



Children Act 1989

1989 CHAPTER 41

PART III

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

Provision of services for children and their families

17 Provision of services for children in need, their families and others

- (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)—
 - (a) to safeguard and promote the welfare of children within their area who are in need; and
 - (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,by providing a range and level of services appropriate to those children's needs.
- (2) For the purpose principally of facilitating the discharge of their general duty under this section, every local authority shall have the specific duties and powers set out in Part 1 of Schedule 2.
- (3) Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child's welfare.
- (4) The Secretary of State may by order amend any provision of Part I of Schedule 2 or add any further duty or power to those for the time being mentioned there.
- (5) Every local authority—
 - (a) shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority have power to provide by virtue of this section, or section 18, 20, 23 or 24; and

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- (b) may make such arrangements as they see fit for any person to act on their behalf in the provision of any such service.
- (6) The services provided by a local authority in the exercise of functions conferred on them by this section may include giving assistance in kind or, in exceptional circumstances, in cash.
- (7) Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part).
- (8) Before giving any assistance or imposing any conditions, a local authority shall have regard to the means of the child concerned and of each of his parents.
- (9) No person shall be liable to make any repayment of assistance or of its value at any time when he is in receipt of income support or family credit under the Social Security Act 1986.
- (10) For the purposes of this Part a child shall be taken to be in need if—
 - (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
 - (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
 - (c) he is disabled,
 and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.
- (11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—
 - “development” means physical, intellectual, emotional, social or behavioural development; and
 - “health” means physical or mental health.

18 Day care for pre-school and other children

- (1) Every local authority shall provide such day care for children in need within their area who are—
 - (a) aged five or under; and
 - (b) not yet attending schools,
 as is appropriate.
- (2) A local authority may provide day care for children within their area who satisfy the conditions mentioned in subsection (1)(a) and (b) even though they are not in need.
- (3) A local authority may provide facilities (including training, advice, guidance and counselling) for those—
 - (a) caring for children in day care; or
 - (b) who at any time accompany such children while they are in day care.
- (4) In this section “day care” means any form of care or supervised activity provided for children during the day (whether or not it is provided on a regular basis).

- (5) Every local authority shall provide for children in need within their area who are attending any school such care or supervised activities as is appropriate—
 - (a) outside school hours; or
 - (b) during school holidays.
- (6) A local authority may provide such care or supervised activities for children within their area who are attending any school even though those children are not in need.
- (7) In this section “supervised activity” means an activity supervised by a responsible person.

19 Review of provision for day care, child minding etc

- (1) Every local authority in England and Wales shall review—
 - (a) the provision which they make under section 18;
 - (b) the extent to which the services of child minders are available within their area with respect to children under the age of eight; and
 - (c) the provision for day care within their area made for children under the age of eight by persons other, than the authority, required to register under section 71(1)(b).
- (2) A review under subsection (1) shall be conducted—
 - (a) together with the appropriate local education authority; and
 - (b) at least once in every review period.
- (3) Every local authority in Scotland shall, at least once in every review period, review—
 - (a) the provision for day care within their area made for children under the age of eight by the local authority and by persons required to register under section 71(1)(b); and
 - (b) the extent to which the services of child minders are available within their area with respect to children under the age of eight.
- (4) In conducting any such review, the two authorities or, in Scotland, the authority shall have regard to the provision made with respect to children under the age of eight in relevant establishments within their area.
- (5) In this section—

“relevant establishment” means any establishment which is mentioned in paragraphs 3 and 4 of Schedule 9 (hospitals, schools and other establishments exempt from the registration requirements which apply in relation to the provision of day care); and

“review period” means the period of one year beginning with the commencement of this section and each subsequent period of three years beginning with an anniversary of that commencement.
- (6) Where a local authority have conducted a review under this section they shall publish the result of the review—
 - (a) as soon as is reasonably practicable;
 - (b) in such form as they consider appropriate; and
 - (c) together with any proposals they may have with respect to the matters reviewed.

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- (7) The authorities conducting any review under this section shall have regard to—
- (a) any representations made to any one of them by any relevant health authority or health board; and
 - (b) any other representations which they consider to be relevant.
- (8) In the application of this section to Scotland, “day care” has the same meaning as in section 79 and “health board” has the same meaning as in the National Health Service (Scotland) Act 1978.