



# Children Act 2004

## 2004 CHAPTER 31

### PART 2

#### CHILDREN'S SERVICES IN ENGLAND

##### *General*

#### **10 Co-operation to improve well-being**

- (1) Each children's services authority in England must make arrangements to promote co-operation between—
  - (a) the authority;
  - (b) each of the authority's relevant partners; and
  - (c) such other persons or bodies as the authority consider appropriate, being persons or bodies of any nature who exercise functions or are engaged in activities in relation to children in the authority's area.
- (2) The arrangements are to be made with a view to improving the well-being of children in the authority's area so far as relating to—
  - (a) physical and mental health and emotional well-being;
  - (b) protection from harm and neglect;
  - (c) education, training and recreation;
  - (d) the contribution made by them to society;
  - (e) social and economic well-being.
- (3) In making arrangements under this section a children's services authority in England must have regard to the importance of parents and other persons caring for children in improving the well-being of children.
- (4) For the purposes of this section each of the following is a relevant 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;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) the police authority and the chief officer of police for a police area any part of which falls within the area of the children’s services 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 Primary Care Trust for an area any part of which falls within the area of the authority;
  - (f) 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;
  - (g) the Learning and Skills Council for England.
- (5) The relevant partners of a children’s services authority in England must co-operate with the authority in the making of arrangements under this section.
- (6) A children’s services authority in England and any of their relevant partners may for the purposes of arrangements under this section—
- (a) provide staff, goods, services, accommodation or other resources;
  - (b) establish and maintain a pooled fund.
- (7) For the purposes of subsection (6) a pooled fund is a fund—
- (a) which is made up of contributions by the authority and the relevant partner or partners concerned; and
  - (b) out of which payments may be made towards expenditure incurred in the discharge of functions of the authority and functions of the relevant partner or partners.
- (8) A children’s services authority in England and each of their relevant partners must in exercising their functions under this section have regard to any guidance given to them for the purpose by the Secretary of State.
- (9) Arrangements under this section may include arrangements relating to—
- (a) persons aged 18 and 19;
  - (b) persons over the age of 19 who are receiving services under sections 23C to 24D of the Children Act 1989 (c. 41);
  - (c) persons over the age of 19 but under the age of 25 who have a learning difficulty, within the meaning of section 13 of the Learning and Skills Act 2000, and are receiving services under that Act.

## **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.

## **12 Information databases**

- (1) The Secretary of State may for the purpose of arrangements under section 10 or 11 above or under section 175 of the Education Act 2002—
- (a) by regulations require children’s services authorities in England to establish and operate databases containing information in respect of persons to whom such arrangements relate;
  - (b) himself establish and operate, or make arrangements for the operation and establishment of, one or more databases containing such information.
- (2) The Secretary of State may for the purposes of arrangements under subsection (1) (b) by regulations establish a body corporate to establish and operate one or more databases.
- (3) A database under this section may only include information falling within subsection (4) in relation to a person to whom arrangements specified in subsection (1) relate.
- (4) The information referred to in subsection (3) is information of the following descriptions in relation to a person—
- (a) his name, address, gender and date of birth;
  - (b) a number identifying him;
  - (c) the name and contact details of any person with parental responsibility for him (within the meaning of section 3 of the Children Act 1989 (c. 41)) or who has care of him at any time;

