



# Children and Families (Wales) Measure 2010

## 2010 nawm 1

### PART 1

#### CHILD POVERTY, PLAY AND PARTICIPATION

#### CHAPTER 1

#### ERADICATING CHILD POVERTY

##### *Broad aims*

### **1 Broad aims for contributing to the eradication of child poverty**

- (1) This section applies for the purposes of this Part.
- (2) The broad aims for contributing to the eradication of child poverty are—
  - (a) to increase income for households including one or more children with a view to ensuring that, so far as reasonably practicable, there are no households in the relevant income group;
  - (b) ensuring that, so far as reasonably practicable, children living in households in the relevant income group are not materially deprived;
  - (c) to promote and facilitate paid employment for parents of children;
  - (d) to provide parents of children with the skills necessary for paid employment;
  - (e) to reduce inequalities in educational attainment between children;
  - (f) to support parenting of children;
  - (g) to reduce inequalities in health between children and between parents of children (so far as necessary to ensure the well-being of their children);
  - (h) to ensure that all children grow up in decent housing;
  - (i) to ensure that all children grow up in safe and cohesive communities;

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- (j) to reduce inequalities in participation in cultural, sporting and leisure activities between children and between parents of children (so far as necessary to ensure the well-being of their children);
  - (k) to help young persons participate effectively in education and training;
  - (l) to help young persons take advantage of opportunities for employment;
  - (m) to help young persons participate effectively and responsibly in the life of their communities.
- (3) For the purposes of subsection (2)(a), the “relevant income group”, in relation to a household, is every household including one or more children where household income is less than 60% of median income in the United Kingdom.
- (4) For the purposes of subsection (2)(b), the “relevant income group”, in relation to a household, is every household including one or more children where household income is less than 70% of median income in the United Kingdom.
- (5) Regulations may provide for the determination of material deprivation and median income in relation to a household for the purposes of this section.
- (6) If no regulations under subsection (5) are in force, a Welsh authority is to make its own determination of material deprivation and median income in relation to a household for the purposes of this section.
- (7) In this section “young persons” means persons who have attained the age of 11 but not the age of 26.
- (8) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
  - (b) add paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs;
  - (d) amend or omit subsections (3), (4), (5), (6) and (7);
  - (e) add subsections which relate to subsection (2);
  - (f) amend or omit such additional subsections;
  - (g) make any amendments to this Part that are necessary or expedient in consequence of any provision made under paragraphs (a) to (f).

### *Strategies*

## 2 **Strategies for contributing to the eradication of child poverty**

- (1) A Welsh authority must prepare and publish a strategy for contributing to the eradication of child poverty in Wales which sets out each of the following—
- (a) objectives chosen by the authority (subject to subsections (3) and (4)) which—
    - (i) relate to one or more of the broad aims for contributing to the eradication of child poverty, and
    - (ii) may be pursued in the exercise of its functions;
  - (b) any objectives specified in relation to the authority in regulations under subsection (5);
  - (c) actions to be performed and functions to be exercised by the authority for the purpose of achieving the objectives under paragraph (a) and, if any objectives

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are specified in relation to the authority in regulations under subsection (5), paragraph (b).

- (2) A Welsh authority must take all reasonable steps to perform the actions and exercise the functions referred to in subsection (1)(c) in accordance with its strategy.
- (3) The Welsh Ministers and a local authority must choose a range of objectives under subsection (1)(a) relating to all of the broad aims for the eradication of child poverty.
- (4) The Welsh Ministers must also choose objectives under subsection (1)(a) which—
  - (a) relate to their powers to provide funding to any person, and
  - (b) promote the broad aims for the eradication of child poverty.
- (5) The Welsh Ministers may specify objectives for a Welsh authority in regulations if—
  - (a) the objectives relate to one or more of the broad aims for contributing to the eradication of child poverty, and
  - (b) the objectives may be pursued by the Welsh authority in the exercise of its functions.
- (6) Regulations under subsection (5) may also provide that subsection (1)(a) and paragraph (c) of that subsection (as it relates to paragraph (a)) do not apply to a Welsh authority to the extent specified in the regulations.
- (7) For the purposes of this section, a reference to an action to be performed or a function to be exercised by a Welsh authority is a reference to an action or function which is within the powers of the Welsh authority.
- (8) For provision about the preparation and publication of strategies, see sections 3 to 5 of this Measure and section 26 of the Children Act 2004 (c. 31).

