



# Children Act 2004

## 2004 CHAPTER 31

### PART 3

#### CHILDREN'S SERVICES IN WALES

##### *General*

#### **25 Co-operation to improve well-being: Wales**

- (1) Each [<sup>F1</sup>local authority] in Wales 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.

[<sup>F2</sup>(1A) Each local authority in Wales must also make arrangements to promote co-operation between officers of the authority who exercise its functions.]

- [<sup>F3</sup>(2) The arrangements under subsections (1) and (1A) are to be made with a view to—
- (a) improving the well-being of children within the authority's area, in particular those with needs for care and support;
  - (b) improving the quality of care and support for children provided in the authority's area (including the outcomes that are achieved from such provision);
  - (c) protecting children who are experiencing, or are at risk of, abuse, neglect or other kinds of harm (within the meaning of the Children Act 1989).]

- (3) In making arrangements under this section a [<sup>F1</sup>local authority] in Wales must have regard to the importance of parents and other persons caring for children in improving the well-being of children.

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- (4) For the purposes of this section each of the following is the relevant partner of a [<sup>F1</sup>local authority] in Wales—
- (a) [<sup>F4</sup>the local policing body] and the chief officer of police for a police area any part of which falls within the area of the [<sup>F1</sup>local authority];
  - [<sup>F5</sup>(aa) any other local authority in Wales with which the authority agrees that it would be appropriate to co-operate under this section;]
  - (b) a local probation board for an area any part of which falls within the area of the authority;
  - [<sup>F6</sup>(ba) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;
  - (bb) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;]
  - (c) a youth offending team for an area any part of which falls within the area of the authority;
  - (d) a Local Health Board for an area any part of which falls within the area of the authority;
  - (e) an NHS trust providing services in the area of the authority;
  - [<sup>F7</sup>(f) the [<sup>F8</sup>Welsh Ministers] to the extent that [<sup>F8</sup>they are] discharging functions under Part 2 of the Learning and Skills Act 2000]
  - [<sup>F9</sup>(g) such a person, or a person of such description, as regulations made by the Welsh Ministers may specify.]
- [<sup>F10</sup>(4A) Regulations under subsection (4)(g) may not specify a Minister of the [<sup>F11</sup>Crown,] the governor of a prison or secure training centre (or, in the case of a contracted out prison or secure training centre, its director) [<sup>F12</sup>or the principal of a secure college] unless the Secretary of State consents.]
- (5) The relevant partners of a [<sup>F1</sup>local authority] in Wales must co-operate with the authority in the making of arrangements under this section.
- (6) A [<sup>F1</sup>local authority] in Wales 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 [<sup>F1</sup>local authority] in Wales 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 [<sup>F13</sup>Welsh Ministers].
- (9) The [<sup>F14</sup>Welsh Ministers] must obtain the consent of the Secretary of State before giving guidance under subsection (8) at any time after the coming into force of any of paragraphs (a) to (c) of subsection (4).

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[<sup>F15</sup>(9A) Information about the arrangements a local authority in Wales makes under this section may be included in the local well-being plan published under section 39 or 44(5) of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by the public services board of which the local authority is a member.]

(10) 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—
  - [<sup>F16</sup>(i) services under sections 105 to 118 and 176 of the Social Services and Well-being (Wales) Act 2014; or]
  - (ii) youth support services (within the meaning of section 123 of the Learning and Skills Act 2000 (c. 21)).

[<sup>F17</sup>(11) In this section—

“care and support” means—

- (a) care;
  - (b) support;
  - (c) both care and support;
- “well-being” means well-being in relation to any of the following—
- (a) physical and mental health and emotional well-being;
  - (b) protection from abuse and neglect;
  - (c) education, training and recreation;
  - (d) domestic, family and personal relationships;
  - (e) contribution made to society;
  - (f) securing rights and entitlements;
  - (g) social and economic well-being;
  - (h) suitability of living accommodation;
  - (i) physical, intellectual, emotional, social and behavioural development;

and it includes “welfare” as that word is interpreted for the purposes of the Children Act 1989.]