---

*Status: This is the original version (as it was originally enacted).*

---

- (d) details of any education being received by him (including the name and contact details of any educational institution attended by him);
  - (e) the name and contact details of any person providing primary medical services in relation to him under Part 1 of the National Health Service Act 1977 (c. 49);
  - (f) the name and contact details of any person providing to him services of such description as the Secretary of State may by regulations specify;
  - (g) information as to the existence of any cause for concern in relation to him;
  - (h) information of such other description, not including medical records or other personal records, as the Secretary of State may by regulations specify.
- (5) The Secretary of State may by regulations make provision in relation to the establishment and operation of any database or databases under this section.
- (6) Regulations under subsection (5) may in particular make provision—
- (a) as to the information which must or may be contained in any database under this section (subject to subsection (3));
  - (b) requiring a person or body specified in subsection (7) to disclose information for inclusion in the database;
  - (c) permitting a person or body specified in subsection (8) to disclose information for inclusion in the database;
  - (d) permitting or requiring the disclosure of information included in any such database;
  - (e) permitting or requiring any person to be given access to any such database for the purpose of adding or reading information;
  - (f) as to the conditions on which such access must or may be given;
  - (g) as to the length of time for which information must or may be retained;
  - (h) as to procedures for ensuring the accuracy of information included in any such database;
  - (i) in a case where a database is established by virtue of subsection (1)(b), requiring children's services authorities in England to participate in the operation of the database.
- (7) The persons and bodies referred to in subsection (6)(b) are—
- (a) the persons and bodies specified in section 11(1);
  - (b) the Learning and Skills Council for England;
  - (c) the governing body of a maintained school in England (within the meaning of section 175 of the Education Act 2002 (c. 32));
  - (d) the governing body of an institution in England within the further education sector (within the meaning of that section);
  - (e) the proprietor of an independent school in England (within the meaning of the Education Act 1996 (c. 56));
  - (f) a person or body of such other description as the Secretary of State may by regulations specify.
- (8) The persons and bodies referred to in subsection (6)(c) are—
- (a) a person registered in England for child minding or the provision of day care under Part 10A of the Children Act 1989 (c. 41);
  - (b) a voluntary organisation exercising functions or engaged in activities in relation to persons to whom arrangements specified in subsection (1) relate;
  - (c) the Commissioners of Inland Revenue;

- (d) a registered social landlord;
  - (e) a person or body of such other description as the Secretary of State may by regulations specify.
- (9) The Secretary of State may provide information for inclusion in a database under this section.
- (10) The provision which may be made under subsection (6)(e) includes provision for a person of a description specified in the regulations to determine what must or may be done under the regulations.
- (11) Regulations under subsection (5) may also provide that anything which may be done under regulations under subsection (6)(c) to (e) or (9) may be done notwithstanding any rule of common law which prohibits or restricts the disclosure of information.
- (12) Any person or body establishing or operating a database under this section must in the establishment or operation of the database have regard to any guidance, and comply with any direction, given to that person or body by the Secretary of State.
- (13) Guidance or directions under subsection (12) may in particular relate to—
- (a) the management of a database under this section;
  - (b) the technical specifications for any such database;
  - (c) the security of any such database;
  - (d) the transfer and comparison of information between databases under this section;
  - (e) the giving of advice in relation to rights under the Data Protection Act 1998 (c. 29).

### *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;

---

*Status: This is the original version (as it was originally enacted).*

---

- (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.

### *Local authority administration*

## **17 Children and young people’s plans**

- (1) The Secretary of State may by regulations require a children’s services authority in England from time to time to prepare and publish a plan setting out the authority’s strategy for discharging their functions in relation to children and relevant young persons.
- (2) Regulations under this section may in particular make provision as to—
  - (a) the matters to be dealt with in a plan under this section;
  - (b) the period to which a plan under this section is to relate;
  - (c) when and how a plan under this section must be published;
  - (d) keeping a plan under this section under review;
  - (e) consultation to be carried out during preparation of a plan under this section.
- (3) The matters for which provision may be made under subsection (2)(a) include in particular—
  - (a) the arrangements made or to be made under section 10 by a children’s services authority in England;

---

*Status: This is the original version (as it was originally enacted).*

---

- (b) the strategy or proposals in relation to children and relevant young persons of any person or body with whom a children’s services authority in England makes or proposes to make such arrangements.
- (4) The power to make regulations conferred by this section shall, for the purposes of subsection (1) of section 100 of the Local Government Act 2003 (c. 26), be regarded as included among the powers mentioned in subsection (2) of that section.
- (5) In this section “relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.