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**Commencement Information**

**II** S. 2 partly in force; s. 2 in force for specified purposes at 10.4.2010 see s. 75(1)

### **3 Strategies prepared by the Welsh Ministers**

- (1) The Welsh Ministers—
  - (a) must publish their first strategy under this Part in 2010,
  - (b) must keep their strategy under review, and
  - (c) may from time to time remake or revise their strategy.
- (2) Before making, remaking or revising their strategy, the Welsh Ministers must consult—
  - (a) the Secretary of State, and
  - (b) such other persons as they consider appropriate.
- (3) The provisions of subsection (2)(a) are not to be interpreted as conferring a power or duty on the Secretary of State.
- (4) The Welsh Ministers must publish a strategy when they make it and whenever they remake it; and, if they revise the strategy without remaking it, they must publish either the revisions or the strategy as revised (as they consider appropriate).

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- (5) If the Welsh Ministers publish a strategy or revisions under subsection (4) they must lay a copy of the strategy or revisions before the National Assembly for Wales.
- (6) The Welsh Ministers must in 2013 and in every third year after 2013—
- (a) publish a report containing an assessment of the extent to which—
    - (i) the objectives contained in their strategy for contributing to the eradication of child poverty have been achieved, and
    - (ii) if an objective has not been achieved, progress that has been made towards achieving the objective;
  - (b) lay a copy of the report before the National Assembly for Wales.

VALID FROM 10/01/2011

#### 4 Strategies prepared by local authorities <sup>F1</sup>...

- (1) The duty of a local authority to publish a strategy under section 2(1) is discharged on publication by the authority of a plan under section 26 of the Children Act 2004 (c. 31).
- (2) The Children Act 2004 (c. 31) is amended as follows.
- (3) In section 26 (children and young people's plans)—
- (a) for subsection (1), substitute—
 

“(1A) A [<sup>F2</sup>local authority] in Wales must, in accordance with regulations made by the Welsh Ministers, prepare and publish a plan setting out the authority's strategy for discharging their functions in relation to children and relevant young persons.

(1B) A [<sup>F2</sup>local authority] in Wales must include in their plan—

    - (a) the arrangements made or to be made under section 25 by the authority;
    - (b) the children's services authority's strategy under section 2 of the Children and Families (Wales) Measure 2010 (strategies for contributing to the eradication of child poverty).

(1C) A [<sup>F2</sup>local authority] in Wales may include in their plan—

    - (a) the strategy or proposals in relation to children and relevant young persons of any partner of the authority;
    - (b) the strategy under section 2 of the Children and Families (Wales) Measure 2010 (strategies for contributing to the eradication of child poverty) of any partner of the authority.

(1D) The powers of a [<sup>F2</sup>local authority] in subsection (1C) are subject to any duty imposed in regulations under subsection (2)(a).”;
  - (b) in subsection (3)(b), for “person or body with whom a [<sup>F2</sup>local authority] in Wales makes or proposes to make such arrangements” substitute “ partner ”;
  - (c) for subsection (6) substitute—
 

“(6) In this section—

“partner” means any person or body with whom a [<sup>F2</sup>local authority] in Wales has made an arrangement under section 25;

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“relevant young persons” means the persons, in addition to children, in relation to whom arrangements under section 25 may be made.”.

(4) In section 66 (regulations and orders), after subsection (6) insert—

“(7) Any statutory instrument containing regulations made under section 26 by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

(8) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”.

#### Textual Amendments

- F1** Words in s. 4 omitted (5.5.2010) by virtue of [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **6(2)**
- F2** Words in s. 4 substituted (5.5.2010) by [Local Education Authorities and Children’s Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **6(3)**

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## 5 Strategies prepared by other Welsh authorities

(1) In this section a reference to a “Welsh authority” does not include—

- (a) the Welsh Ministers;
- (b) a local authority.

(2) Subsection (3) applies to the strategy of a Welsh authority under section 2.

(3) Regulations may make provision as to—

- (a) the period to which a strategy is to relate;
- (b) when and how a strategy must be published;
- (c) keeping a strategy under review;
- (d) consultation to be carried out before a strategy is published.

(4) Subsection (5) applies to a Welsh authority if both of the following paragraphs apply—

- (a) the Welsh authority exercises functions in relation to one or more local authority areas;
- (b) the Welsh authority has entered into an arrangement under section 25 of the Children Act 2004 (c. 31) with each of those local authorities.

