the purposes of an inspection under section 118 of that Act; and
- (b) sections 10(1)(a) and (d) (right of access) and 58 (computer records) of the 2005 Act apply to such an inspection as they apply for the purposes of Chapter 1 of Part 1 of that Act.

Adult Learning Inspectorate

5.—(1) This paragraph applies where an inspector conducts a review of children’s services in so far as those services relate to education and training within the remit of the ALI⁽¹⁰⁾.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and section 57(2) to (7) of the 2000 Act (right of entry and offences) applies to such an inspection as it applies for the purposes of an inspection conducted under Chapter 1 of Part 3 of that Act.

(3) In this paragraph “inspector” means an employee of the ALI taking part in the inspection or any person appointed by the Inspectorate to assist with the inspection and includes the Chief Inspector of Adult Learning⁽¹¹⁾ where the inspection is being conducted by him.

Commission for Social Care Inspection

6.—(1) This paragraph applies where the CSCI conducts a review of children’s services in so far as those services relate to the provision of English local authority social services within the meaning in section 148 of the 2003 Act.

(2) Section 80(4) and (5) of the 2003 Act (duties to take into account guidance and national minimum standards) applies to a review of the children’s services to which sub-paragraph (1) applies as it applies to functions of the CSCI under section 80 of that Act (reviews and investigations other than annual reviews).

(3) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 88 and 89 (right of entry and power to inspect documents etc.) of the 2003 Act apply to such an inspection as they apply for the purposes of an inspection under Chapter 5 of Part 2 of that Act.

Commission for Healthcare Audit and Inspection

7.—(1) This paragraph applies where the Commission for Healthcare Audit and Inspection⁽¹²⁾ conducts a review of children’s services in so far as those services relate to the provision of health care within the meaning in section 45(2) of the 2003 Act.

(2) Section 51(4) of the 2003 Act (duty to take into account standards) applies to a review of the children’s services referred to in sub-paragraph (1) as it applies to a review under section 51 of that Act.

(3) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 66 and 67 of the 2003 Act (right of entry and power to inspect documents etc.) apply to such an inspection as they apply for the purposes of an inspection under Chapter 3 of Part 2 of that Act.

⁽¹⁰⁾ See section 53 of the Learning and Skills Act 2000 for the remit of the Adult Learning Inspectorate.

⁽¹¹⁾ The Adult Learning Inspectorate’s chief officer is known as the Chief Inspector of Adult Learning (see section 52(4) of the Learning and Skills Act 2000).

⁽¹²⁾ The Commission for Healthcare Audit and Inspection is established by section 41(1) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43).

Audit Commission for Local Authorities and the National Health Service in England and Wales

8.—(1) This paragraph applies where an inspector conducts a review of children’s services in so far as those services may be inspected by the Audit Commission.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and section 11(1) to (6) of the Local Government Act 1999⁽¹³⁾ (inspectors' powers and duties) applies to an inspection of a children’s services authority for the purposes of the review as it applies to an inspection of a best value authority for the purposes of Part 1 of that Act.

(3) In this paragraph “inspector” means an officer, servant or agent of the Audit Commission carrying out an inspection of the children’s services referred to in sub-paragraph (1).

Her Majesty’s Chief Inspector of Court Administration

9.—(1) This paragraph applies where an inspector of court administration⁽¹⁴⁾ conducts a review of children’s services in so far as those services relate to—

- (a) the system that supports the carrying on of the business of the Crown Court, county courts and magistrates' courts and the services provided for those courts, or
- (b) the performance of CAFCASS functions.

(2) A review of the children’s services referred to in sub-paragraph (1) may include an inspection of those services and sections 59(5) (restriction on power of inspection) and 61 (rights of entry and inspection of records) of the Courts Act 2003 apply to such an inspection as they apply to an inspection pursuant to section 59 of that Act (functions of inspectors).

(3) In this paragraph “CAFCASS functions” has the same meaning as in section 58(6) of the Courts Act 2003 (inspectors of court administration etc.).

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 20 of the Children Act 2004 (“the Act”) provides for the review of children’s services in the area of a children’s services authority in England (joint area reviews). “Children’s services” are defined by section 23(3) of that Act and regulations under that provision; “children’s services authority” is defined in section 63(1) of the Act. A review involves two or more of the persons and bodies listed at section 20(4); they may be requested to conduct a review by the Secretary of State, or may themselves decide to conduct a review. The purpose of a review is set out in section 20(3).

These Regulations make provision for the purposes of such reviews. Regulation 2 and the Schedule to the Regulations ensure that the persons and bodies listed at section 20(4) have sufficient powers to conduct an inspection for the purposes of a review by applying, for the purposes of a review, relevant enactments relating to the powers of those persons and bodies to inspect services that are children’s services, rights of entry and rights to obtain information, etc.

⁽¹³⁾ 1999 c. 27.

⁽¹⁴⁾ Such inspectors are appointed by the Lord Chancellor under section 58(1) of the Courts Act 2003 (c. 39).

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Regulation 3 obliges the Chief Inspector of Schools to make a report on a review (including a summary suitable for children) and send it to the children's services authority for the area to which the review relates and to the Secretary of State. Within 30 working days of receiving the report the children's services authority must send a copy of it to the persons and bodies with whom the authority makes arrangements to promote co-operation with a view to improving the well-being of children in their area and to each of their partners on the Local Safeguarding Children Board for their area. The authority must send the report to a newspaper circulating in the area and a radio station serving the area, make a copy available for inspection free of charge at their offices and supply a copy to a member of the public, on demand, for a reasonable charge.

A children's services authority receiving a report under regulation 3 is obliged to make a written statement of proposed action in the light of the report, within 70 days of receiving the report (regulation 4). The authority must consult the same persons and bodies as were sent the report on the review when compiling the written statement. The written statement must be sent to the Chief Inspector of Schools and those same persons and bodies, and made publicly available in the same way as the report.

A full regulatory impact assessment has not been produced for this instrument as it has no impact on the costs of business.