## **18 Director of children’s services**

- (1) A children’s services authority in England may, and with effect from the appointed day must, appoint an officer for the purposes of—
  - (a) the functions conferred on or exercisable by the authority which are specified in subsection (2); and
  - (b) such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.
- (2) The functions referred to in subsection (1)(a) are—
  - (a) functions conferred on or exercisable by the authority in their capacity as a local education authority;
  - (b) functions conferred on or exercisable by the authority which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), so far as those functions relate to children;
  - (c) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (c. 41) (so far as not falling within paragraph (b));
  - (d) the functions conferred on the authority under sections 10 to 12 and 17 of this Act; and
  - (e) any functions exercisable by the authority under section 31 of the Health Act 1999 (c. 8) on behalf of an NHS body (within the meaning of that section), so far as those functions relate to children.
- (3) Subsection (2)(a) does not include—
  - (a) functions under section 120(3) of the Education Reform Act 1988 (c. 40) (functions of LEAs with respect to higher and further education);
  - (b) functions under section 85(2) and (3) of the Further and Higher Education Act 1992 (c. 13) (finance and government of locally funded further and higher education);
  - (c) functions under section 15B of the Education Act 1996 (c. 56) or section 23 of the Learning and Skills Act 2000 (c. 21) (education for persons who have attained the age of 19);
  - (d) functions under section 22 of the Teaching and Higher Education Act 1998 (c. 30) (financial support to students);
  - (e) such other functions conferred on or exercisable by a children’s services authority in England in their capacity as a local education authority as the Secretary of State may by regulations prescribe.
- (4) An officer appointed by a children’s services authority in England under this section is to be known as their “director of children’s services”.



- (5) The director of children’s services appointed by a children’s services authority in England may also have responsibilities relating to such functions conferred on or exercisable by the authority, in addition to those specified in subsection (1), as the authority consider appropriate.
- (6) The functions in relation to which a director of children’s services may have responsibilities by virtue of subsection (5) include those referred to in subsection (3) (a) to (e).
- (7) A children’s services authority in England must have regard to any guidance given to them by the Secretary of State for the purposes of this section.
- (8) Two or more children’s services authorities in England may for the purposes of this section, if they consider that the same person can efficiently discharge, for both or all of them, the responsibilities of director of children’s services, concur in the appointment of a person as director of children’s services for both or all of them.
- (9) The amendments in Schedule 2—
  - (a) have effect, in relation to any authority which appoint a director of children’s services before the appointed day, from the day of his appointment; and
  - (b) on and after the appointed day have effect for all purposes.
- (10) In this section, “the appointed day” means such day as the Secretary of State may by order appoint.

## **19 Lead member for children’s services**

- (1) A children’s services authority in England must, in making arrangements for the discharge of—
  - (a) the functions conferred on or exercisable by the authority specified in section 18(1)(a) and (b), and
  - (b) such other functions conferred on or exercisable by the authority as the authority consider appropriate,designate one of their members as their “lead member for children’s services”.
- (2) A children’s services authority in England must have regard to any guidance given to them by the Secretary of State for the purposes of subsection (1).

### *Inspections of children’s services*

## **20 Joint area reviews**

- (1) Any two or more of the persons and bodies to which this section applies must, at the request of the Secretary of State—
  - (a) conduct, in accordance with a timetable drawn up by them and approved by the Secretary of State, a review of children’s services provided in—
    - (i) the area of every children’s services authority in England;
    - (ii) the areas of such children’s services authorities in England as may be specified in the request;
  - (b) conduct a review of such children’s services provided in the area of such children’s services authority in England as may be specified in the request.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) Any two or more of the persons and bodies to which this section applies may conduct a review of any children's services provided in the area of a particular children's services authority in England.
- (3) The purpose of a review under this section is to evaluate the extent to which, taken together, the children's services being reviewed improve the well-being of children and relevant young persons (and in particular to evaluate how those services work together to improve their well-being).
- (4) The persons and bodies to which this section applies are—
  - (a) the Chief Inspector of Schools;
  - (b) the Adult Learning Inspectorate;
  - (c) the Commission for Social Care Inspection;
  - (d) the Commission for Healthcare Audit and Inspection;
  - (e) the Audit Commission for Local Authorities and the National Health Service in England and Wales;
  - (f) the chief inspector of constabulary;
  - (g) Her Majesty's Chief Inspector of the National Probation Service for England and Wales;
  - (h) Her Majesty's Chief Inspector of Court Administration; and
  - (i) the Chief Inspector of Prisons.
- (5) Reviews under this section are to be conducted in accordance with arrangements made by the Chief Inspector of Schools.
- (6) Before making arrangements for the purposes of reviews under this section the Chief Inspector of Schools must consult such of the other persons and bodies to which this section applies as he considers appropriate.
- (7) The annual report of the Chief Inspector of Schools required by subsection (7)(a) of section 2 of the School Inspections Act 1996 (c. 57) to be made to the Secretary of State must include an account of reviews under this section; and the power conferred by subsection (7)(b) of that section to make other reports to the Secretary of State includes a power to make reports about such reviews.
- (8) The Secretary of State may by regulations make provision for the purposes of reviews under this section and in particular provision—
  - (a) requiring or facilitating the sharing or production of information for the purposes of a review under this section (including provision for the creation of criminal offences);
  - (b) authorising any person or body conducting a review under this section to enter any premises for the purposes of the review (including provision for the creation of criminal offences);
  - (c) imposing requirements as to the making of a report on each review under this section;
  - (d) for the making by such persons as may be specified in or under the regulations of written statements of proposed action in the light of the report and the period within which any such action must or may be taken;
  - (e) for the provision to members of the public of copies of reports and statements made under paragraphs (c) and (d), and for charging in respect of any such provision;