#### Textual Amendments

- F1** Words in Pt. 3 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(5)**
- F2** S. 25(1A) inserted (6.4.2016) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), **ss. 163(2)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F3** S. 25(2) substituted (6.4.2016) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), **ss. 163(3)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F4** Words in s. 25(4)(a) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 99, 157(1), **Sch. 16 para. 333**; S.I. 2011/3019, **art. 3**, Sch. 1
- F5** S. 25(4)(aa) inserted (6.4.2016) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), **ss. 163(4)(a)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F6** S. 25(4)(ba)(bb) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 4(5)**; S.I. 2008/504, **art. 3**
- F7** S. 25(4)(f) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 90** (with transitional provisions in art. 7)

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- F8** Words in s. 25(4)(f) substituted (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 163(4)(b)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F9** S. 25(4)(g) inserted (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 163(4)(c)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F10** S. 25(4A) inserted (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 163(5)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F11** Words in s. 25(4A) substituted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 17(a)**; S.I. 2015/778, **art. 2(1)(c)**
- F12** Words in s. 25(4A) inserted (20.3.2015) by Criminal Justice and Courts Act 2015 (c. 2), s. 95(1), **Sch. 9 para. 17(b)**; S.I. 2015/778, **art. 2(1)(c)**
- F13** Words in s. 25(8) substituted (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 163(6)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F14** Words in s. 25(9) substituted (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 163(6)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)
- F15** S. 25(9A) inserted (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), **Sch. 4 para. 12**; S.I. 2016/86, art. 3
- F16** S. 25(10)(b)(i) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (No. 413), regs. 2(1), **217**
- F17** S. 25(11) inserted (6.4.2016) by Social Services and Well-being (Wales) Act 2014 (anaw 4), **ss. 163(7)**, 199(2); S.I. 2016/412, art. 2 (with art. 4Sch. 12)

#### Commencement Information

- II** S. 25 not in force at Royal Assent see s. 67(3); s. 25 in force for W. at 1.9.2006 by S.I. 2006/870, **art. 2**

## <sup>F18</sup>26 Children and young people’s plans: Wales

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#### Textual Amendments

- F18** S. 26 repealed (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), **Sch. 4 para. 13**; S.I. 2016/86, art. 3

## 27 [<sup>F19</sup>Responsibility for functions under section 25]

- (1) A [<sup>F20</sup>local authority] in Wales must—
- (a) appoint an officer, to be known as the “lead director for children and young people’s services”, for the purposes of co-ordinating and overseeing arrangements made under [<sup>F21</sup>section 25 ]; and
  - (b) designate one of their members, to be known as the “lead member for children and young people’s services”, to have as his special care the discharge of the authority’s functions under [<sup>F22</sup>that section].
- (2) A Local Health Board must—
- (a) appoint an officer, to be known as the Board’s “lead officer for children and young people’s services”, for the purposes of the Board’s functions under section 25; and
  - (b) designate one of the Board’s members who is not an officer as its “lead member for children and young people’s services” to have the discharge of those functions as his special care.

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- (3) An NHS trust to which section 25 applies must—
- (a) appoint an executive director, to be known as the trust’s “lead executive director for children and young people’s services”, for the purposes of the trust’s functions under that section; and
  - (b) designate one of the trust’s non-executive directors as its “lead non-executive director for children and young people’s services” to have the discharge of those functions as his special care.
- (4) Each [<sup>F20</sup>local authority] in Wales, Local Health Board and NHS trust to which section 25 applies must have regard to any guidance given to them by the Assembly in relation to—
- (a) their functions under this section;
  - (b) the responsibilities of the persons appointed or designated by them under this section.

#### Textual Amendments

- F19** Pt. 3 s. 27 crossheading substituted (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), **Sch. 4 para. 14(c)**; S.I. 2016/86, art. 3
- F20** Words in Pt. 3 substituted (5.5.2010) by The Local Education Authorities and Children’s Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 55(5)**
- F21** Words in s. 27(1)(a) substituted (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), **Sch. 4 para. 14(a)**; S.I. 2016/86, art. 3
- F22** Words in s. 27(1)(b) substituted (1.4.2016) by Well-being of Future Generations (Wales) Act 2015 (anaw 2), s. 56(2), **Sch. 4 para. 14(b)**; S.I. 2016/86, art. 3

