
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are the fourth commencement regulations made under the Children and Social Work Act 2017 (c.16) (“the Act”). Section 10, Schedule 1 and Part 3 of the Act came into force when the Act was passed.

Regulation 3 brings into force various provisions of the Act relating to the safeguarding of children on 29th June 2018 to the extent they are not already in force. Where stated these are subject to transitional and saving provisions.

Regulation 4 brings into force various provisions of the Act on 1st September 2018:

- section 4 which amends the Children Act 1989 (“the 1989 Act”), places a duty on local authorities in England to make advice and information available to relevant persons for the purpose of promoting the educational achievement of relevant children;
- sections 5 and 6 which make amendments to the Children and Young Persons Act 2008 (“the 2008 Act”) and to the Academies Act 2010, places duties on maintained schools and Academies respectively to designate a member of staff (“the designated person”) to have responsibility for promoting the educational achievement of relevant pupils; and
- section 7 which amends the 2008 Act to require a governing body of a maintained school in England to ensure that the designated person for looked after pupils has regard to any guidance issued by the Secretary of State.

Regulations 5, 6 and 7 contain transitional provision relating to section 18 of the Act (which inserts section 16G into the Children Act 2004 (“the 2004 Act”). Regulation 5 requires the first compliance with the duty in section 16G(2) of the 2004 Act to be no later than 30th June 2019. It provides that the date of first compliance for each local authority area in England is to be known as its publication date. Regulation 6 provides that safeguarding partners and relevant agencies for a local authority area must comply with the duty in section 16G(4) of the 2004 Act within 3 months of the publication date. That date is to be known for each local authority area as its implementation date. Regulation 7 provides that the first exercise of the duty in section 16G(7) of the 2004 Act must be within 12 months of the implementation date.

Regulation 8 brings into force section 30 of the Act. Section 30 repeals sections 13 to 16 of the 2004 Act which established Local Safeguarding Children Boards and set out provisions relating to their functions, procedure, duties, funding and performance. The Local Safeguarding Children Boards Regulations 2006 (SI 2006/90) and the Local Safeguarding Children Boards (Review) Regulations 2013 (SI 2013/2299) are made under sections 13 to 16 of the 2004 Act. Regulation 8 also provides that for the purpose of giving effect to sections 16E to 16G of the 2004 Act, section 30 is commenced in each local authority area on its implementation date. Further, it saves sections 13 to 16 of the 2004 Act to the extent necessary for the transitional provisions in regulations 9 and 10. Finally, it brings section 30 fully into force on 29th September 2020.

Regulation 9 contains transitional provision relating to the completion and publication of serious case reviews by the Local Safeguarding Children Boards. It sets out what information must be provided to the safeguarding partners where a serious case review report is completed but not published, and where a review is not completed within 12 months of the local authority area’s implementation date.

Regulation 10 contains transitional provision relating to the completion of child death reviews by the Local Safeguarding Children Boards. It sets out what information must be provided to the safeguarding partners where a child death review has not been completed by 29th January 2020.

Status: *This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

Regulation 11 brings into force section 31 of and Part 2 of Schedule 2 to the Act which contains various consequential amendments relating to the abolition of Local Safeguarding Children Boards, but provides that these do not have effect in a local authority area until its implementation date.

A full regulatory impact assessment has not been produced for this instrument as no impact on the private or voluntary sectors is foreseen.