

Children Act 2004

2004 CHAPTER 31

An Act to make provision for the establishment of a Children's Commissioner; to make provision about services provided to and for children and young people by local authorities and other persons; to make provision in relation to Wales about advisory and support services relating to family proceedings; to make provision about private fostering, child minding and day care, adoption review panels, the defence of reasonable punishment, the making of grants as respects children and families, child safety orders, the Children's Commissioner for Wales, the publication of material relating to children involved in certain legal proceedings and the disclosure by the Inland Revenue of information relating to children.

[15th November 2004]

Be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

(...)

Part 2

Children's services in England

11 Arrangements to safeguard and promote welfare

(1) This section applies to each of the following—

- (a) a children's services authority in England;
- (b) a district council which is not such an authority;
- (c) a Strategic Health Authority;
- (d) a Special Health Authority, so far as exercising functions in relation to England, designated by order made by the Secretary of State for the purposes of this section;
- (e) a Primary Care Trust;
- (f) an NHS trust all or most of whose hospitals, establishments and facilities are situated in England;
- (g) an NHS foundation trust;
- (h) the police authority and chief officer of police for a police area in England;
- (i) the British Transport Police Authority, so far as exercising functions in relation to England;
- (j) a local probation board for an area in England;
- (k) a youth offending team for an area in England;
- (l) the governor of a prison or secure training centre in England (or, in the case of a contracted out prison or secure training centre, its director);
- (m) any person to the extent that he is providing services under section 114 of the Learning and Skills Act 2000 (c. 21).

(2) Each person and body to whom this section applies must make arrangements for ensuring that—

- (a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and
- (b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.

(3) In the case of a children's services authority in England, the reference in subsection (2) to functions of the authority does not include functions to which section 175 of the Education Act 2002 (c. 32) applies.

(4) Each person and body to whom this section applies must in discharging their duty under this section have regard to any guidance given to them for the purpose by the Secretary of State.

(...)

Local Safeguarding Children Boards

13 Establishment of LSCBs

(1) Each children's services authority in England must establish a Local Safeguarding Children Board for their area.

(2) A Board established under this section must include such representative or representatives of—

(a) the authority by which it is established, and

(b) each Board partner of that authority,

as the Secretary of State may by regulations prescribe.

(3) For the purposes of this section each of the following is a Board partner of a children's services authority in England—

(a) where the authority is a county council for an area for which there is also a district council, the district council;

(b) the chief officer of police for a police area any part of which falls within the area of the authority;

(c) a local probation board for an area any part of which falls within the area of the authority;

(d) a youth offending team for an area any part of which falls within the area of the authority;

(e) a Strategic Health Authority and a Primary Care Trust for an area any part of which falls within the area of the authority;

(f) an NHS trust and an NHS foundation trust all or most of whose hospitals, establishments and facilities are situated in the area of the authority;

(g) a person providing services under section 114 of the Learning and Skills Act 2000 (c. 21) in any part of the area of the authority;

(h) the Children and Family Court Advisory and Support Service;

(i) the governor of any secure training centre in the area of the authority (or, in the case of a contracted out secure training centre, its director);

(j) the governor of any prison in the area of the authority which ordinarily detains children (or, in the case of a contracted out prison, its director).

(4) A children's services authority in England must take reasonable steps to ensure that the Local Safeguarding Children Board established by them includes representatives of relevant persons and bodies of such descriptions as may be prescribed by the Secretary of State in regulations.

(5) A Local Safeguarding Children Board established under this section may also include representatives of such other relevant persons or bodies as the authority by which it is established consider, after consulting their Board partners, should be represented on it.

(6) For the purposes of subsections (4) and (5), relevant persons and bodies are persons and bodies of any nature exercising functions or engaged in activities relating to children in the area of the authority in question.

(7) In the establishment and operation of a Local Safeguarding Children Board under this section—

- (a) the authority establishing it must co-operate with each of their Board partners; and
- (b) each Board partner must co-operate with the authority.