- (f) for the disapplication, in consequence of a requirement under this section, of any requirement under any other enactment to conduct an assessment or to do anything in connection with an assessment.
- (9) Regulations under subsection (8) may in particular make provision by applying enactments falling within subsection (10), with or without modification, for the purposes of reviews under this section.
- (10) The enactments falling within this subsection are enactments relating to the powers of persons and bodies to which this section applies for the purposes of assessments other than reviews under this section.
- (11) Regulations under subsection (8) may make provision authorising or requiring the doing of anything by reference to the determination of a person of a description specified in the regulations.

## **21 Framework**

- (1) The Chief Inspector of Schools must devise a Framework for Inspection of Children’s Services (“the Framework”).
- (2) The Framework must, for the purpose specified in subsection (3), set out principles to be applied by any person or body conducting a relevant assessment.
- (3) The purpose referred to in subsection (2) is to ensure that relevant assessments properly evaluate and report on the extent to which children’s services improve the well-being of children and relevant young persons.
- (4) The principles in the Framework may—
  - (a) include principles relating to the organisation of the results of any relevant assessment;
  - (b) make different provision for different cases.
- (5) For the purposes of subsections (2) to (4) a relevant assessment is an assessment conducted under any enactment in relation to any children’s services.
- (6) When devising the Framework, the Chief Inspector of Schools must consult the other persons and bodies to which section 20 applies.
- (7) The Chief Inspector of Schools must publish the Framework, but before doing so must—
  - (a) consult such persons and bodies, other than those referred to in subsection (6), as he thinks fit; and
  - (b) obtain the consent of the Secretary of State.
- (8) The Chief Inspector of Schools may at any time revise the Framework (and subsections (6) and (7) apply in relation to revisions to the Framework as to the original Framework).

## **22 Co-operation and delegation**

- (1) Each person or body with functions under any enactment of conducting assessments of children’s services must for the purposes of those assessments co-operate with other persons or bodies with such functions.

---

*Status: This is the original version (as it was originally enacted).*

---

- (2) A person or body with functions under any enactment of conducting assessments of children’s services may delegate any of those functions to any other person or body with such functions.

### **23 Sections 20 to 22: interpretation**

- (1) This section applies for the purposes of sections 20 to 22.
- (2) “Assessment” includes an inspection, review, investigation or study.
- (3) “Children’s services” means—
- (a) anything done for or in relation to children and relevant young persons (alone or with other persons)—
    - (i) in respect of which, apart from section 20, a person or body to which that section applies conducts any kind of assessment, or secures that any kind of assessment is conducted; and
    - (ii) which is specified in, or is of a description prescribed by, regulations made by the Secretary of State;
  - (b) any function under sections 10 and 13 to 19; and
  - (c) any function conferred on a children’s services authority under section 12.
- (4) “Relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.
- (5) “The Chief Inspector of Schools” means Her Majesty’s Chief Inspector of Schools in England.

### **24 Performance rating of social services**

- (1) In section 79(2) of the Health and Social Care (Community Health and Standards) Act 2003 (c. 43) (duty of Commission for Social Care Inspection to award a performance rating to a local authority), for the words from “a performance rating” to the end substitute—
- “(a) a performance rating to that authority in respect of all the English local authority social services provided by, or pursuant to arrangements made by, that authority—
    - (i) to or so far as relating to persons under the age of eighteen; or
    - (ii) under sections 23C to 24D of the Children Act 1989; and
  - (b) a performance rating to that authority in respect of all other English local authority social services provided by, or pursuant to arrangements made by, that authority.”
- (2) In section 81(2) of that Act (duty of the Commission to inform the Secretary of State where it awards the lowest performance rating under section 79), for “section 79” substitute “section 79(2)(a) or (b)”.