



# Children Act 2004

## CHAPTER 31

### CHILDREN ACT 2004

#### PART 1

##### CHILDREN'S COMMISSIONER

- 1 Establishment
- 2 Primary function: children's rights, views and interests
- 2A United Nations Convention on the Rights of the Child
- 2B Involving children in the discharge of the primary function
- 2C Primary function: reports
- 2D Provision of advice and assistance to certain children in England
- 2E Powers to enter premises to conduct interviews or observe standards
- 2F Provision of information to Commissioner
- 3 Inquiries initiated by Commissioner
- 4 Other inquiries held by Commissioner
- 5 Functions of Commissioner in Wales
- 6 Functions of Commissioner in Scotland
- 7 Functions of Commissioner in Northern Ireland
- 7A Advisory board
- 7B Business plans
- 8 Annual reports
- 8A Children in England living away from home or receiving social care
- 9 Commissioner's functions in relation to certain young people

#### PART 2

##### CHILDREN'S SERVICES IN ENGLAND

##### *General*

- 9A Targets for safeguarding and promoting the welfare of children

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- 10 Co-operation to improve well-being
- 11 Arrangements to safeguard and promote welfare
- 12 Information databases

#### *Children's Trust Boards*

- 12A Establishment of CTBs
- 12B Functions and procedures of CTBs
- 12C Funding of CTBs
- 12D Supply of information to CTBs

#### *Local Safeguarding Children Boards*

- 13 Establishment of LSCBs
- 14 Functions and procedure of LSCBs
- 14A LSCBs: annual reports
- 14B Supply of information requested by LSCBs
- 15 Funding of LSCBs
- 15A Review of LSCBs' performance of functions
- 16 LSCBs: supplementary

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- 16A Child Safeguarding Practice Review Panel
- 16B Functions of the Panel
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- 16D Information

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- 16E Local arrangements for safeguarding and promoting welfare of children
- 16F Local child safeguarding practice reviews
- 16G Further provision about arrangements
- 16H Information
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- 16J Combining safeguarding partner areas and delegating functions
- 16K Guidance by Secretary of State
- 16L Interpretation of sections 16E to 16K

#### *Child death review partners for local authority areas*

- 16M Child death reviews
- 16N Information
- 16O Funding
- 16P Combining child death review partner areas and delegating functions
- 16Q Guidance and interpretation

#### *Local authority administration*

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- 17A Children and young people's plans: implementation
- 18 Director of children's services
- 19 Lead member for children's services

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### *Inspections of children's services*

- 20 Joint area reviews
- 21 Framework
- 22 Co-operation and delegation
- 23 Sections 20 to 22: interpretation
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#### *General*

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- 26 Children and young people's plans: Wales
- 27 Responsibility for functions under section 25
- 28 Arrangements to safeguard and promote welfare: Wales
- 29 Information databases: Wales
- 30 Inspection of functions under this Part

#### *Local Safeguarding Children Boards*

- 31 Establishment of LSCBs in Wales
- 32 Functions and procedure of LSCBs in Wales
- 32A Supply of information requested by LSCBs in Wales
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48 Child minding and day care

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- 66 Regulations and orders
- 67 Commencement
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**SCHEDULES**

**SCHEDULE 1 — Children’s Commissioner**

*Status*

- 1 (1) The Children’s Commissioner is to be a corporation sole....

*General powers*

- 2 (1) The Children’s Commissioner may do anything which appears to...

*Appointment and tenure of office*

- 3 (1) The Children’s Commissioner is to be appointed by the...

*Interim appointments*

- 3A (1) Where there is a vacancy in the office of...

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#### *Remuneration*

- 4 The Secretary of State must— (a) pay the Children’s Commissioner...

#### *Staff*

- 5 (1) The Children’s Commissioner may appoint any staff he considers...

#### *Pensions*

- 6 (1) In the Superannuation Act 1972 (c. 11), in Schedule...

#### *Funding*

- 7 The Secretary of State may make payments to the Children’s...

#### *Accounts*

- 8 (1) The Children’s Commissioner must— (a) keep proper accounting records;...

#### *Evidence*

- 9 (1) A document purporting to be duly executed under the...

#### *Protection from defamation actions*

- 10 For the purposes of the law of defamation—

#### *Regulated position*

- 11 In the Criminal Justice and Court Services Act 2000 (c....

#### *Disqualifications*

- 12 In the House of Commons Disqualification Act 1975 (c. 24),...

- 13 In the Northern Ireland Assembly Disqualification Act 1975 (c. 25),...

### SCHEDULE 2 — Director of children’s services: consequential amendments

#### *Children and Young Persons Act 1933 (c. 12)*

- 1 In section 96 of the Children and Young Persons Act...

#### *Local Authority Social Services Act 1970 (c. 42)*

- 2 (1) The Local Authority Social Services Act 1970 is amended...

#### *Local Government and Housing Act 1989 (c. 42)*

- 3 In section 2 of the Local Government and Housing Act...

#### *Education Act 1996 (c. 56)*

- 4 (1) The Education Act 1996 is amended as follows.

#### *Crime and Disorder Act 1998 (c. 37)*

- 5 (1) The Crime and Disorder Act 1998 is amended as...

