

HEALTH AND SOCIAL CARE ACT 2008

EXPLANATORY NOTES

TERRITORIAL EXTENT

Weighing and measuring of children

Sections 143 and 144: Weighing and measuring of children

487. Provision for medical inspections for pupils in England and Wales is set out in Schedule 1 to the NHS Act 2006 and in Schedule 1 to the NHS (Wales) Act 2006 respectively. New paragraphs are inserted into each of these Schedules to make provision about weighing and measuring children.
488. [Section 143](#) inserts new paragraphs into Schedule 1 to the NHS Act 2006. New paragraph 7A of Schedule 1 enables the Secretary of State to make arrangements in relation to England for the weighing and measuring of children under 12 who attend school. Similar arrangements can also be made in relation to young children who attend early years settings. New paragraph 7A(1) and (2) refer to “junior pupils”. The effect of paragraph 7A(4) is to apply relevant definitions under the Education Act 1996 or the School Standards and Framework Act 1998. “Junior pupil” is defined under the 1996 Act as a child who has not attained the age of 12. Similar definitions are applied by virtue of section 144 in relation to the provisions for Wales.
489. New paragraph 7B(1)(a) of Schedule 1 enables the Secretary of State to make regulations to authorise information to be provided by local education authorities, private school proprietors and persons registered under the relevant provisions of the Childcare Act 2006, to the PCT staff who it is intended will conduct a weighing and measuring exercise.
490. New paragraph 7B(1)(b) of that Schedule enables the Secretary of State to make provision about the requirements which must be satisfied before weighing and measuring can take place and the way in which the weighing and measuring is to be carried out.
491. New paragraph 7B(1)(c) of that Schedule enables the Secretary of State to make regulations providing for a child's height and weight data, or any assessment or analysis of the child's height and weight data, to be fed back routinely to the parents of that child. It is intended that the regulations will provide for other carers, such as grandparents, to be treated as parents for the purposes of being able to withdraw a child in their care from a weighing and measuring programme, or receiving information provided by that programme.
492. New paragraph 7B(1)(d) of that Schedule enables the Secretary of State to make regulations providing for the processing of information gathered during weighing and measuring. The power will be exercised in line with data protection requirements.
493. New paragraph 7B(2) of that Schedule enables regulations to be made which will require those undertaking the weighing and measuring programme to have regard to any guidance issued by the Secretary of State.

*These notes refer to the Health and Social Care Act 2008
(c.14) which received Royal Assent on 21 July 2008*

494. [Section 144](#) inserts new paragraphs into Schedule 1 to the NHS (Wales) Act 2006. New paragraph 7A allows the Welsh Ministers to make arrangements in relation to Wales for the weighing and measuring of children under 12 who attend school. Similar arrangements can also be made in relation to children who attend early years settings.
495. In particular, the Welsh Ministers will be able to enter into arrangements with local education authorities or proprietors of any school which is not maintained by a local education authority to provide for the weighing and measuring of junior pupils in such schools. In addition, they may enter into arrangements with persons registered under the Children Act 1989, for the purpose of providing childcare or day care for children, to weigh and measure children in their care.
496. New paragraph 7B of Schedule 1 to the NHS (Wales) Act 2006 mirrors the equivalent provision in the NHS Act 2006 (see above). In particular, the regulations made by the Welsh Ministers can make provision about the requirements which must be satisfied before weighing and measuring can take place and the way in which the weighing and measuring is to be carried out.