(8) Two or more children's services authorities in England may discharge their respective duties under subsection (1) by establishing a Local Safeguarding Children Board for their combined area (and where they do so, any reference in this section or sections 14 to 16 to the authority establishing the Board shall be read as a reference to the authorities establishing it).

14 Functions and procedure of LSCBs

(1) The objective of a Local Safeguarding Children Board established under section 13 is—

- (a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; and
- (b) to ensure the effectiveness of what is done by each such person or body for those purposes.

(2) A Local Safeguarding Children Board established under section 13 is to have such functions in relation to its objective as the Secretary of State may by regulations prescribe (which may in particular include functions of review or investigation).

(3) The Secretary of State may by regulations make provision as to the procedures to be followed by a Local Safeguarding Children Board established under section 13.

15 Funding of LSCBs

(1) Any person or body specified in subsection (3) may make payments towards expenditure incurred by, or for purposes connected with, a Local Safeguarding Children Board established under section 13—

- (a) by making the payments directly; or
- (b) by contributing to a fund out of which the payments may be made.

(2) Any person or body specified in subsection (3) may provide staff, goods, services, accommodation or other resources for purposes connected with a Local Safeguarding Children Board established under section 13.

(3) The persons and bodies referred to in subsections (1) and (2) are—

- (a) the children's services authority in England by which the Board is established;
- (b) any person who is a Board partner of the authority under section 13(3)(a) to (h);
- (c) in a case where the governor of a secure training centre or prison is a Board partner of the authority, the Secretary of State; and
- (d) in a case where the director of a contracted out secure training centre or prison is a Board partner of the authority, the contractor.

16 LSCBs: supplementary

(1) The Secretary of State may by regulations make provision as to the functions of children's services authorities in England relating to Local Safeguarding Children Boards established by them.

(2) A children's services authority in England and each of their Board partners must, in exercising their functions relating to a Local Safeguarding Children Board, have regard to any guidance given to them for the purpose by the Secretary of State.

(...)

Part 3

Children's services in Wales

28 Arrangements to safeguard and promote welfare: Wales

(1) This section applies to each of the following—

- (a) a children's services authority in Wales;
- (b) a Local Health Board;
- (c) an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales;
- (d) the police authority and chief officer of police for a police area in Wales;
- (e) the British Transport Police Authority, so far as exercising functions in relation to Wales;
- (f) a local probation board for an area in Wales;
- (g) a youth offending team for an area in Wales;
- (h) the governor of a prison or secure training centre in Wales (or, in the case of a contracted out prison or secure training centre, its director);
- (i) any person to the extent that he is providing services pursuant to arrangements made by a children's services authority in Wales under section 123(1)(b) of the Learning and Skills Act 2000 (c. 21) (youth support services).

(2) Each person and body to whom this section applies must make arrangements for ensuring that—

- (a) their functions are discharged having regard to the need to safeguard and promote the welfare of children; and
- (b) any services provided by another person pursuant to arrangements made by the person or body in the discharge of their functions are provided having regard to that need.

(3) In the case of a children's services authority in Wales, the reference in subsection (2) to functions of the authority does not include functions to which section 175 of the Education Act 2002 (c. 32) applies.

(4) The persons and bodies referred to in subsection (1)(a) to (c) and (i) must in discharging their duty under this section have regard to any guidance given to them for the purpose by the Assembly.

(5) The persons and bodies referred to in subsection (1)(d) to (h) must in discharging their duty under this section have regard to any guidance given to them for the purpose by the Secretary of State after consultation with the Assembly.

Local Safeguarding Children Boards

31 Establishment of LSCBs in Wales

(1) Each children's services authority in Wales must establish a Local Safeguarding Children Board for their area.

(2) A Board established under this section must include such representative or representatives of—

- (a) the authority by which it is established, and
- (b) each Board partner of that authority,

as the Assembly may by regulations prescribe.

