



# Children Act 2004

## 2004 CHAPTER 31

### PART 3

#### CHILDREN'S SERVICES IN WALES

##### *General*

### **28 Arrangements to safeguard and promote welfare: Wales**

(1) This section applies to each of the following—

- (a) a [<sup>F1</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>F2</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>F3</sup>(ea) the National Crime Agency;]
- (f) a local probation board for an area in Wales;
- [<sup>F4</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);
- [<sup>F5</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>F1</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—

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*Changes to legislation: Children Act 2004, Section 28 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (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>F1</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

- 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** 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
- F3** 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)**
- F4** 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**
- F5** 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

- I1** 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)**
- I2** S. 28(1)(d)-(h)(5) in force at 9.9.2013 by [S.I. 2013/2247](#), **art. 2(a)(c)**
- I3** 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)**

**Changes to legislation:**

Children Act 2004, Section 28 is up to date with all changes known to be in force on or before 08 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to :**

- s. 28(1)(c) words omitted by [2012 c. 7 Sch. 14 para. 99](#)

**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 26(1AA) inserted by [2014 anaw 4 s. 14\(4\)](#) (This amendment not applied to [legislation.gov.uk](#). S. 26 already repealed (1.4.2016) by [2015 anaw 2, s. 56\(2\), Sch. 4 para. 13](#); S.I. 2016/86, art. 3)