#### Commencement Information

- I2** S. 27 not in force at Royal Assent see s. 67(3); s. 27 in force for W. at 1.4.2006 by S.I. 2006/885, **art. 2(2)**

## 28 Arrangements to safeguard and promote welfare: Wales

- (1) This section applies to each of the following—
- (a) a [<sup>F23</sup>local authority] in Wales;
  - (b) a Local Health Board;
  - (c) an NHS trust all or most of whose hospitals, establishments and facilities are situated in Wales;
  - (d) the [<sup>F24</sup>local policing body] and chief officer of police for a police area in Wales;
  - (e) the British Transport Police Authority, so far as exercising functions in relation to Wales;
  - [<sup>F25</sup>(ea) the National Crime Agency;]
  - (f) a local probation board for an area in Wales;
  - [<sup>F26</sup>(fa) the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007, so far as they are exercisable in relation to Wales;]
  - (g) a youth offending team for an area in Wales;
  - (h) the governor of a prison or secure training centre in Wales (or, in the case of a contracted out prison or secure training centre, its director);

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- [<sup>F27</sup>(ha) the principal of a secure college in Wales;]
- (i) any person to the extent that he is providing services pursuant to arrangements made by a [<sup>F23</sup>local authority] in Wales under section 123(1)(b) of the Learning and Skills Act 2000 (c. 21) (youth support services).
- (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 [<sup>F23</sup>local authority] in Wales, 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) The persons and bodies referred to in subsection (1)(a) to (c) and (i) must in discharging their duty under this section have regard to any guidance given to them for the purpose by the Assembly.
- (5) The persons and bodies referred to in subsection (1)(d) to (h) must in discharging their duty under this section have regard to any guidance given to them for the purpose by the Secretary of State after consultation with the Assembly.

#### Textual Amendments

- F23** Words in Pt. 3 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(5)**
- F24** Words in s. 28(1)(d) substituted (16.1.2012) by [Police Reform and Social Responsibility Act 2011 \(c. 13\)](#), ss. 99, 157(1), **Sch. 16 para. 334**; S.I. 2011/3019, **art. 3**, Sch. 1
- F25** S. 28(1)(ea) inserted (7.10.2013) by [Crime and Courts Act 2013 \(c. 22\)](#), ss. 8(2), 61(2); S.I. 2013/1682, **art. 3(j)**
- F26** S. 28(1)(fa) inserted (1.4.2008) by [Offender Management Act 2007 \(c. 21\)](#), ss. 39, 41(1), **Sch. 3 para. 4(6)**; S.I. 2008/504, **art. 3**
- F27** S. 28(1)(ha) inserted (20.3.2015) by [Criminal Justice and Courts Act 2015 \(c. 2\)](#), s. 95(1), **Sch. 9 para. 18**; S.I. 2015/778, **art. 2(1)(c)**

#### Commencement Information

- I3** S. 28 not in force at Royal Assent see s. 67(3); s. 28(1)(a)-(c)(i)(3)(4) in force for W. and s. 28(2) in force for W. for certain purposes at 1.4.2006 by [S.I. 2006/885](#), **art. 2(2)**
- I4** S. 28(1)(d)-(h)(5) in force at 9.9.2013 by [S.I. 2013/2247](#), **art. 2(a)(c)**
- I5** S. 28(2) in force at 9.9.2013 in so far as not already in force by [S.I. 2013/2247](#), **art. 2(b)**

PROSPECTIVE

## 29 Information databases: Wales

- (1) The Assembly may for the purpose of arrangements under section 25 or 28 above or under section 175 of the Education Act 2002—

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- (a) by regulations require [<sup>F28</sup>local authorities] in Wales to establish and operate databases containing information in respect of persons to whom such arrangements relate;
  - (b) itself establish and operate, or make arrangements for the operation and establishment of, one or more databases containing such information.
- (2) The Assembly 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;
  - (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 [<sup>F29</sup>the National Health Service (Wales) Act 2006];
  - (f) the name and contact details of any person providing to him services of such description as the Assembly 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 Assembly may by regulations specify.
- (5) The Assembly 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 [<sup>F28</sup>local authorities] in Wales to participate in the operation of the database.