(3) For the purposes of this section each of the following is a Board partner of a children's services authority in Wales—

- (a) the chief officer of police for a police area any part of which falls within the area of the authority;
- (b) a local probation board for an area any part of which falls within the area of the authority;

- (c) a youth offending team for an area any part of which falls within the area of the authority;
- (d) a Local Health Board for an area any part of which falls within the area of the authority;
- (e) an NHS trust providing services in the area of the authority;
- (f) the governor of any secure training centre within the area of the authority (or, in the case of a contracted out secure training centre, its director);
- (g) the governor of any prison in the area of the authority which ordinarily detains children (or, in the case of a contracted out prison, its director).

(4) Regulations under subsection (2) that make provision in relation to a Board partner referred to in subsection (3)(a) to (c), (f) or (g) may only be made with the consent of the Secretary of State.

(5) A children's services authority in Wales must take reasonable steps to ensure that the Local Safeguarding Children Board established by them includes representatives of relevant persons and bodies of such descriptions as may be prescribed by the Assembly in regulations.

(6) A Local Safeguarding Children Board established under this section may also include representatives of such other relevant persons or bodies as the authority by which it is established consider, after consulting their Board partners, should be represented on it.

(7) For the purposes of subsections (5) and (6), relevant persons and bodies are persons and bodies of any nature exercising functions or engaged in activities relating to children in the area of the authority in question.

(8) In the establishment and operation of a Local Safeguarding Children Board under this section—

(a) the authority establishing it must co-operate with each of their Board partners; and

(b) each Board partner must co-operate with the authority.

(9) Two or more children's services authorities in Wales may discharge their respective duties under subsection (1) by establishing a Local Safeguarding Children Board for their combined area (and where they do so, any reference in this section and sections 32 to 34 to the authority establishing the Board shall be read as a reference to the authorities establishing it).

32 Functions and procedure of LSCBs in Wales

(1) The objective of a Local Safeguarding Children Board established under section 31 is—

(a) to co-ordinate what is done by each person or body represented on the Board for the purposes of safeguarding and promoting the welfare of children in the area of the authority by which it is established; and

(b) to ensure the effectiveness of what is done by each such person or body for those purposes.

(2) A Local Safeguarding Children Board established under section 31 is to have such functions in relation to its objective as the Assembly may by regulations prescribe (which may in particular include functions of review or investigation).

(3) The Assembly may by regulations make provision as to the procedures to be followed by a Local Safeguarding Children Board established under section 31.

33 Funding of LSCBs in Wales

(1) Any person or body specified in subsection (3) may make payments towards expenditure incurred by, or for purposes connected with, a Local Safeguarding Children Board established under section 31—

(a) by making the payments directly; or

(b) by contributing to a fund out of which the payments may be made.

(2) Any person or body specified in subsection (3) may provide staff, goods, services, accommodation or other resources for purposes connected with a Local Safeguarding Children Board established under section 31.

(3) The persons and bodies referred to in subsections (1) and (2) are—

(a) the children's services authority in Wales by which the Board is established;

(b) any person who is a Board partner of the authority under section 31(3)(a) to (e);

(c) in a case where the governor of a secure training centre or prison is a Board partner of the authority, the Secretary of State; and

(d) in a case where the director of a contracted out secure training centre or prison is a Board partner of the authority, the contractor.

34 LSCBs in Wales: supplementary

(1) The Assembly may by regulations make provision as to the functions of children's services authorities in Wales relating to Local Safeguarding Children Boards established by them.

(2) A children's services authority in Wales and each of their Board partners must, in exercising their functions relating to a Local Safeguarding Children Board, have regard to any guidance given to them for the purpose by the Assembly.

(3) The Assembly must obtain the consent of the Secretary of State before giving guidance under subsection (2) at any time after the coming into force of any of paragraphs (a) to (c), (f) or (g) of section 31(3).

(...)