(5) The duty of a Welsh authority under section 2(1) to publish a strategy is discharged if the strategy is an integral part of a plan published under section 26 of the Children

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Act 2004 (c. 31) by each local authority with which it has entered into an arrangement under section 25 of that Act.

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*The Welsh authorities*

**6 The Welsh authorities**

- (1) For the purposes of this Measure, each of the following is a “Welsh authority”—
- (a) the Welsh Ministers;
  - (b) a local authority;
  - (c) a Local Health Board;
  - (d) a Welsh fire and rescue authority, that is an authority in Wales constituted by a scheme under section 2 of the Fire and Rescue Services Act 2004 (c. 21) or a scheme to which section 4 of that Act applies;
  - (e) a National Park authority in Wales;
  - (f) the Countryside Council for Wales;
  - (g) the Higher Education Funding Council for Wales;
  - (h) the Public Health Wales National Health Service Trust;
  - (i) the National Museum of Wales;
  - (j) the Arts Council of Wales;
  - (k) the National Library of Wales;
  - (l) the Sports Council for Wales.
- (2) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (1), except paragraphs (a) and (b);
  - (b) add paragraphs to that subsection;
  - (c) amend or omit such additional paragraphs;
  - (d) make any amendments to section 5 that are necessary or expedient in consequence of any provision made under paragraphs (a) to (c).
- (3) Before making an order under subsection (2) to include a person within subsection (1) or to remove a person from subsection (1), the Welsh Ministers must consult that person.
- (4) The Welsh Ministers must not exercise their power under subsection (2) so as to include any of the following within subsection (1)—
- (a) a person who does not have functions of a public nature;
  - (b) a person whose principal functions do not relate to one or more of the fields in Part 1 of Schedule 5 to the Government of Wales Act 2006 (c. 32);
  - (c) a tribunal.
- (5) If the Welsh Ministers exercise their power under subsection (2) so as to include a person within subsection (1) who has functions of both a public and a private nature, they must include that person only in relation to those of its functions which are of a public nature.

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PROSPECTIVE

### *Services to tackle child poverty*

#### **7 Local authority duty to secure the availability of free childcare**

- (1) A local authority must secure that childcare of a prescribed description is available free of charge for such periods as may be prescribed for each child of a prescribed description in its area who—
  - (a) has attained such age as may be prescribed, but
  - (b) is under compulsory school age.
- (2) This duty is subject to the provisions of regulations made under section 10(1)(c).
- (3) In this section “childcare” means—
  - (a) child minding or day care within the meaning of Part 2 in respect of which the provider is required to be registered under that Part, or
  - (b) care provided by a person of a description approved in accordance with a scheme made by the Welsh Ministers under section 12(5) of the Tax Credits Act 2002 (c. 21).

#### **8 Parental support services: powers of a local authority**

- (1) A local authority may provide, secure the provision of or participate in the provision of parental support services to parents of children.
- (2) A local authority may not charge for anything provided under subsection (1).
- (3) In this section and in section 10 “parental support services” means any of the following—
  - (a) training in parenting skills;
  - (b) any other service to promote or facilitate effective parenting.

#### **9 Health support services: powers of a local authority**

- (1) A local authority may provide, secure the provision of or participate in the provision of health support services.
- (2) A local authority may not provide, secure the provision of or participate in the provision of nursing services under subsection (1) for any part of its area without the consent of the Local Health Board for that part of its area.
- (3) A local authority may not charge for anything provided under subsection (1).
- (4) In this section and in section 10, “health support services” means services providing assistance in relation to the health of children or parents of children (so far as necessary to secure the well-being of their children), apart from assistance that amounts to the provision of medical, dental, ophthalmic, or pharmaceutical services.

#### **10 Regulations about services to tackle child poverty**

- (1) Regulations may—

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- (a) require a local authority to secure the provision of parental support services of a prescribed description free of charge for prescribed parents of children in its area;
  - (b) require a local authority to secure the provision of health support services of a prescribed description free of charge for prescribed children or prescribed parents of children in its area;
  - (c) provide that the duty in section 7(1) is to apply only in one or more parts of a local authority area;
  - (d) provide that a requirement in regulations under paragraph (a) or (b) is to apply only in one or more parts of a local authority area.
- (2) Regulations under paragraph (c) or (d) of subsection (1) may (among other things)—
- (a) specify one or more areas within a local authority area;
  - (b) provide for the specification of one or more areas by a local authority.



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