

CHILDREN AND FAMILIES (WALES) MEASURE 2010

EXPLANATORY NOTES

Part 1: Child Poverty, Play and Participation

Part 1, Chapter 2: Play and Participation

Section 11: Local authority duties in respect of play opportunities for children

37. Subsection (1) provides that a local authority must carry out an assessment of sufficiency of play opportunities in its area in accordance with regulations made by Welsh Ministers. This is a preliminary step in the performance of the duty set out in subsection (3).
38. Regulations may specify particular matters to be taken into account in assessing sufficiency, the date by which such a sufficiency assessment is to be undertaken, the frequency of assessment, when the assessment is to be published and when and how it should be reviewed.
39. Subsection (3) places a duty on a local authority to secure sufficient play opportunities in its area for children as far as reasonably practicable having regard to its assessment. Local authorities will have to have regard to any guidance issued by the Welsh Ministers under section 17(3) of the Measure.
40. Subsection (4) requires local authorities to publish information about play opportunities in their area and to keep this information up to date.
41. Subsection (5) provides that in securing sufficiency of play opportunities, a local authority should consider in particular the needs of disabled children, the needs of children of different ages and any guidance issued by Welsh Ministers.
42. Subsection (6) clarifies that play includes any recreational activity and that the reference to “sufficiency” in the duty at subsection (1) relates to the quantity and quality of play opportunities.

Section 12: Participation of children in local authority decision making

43. **Section 12** requires local authorities to make arrangements to promote and facilitate participation by children in decisions across the full range of authorities’ functions which affect them. “Children” for these purposes are defined in section 71 as persons below the age of 18.
44. Subsection (2) requires local authorities to publish information about its arrangements for participation and to keep the information up to date.
45. Subsection (3) repeals section 176 of the Education Act 2002 as amended. Section 176 placed a duty on local authorities and governing bodies in Wales to have regard to the Welsh Ministers’ guidance about consultation with pupils in connection with the taking of decisions affecting them. The new duty places a duty to make arrangements

These notes refer to the Children and Families (Wales) Measure 2010 (c.1)

to promote and facilitate participation by children in decisions of the authority which might affect them. The old duty is overtaken by the new duty except with regards to decisions which are for the governing body of maintained schools and not the local authority, which are now the subject of separate provision in section 29B of the Education Act 2002 (inserted by section 157 of the Education and Skills Act 2008).