

**EXPLANATORY MEMORANDUM TO**  
**THE CHILDREN'S TRUST BOARD (CHILDREN AND YOUNG PEOPLE'S PLAN)**  
**(ENGLAND) (REVOCATION) REGULATIONS 2010**

**2010 No. 2129**

1. This explanatory memorandum has been prepared by the Department for Education and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
  - 2.1 These Regulations revoke The Children's Trust Board (Children and Young People's Plan) (England) Regulations 2010 ("the 2010 Regulations") which set out the essential steps that every Children's Trust Board must take to prepare and publish a Children and Young People's Plan by 1 April 2011.
  - 2.2 The 2010 Regulations came into force on 1 April 2010.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
  - 3.1 None.
4. **Legislative Context**
  - 4.1 Section 12A of the Children Act 2004 ("the Act") (inserted by section 194(1) and (2) of the Apprenticeships, Skills, Children and Learning Act 2009 (ASCL Act 2009) requires local authorities, as part of the arrangements to promote co-operation to improve children's well-being made under section 10 of the Act, to establish a Children's Trust Board which must include a representative of each of the local authority and its relevant partners (as set out in section 10(4) of the Act). Under section 12A(3) of the Act, the Children's Trust Board may also include any other persons or bodies that the local authority, after consulting its relevant partners, think appropriate. The duty to establish a Children's Trust Board came into force on 1 April 2010.
  - 4.2 New section 17 of the Act (substituted by section 194(3) of the ASCL Act 2009), which replaced the originally enacted section 17 of the Act, provides a power for the Secretary of State, through regulations, to require the Children's Trust Board to prepare and publish a Children and Young People's Plan. The 2010 Regulations imposed such a requirement on all Children's Trust Boards together with detailed requirements for the content of the plan itself. The first plan, which sets out the Board partners' strategy for co-operating with each other with a view to improving the well-being of local children and relevant young persons, must be published on or before 1 April 2011.
  - 4.3 On commencement of these Regulations (31st October 2010) Children's Trust Boards will no longer be required to prepare, consult upon, publish and review a Children and Young People's Plan.

## **5. Territorial Extent and Application**

5.1 This instrument applies to England.

## **6. European Convention on Human Rights**

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## **7. Policy background**

7.1 Following the general election on 6 May 2010, there has been a change of policy in relation to Children's Trust legislation. While the Government agrees strong local partnerships are crucial to meeting the needs of all children, there is a move away from central prescription and towards greater flexibility. In line with this approach the Secretary of State for Education announced in the Department for Education Local Authority email on 22 July 2010 that he proposed to:

- Remove the duty on schools to co-operate through Children's Trusts via the forthcoming Education Bill.
- Remove the requirement on local authorities to set up a Children's Trust Board and the requirement on those Boards to prepare and publish a joint Children and Young People's Plan, at the first available legislative opportunity.
- Revoke the regulations underpinning the Children and Young People's Plan and withdraw the statutory guidance on Children's Trusts, in the autumn.

7.2 The 2010 Regulations are more prescriptive and detailed than the Regulations they replaced, which dealt with the preparation of a local authority Children and Young People's Plan. The 2010 Regulations added considerably to bureaucratic burdens on local authorities and their partners.

7.3 The Secretary of State has decided to revoke the 2010 Regulations now as they require all Children's Trust Boards to publish a new joint CYPP by 1 April 2011 and we want to avoid local areas investing time and resource in this unnecessarily. This is consistent with the intention, at the first available legislative opportunity, to revoke the primary legislation which requires local authorities to establish a Children's Trust Board and for that Board to prepare a Children and Young People's Plan.

7.4 The policy aim is to reduce bureaucratic burdens on local authorities and their partners and allow them to take responsibility for and develop their own innovative solutions to local problems.

## **8. Consultation outcome**

8.1 None. The government wants to reduce burdens on all local authorities and their partners. These Regulations are primarily intended to remove burdens, for which

the government has a clear mandate from the electorate. Local authorities and their children's trust partners will be able to agree on what arrangements suit them best. It would still be open to them to produce a non-statutory plan setting out their joint strategy to improve children's and young people's wellbeing if they considered it appropriate for their local area.

## **9. Guidance**

9.1 None. The statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan, which was published in March 2010 will be withdrawn. It is proposed that local areas will be informed that they are no longer required to produce a plan through a communications strategy that is fully embedded in wider messages about reducing bureaucracy.

## **10. Impact**

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is to reduce burdens on local authorities and their relevant partners (as defined by section 10(4) of the Act) by no longer requiring the Children's Trust Board to produce a Children and Young People's Plan.

10.3 An impact assessment has not been prepared for this instrument.

## **11. Regulating small business**

11.1 The legislation does not apply to small business.

## **12. Monitoring & review**

12.1 None.

## **13. Contact**

Sandra Cullen at the Department for Education Tel: 0207 340 7386 or email: [Sandra.cullen@education.gsi.gov.uk](mailto:Sandra.cullen@education.gsi.gov.uk) can answer any queries regarding the instrument.