

CHILDREN AND FAMILIES (WALES) MEASURE 2010

EXPLANATORY NOTES

Part 1: Child Poverty, Play and Participation

Part 1, Chapter 3: Inspection, guidance and directions

Section 13: Inspection

46. **Section 13** gives the Welsh Ministers power by regulations to provide for local authorities' performance of the functions conferred by section 7 to 12 to be inspected and for the publication of inspection reports. The regulations can provide that inspections will be organised either by the Welsh Ministers or by Estyn (which is the inspectorate of education and training headed by Her Majesty's Chief Inspector of Education and Training in Wales) or any other person under arrangements made with the Welsh Ministers. The regulations may provide that inspection reports are "privileged" for the purposes of the law of defamation unless it can be shown that publication has been made with malice.

Section 14: Powers of entry

47. **Section 14** provides a power of entry at any reasonable time to any local authority premises or premises used in connection with the provision of services or facilities by another person under arrangements with a local authority in the performance of the relevant functions under this Part. This does not include the power to enter premises used wholly or mainly as a private dwelling.

Section 15: Powers of inspection

48. **Section 15** sets out the powers of inspection of those who enter premises for that purpose. It includes a power to seize and remove documents or anything else relevant to the discharge of the functions in question. It also includes power to require access to records or documents which may be stored on a computer. A person who obstructs an inspector exercising a power of entry or inspection, or who fails to comply with the requirement of an inspector, commits an offence, punishable on conviction in a magistrates' court with a fine not exceeding level 4 on the standard scale (currently £2,500).

Section 16: Power to require information

49. This section empowers the Welsh Ministers to require a local authority, or any person with whom the local authority has entered into arrangements in the exercise of the functions under sections 7 to 10, to provide them with relevant information, documents or records. The power extends to any information, documents or records which relate to the exercise of functions under sections 7 to 12 and which the Welsh Ministers consider necessary for the purposes of their functions under this Part. The power also applies

where a person other than the Welsh Ministers is carrying out inspections as provided for by regulations made under section 13(2).

Section 17: Guidance

50. This section requires Welsh authorities to have regard to guidance issued by the Welsh Ministers when exercising their functions where the guidance is about the exercise of the specific functions under sections 1 to 10 or more generally about action to promote the broad aims for contributing to the eradication of child poverty.
51. Subsection (3) makes separate provision requiring a local authority to have regard to any guidance issued under this section in relation to its functions under sections 11 and 12.

Section 18: Directions

52. [Section 18](#) gives a power to Welsh Ministers to direct a Welsh authority to take action to secure compliance with the duties under sections 2, 7, 10, 11 or 12 where it is felt that the Welsh authority is failing or is likely to fail to comply with those duties.