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*Protection of Children Act 1999 (c. 14)*

6 In section 4C of the Protection of Children Act 1999...

*Criminal Justice and Court Services Act 2000 (c. 43)*

7 (1) The Criminal Justice and Court Services Act 2000 is...

*Criminal Justice Act 2003 (c. 44)*

8 In section 322 of the Criminal Justice Act 2003 (individual...

SCHEDULE 3 — Advisory and support services for family proceedings

*Domestic Proceedings and Magistrates' Courts Act 1978 (c. 22)*

1 In section 26 of the Domestic Proceedings and Magistrates' Courts...

*Child Abduction and Custody Act 1985 (c. 60)*

2 The Child Abduction and Custody Act 1985 is amended as...

3 In sections 6(a) and 21(a) (reports), after “an officer of...

4 In section 27 (interpretation), after subsection (5) insert—

*Children Act 1989 (c. 41)*

5 The Children Act 1989 is amended as follows.

6 In section 7 (welfare reports), in subsections (1)(a) and (b)...

7 In section 16 (family assistance orders), in subsection (1), after...

8 (1) Section 26 (review of cases etc) is amended as...

9 (1) Section 41 (representation of child) is amended as follows....

10 In section 42 (rights of officers of the Service), in...

11 In section 105(1) (interpretation), at the end insert— “Welsh family...

*Criminal Justice and Court Services Act 2000 (c. 43)*

12 The Criminal Justice and Court Services Act 2000 is amended...

13 In section 12 (principal functions of CAFCASS), in subsection (1),...

14 In paragraph 1 of Schedule 2 (members of CAFCASS), for...

*Adoption and Children Act 2002 (c. 38)*

15 The Adoption and Children Act 2002 is amended as follows....

16 (1) Section 102 (officers of the Service) is amended as...

17 In section 103 (rights of officers of the Service), in...

*Sexual Offences Act 2003 (c. 42)*

18 In section 21 of the Sexual Offences Act 2003 (positions...

SCHEDULE 4 — Child minding and day care

1 Part 10A of the Children Act 1989 (c. 41) is...

***Amendments relating to child minding and day care***

*Conditions imposed by justice of the peace or tribunal*

2 (1) In section 79B(3)(d) and (4)(d), for “by the registration...

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*Application fees*

- 3 (1) In section 79E(2), at the end insert—

*Fees payable by registered persons*

- 4 (1) In section 79G(1), for “an annual fee” substitute “...

*Waiver of disqualification*

- 5 In Schedule 9A, in paragraph 4(3A)— (a) after “disqualified for...

*Amendments relating to day care only*

*Qualification for registration*

- 6 In section 79B(4)— (a) for paragraphs (a) and (b) substitute—...

*Hotels etc*

- 7 In Schedule 9A, after paragraph 2 insert— (1) Part XA does not apply to provision of day...

*Prohibition in respect of disqualified persons*

- 8 In Schedule 9A, in paragraph 4(4)— (a) after “or be”...

*Unincorporated associations*

- 9 In Schedule 9A, after paragraph 5 insert— Provision of day...

SCHEDULE 5 — Repeals

Part 1 — PLANS

These repeals come into force— (a) so far as relating...

Part 2 — CHILD MINDING AND DAY CARE

These repeals come into force— (a) so far as relating...

Part 3 — INSPECTION OF LOCAL EDUCATION AUTHORITIES

This repeal comes into force— (a) so far as relating...

Part 4 — SOCIAL SERVICES COMMITTEES AND DEPARTMENTS

These repeals come into force— (a) so far as relating...

Part 5 — REASONABLE PUNISHMENT

This repeal comes into force at the same time as...

Part 6 — CHILD SAFETY ORDERS

These repeals come into force at the same time as...

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**Changes and effects yet to be applied to :**

- s. 11(1)(f) omitted by [2012 c. 7 Sch. 14 para. 97](#)
- s. 13(3)(f) words omitted by [2012 c. 7 Sch. 14 para. 98](#)
- s. 25(4)(f) substituted by [2022 asc 1 Sch. 4 para. 17\(2\)](#)
- s. 28(1)(c) words omitted by [2012 c. 7 Sch. 14 para. 99](#)
- s. 29(7)(b) substituted by [2022 asc 1 Sch. 4 para. 17\(3\)](#)
- s. 32A inserted by [2010 c. 26 s. 9](#)
- s. 39 repealed by [2006 c. 47 Sch. 10](#)
- s. 62(1)-(4) repealed by [2010 c. 26 Sch. 4 Pt. 2](#) (This amendment not applied to [legislation.gov.uk](#). Sch. 4 Pt. 2 repealed (4.9.2013) without ever being in force by [2013 c. 22](#), s. 17(4) ; S.I. 2013/2200 art. 2(a))
- Sch. 1 para. 11 repealed by [2006 c. 47 Sch. 10](#)
- Sch. 2 para. 6 repealed by [2006 c. 47 Sch. 10](#)
- Sch. 2 para. 7 repealed by [2006 c. 47 Sch. 10](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26(1AA) inserted by [2014 anaw 4 s. 14\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26 already repealed (1.4.2016) by [2015 anaw 2](#), s. 56(2), Sch. 4 para. 13; S.I. 2016/86, art. 3)