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- (7) The persons and bodies referred to in subsection (6)(b) are—
- (a) the persons and bodies specified in section 28(1);
  - <sup>F30</sup>(b) the National Assembly for Wales to the extent that it is discharging its functions under Part 2 of the Learning and Skills Act 2000]
  - (c) the governing body of a maintained school in Wales (within the meaning of section 175 of the Education Act 2002 (c. 32));
  - (d) the governing body of an institution in Wales within the further education sector (within the meaning of that section);
  - (e) the proprietor of an independent school in Wales (within the meaning of the Education Act 1996 (c. 56));
  - (f) a person or body of such other description as the Assembly may by regulations specify.
- (8) The persons and bodies referred to in subsection (6)(c) are—
- (a) a person registered in Wales for child minding or the provision of day care under <sup>F31</sup>Part 2 of the Children and Families (Wales) Measure 2010];
  - (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 <sup>F32</sup>or private registered provider of social housing];
  - (e) a person or body of such other description as the Assembly may by regulations specify.
- (9) The Assembly and 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) Regulations under subsections (1)(a) and (5) may only be made with the consent of the Secretary of State.
- (13) 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 by the Assembly.
- (14) Guidance or directions under subsection (13) 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 <sup>F33</sup>the data protection legislation].



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[<sup>F34</sup>(15) In this section, “the data protection legislation” has the same meaning as in the Data Protection Act 2018 (see section 3 of that Act).]

#### Textual Amendments

- F28** Words in Pt. 3 substituted (5.5.2010) by virtue of [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(5)**
- F29** Words in s. 29(4)(e) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 267** (with Sch. 3 Pt. 1)
- F30** S. 29(7)(b) substituted (1.4.2006) by [The National Council for Education and Training for Wales \(Transfer of Functions to the National Assembly for Wales and Abolition\) Order 2005 \(S.I. 2005/3238\)](#), art. 9(1), **Sch. 1 para. 91** (with transitional provisions in art. 7)
- F31** Words in s. 29(8)(a) substituted (W.) (1.4.2011) by [Children and Families \(Wales\) Measure 2010 \(nawm 1\)](#), ss. 72, 75, Sch. 1 para. 16; [S.I. 2010/2582](#), **art. 2**, Sch. 1
- F32** Words in s. 29(8)(d) inserted (1.4.2010) by [The Housing and Regeneration Act 2008 \(Consequential Provisions\) Order 2010 \(S.I. 2010/866\)](#), art. 5, **Sch. 2 para. 129** (with art. 6, Sch. 3)
- F33** Words in s. 29(14)(e) substituted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 106(2)** (with ss. 117, 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)
- F34** S. 29(15) inserted (25.5.2018) by [Data Protection Act 2018 \(c. 12\)](#), s. 212(1), **Sch. 19 para. 106(3)** (with ss. 117, 209, 210); [S.I. 2018/625](#), reg. 2(1)(g)

### 30 Inspection of functions under this Part

[<sup>F35</sup>(1) The Welsh Ministers' functions under Part 8 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) may be exercised as if anything done by a local authority in Wales in the exercise of functions to which this section applies was in the exercise of a social services function of the local authority (within the meaning of that Act).]

- (2) This section applies to the following functions of a [<sup>F36</sup>local authority]—
- the authority's functions under section 25 <sup>F37</sup>..., except so far as relating to education, training or youth support services (within the meaning of section 123 of the Learning and Skills Act 2000 (c. 21));
  - the authority's functions under section 28;
  - any function conferred on the authority under section 29.

#### Textual Amendments

- F35** S. 30(1) substituted (29.4.2019) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 24**; [S.I. 2019/864](#), art. 2(3)(d), Sch. (with arts. 3-13)
- F36** Words in Pt. 3 substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 55(5)**
- F37** Words in s. 30(2)(a) repealed (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 15**; [S.I. 2016/86](#), art. 3

#### Commencement Information

- I6** S. 30 not in force at Royal Assent see s. 67(3); s. 30 in force for W. at 1.10.2006 by [S.I. 2006/885](#), **art. 2(4)**

**Status:**

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**Changes to legislation:**

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