

# **APPRENTICESHIPS, SKILLS, CHILDREN AND LEARNING ACT 2009**

---

## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 9: Children's Services**

##### **Children's centres**

##### *Section 198: Arrangements for children's centres*

604. This section inserts new provisions into Part 1 of the 2006 Act imposing duties on English local authorities and others in relation to children's centres.
605. New section 5A builds on the existing requirement under section 3 of the 2006 Act for English local authorities to make arrangements to secure that early childhood services in their area are provided in an integrated way that facilitates access to services and maximises the benefits to children, parents and prospective parents. Currently, a local authority is free to determine how best to do this. Children's centres are just one example of how this can be done but local authorities are currently under no legal obligation to have any.
606. Subsection (1) of the new section 5A imposes a new requirement on local authorities that arrangements made under section 3(2) of the 2006 Act must include arrangements for sufficient provision of children's centres to meet local need. This will involve a local authority assessing the need for children's centres in their area, and then deciding what provision is required to meet that need. In making this decision about what is sufficient to meet local need, subsection (3) provides that the local authority is able to take into account other children's centres which are being provided (or which they expect to be provided) outside the area (for example, where people in the area make use of a children's centre in a neighbouring local authority area).
607. Subsection (4) contains a definition of a "children's centre" for the purposes of these provisions and also those inserted by sections 194 and 195. For these purposes, a children's centre is a place, or a group of places (to cover centres which operate on more than one site), which meets each of the three elements of the definition.
608. Paragraph (a) of the definition requires management of the centre by or on behalf of the local authority, and also captures arrangements where the local authority commissions a third party, such as a school governing body or a voluntary sector provider, to manage a children's centre on its behalf.
609. Paragraph (b) of the definition requires that all the early childhood services are made available through the children's centre. Subsection (5) provides that, for this purpose, "made available" means either that early childhood services are provided directly at a children's centre, or that advice and assistance are provided to parents and prospective parents on accessing early childhood services elsewhere.

610. Paragraph (c) of the definition says that the children's centre must provide activities on site for young children. This is to ensure that all centres captured by the definition in subsection (4) directly provide some activities for young children, rather than just advice and assistance for parents on gaining access to services provided elsewhere. This could be childcare, but if this is not provided at a children's centre, other activities for young children such as "stay and play" sessions, where parents and children have opportunities to join in play activities together, must be provided.
611. Subsection (6) makes explicit that statutory guidance issued under section 3(6) of the 2006 Act may be used to provide guidance to local authorities on whether a children's centre which they are responsible for should provide early childhood services at the centre, or whether it should simply provide advice and assistance to parents and prospective parents to help them access early childhood services provided elsewhere.
612. Subsection (7) provides that a children's centre provided as a result of arrangements under section 3(2) of the 2006 Act and which meets the definition in subsection (4) is to be known as a "Sure Start Children's Centre".
613. New section 5B creates a power for the Secretary of State to make regulations about the staffing, organisation and operation of children's centres. The regulations might be used to require that children's centres each have a centre leader, or to impose requirements about the qualifications which staff members must have. Subsection (2) provides that such regulations may impose a requirement for governing bodies to be established for each children's centre, and for such regulations to impose obligations and confer powers on governing bodies. The regulations will be subject to the negative resolution procedure.
614. New section 5C places on local authorities a duty to ensure each children's centre (or group of children's centres) for which it is responsible has an advisory board. The advisory board will provide advice and assistance, for example, to the centre manager, the local authority and its "relevant partners" (defined in section 4 of the 2006 Act as the Primary Care Trust or Strategic Health Authority for an area, and Jobcentre Plus), with a view to ensuring that each children's centre provides relevant and high quality services.
615. The local authority will specify which children's centres a particular advisory board relates to. Each advisory board must include representation from parents of young children or prospective parents in the local authority's area, the local authority itself, and each children's centre covered by that advisory board. The advisory board may also include representatives of other persons or bodies that the local authority considers appropriate to be represented, for example providers of other services for children, and representatives of the local community.
616. Subsection (7) requires local authorities to have regard to any statutory guidance issued by the Secretary of State when exercising their function of securing that advisory boards are established. Under subsection (8) this may include guidance about the membership of the board (including which other people or bodies it may be appropriate to have represented on the board), and the organisation and operation of the board (including the appropriate number of children's centres for a single advisory board to advise in relation to).
617. New section 5D gives local authorities a duty to ensure that appropriate consultation is carried out when they are considering the establishment or closure of a children's centre, or making any "significant change" in the services provided through a children's centre (including a change to the location of those services). The consultation may be carried out by the local authority or by someone else such as a third party who is managing a children's centre. Such consultation may be relevant to a local authority's determination of what arrangements it should make to provide children's centres to meet local need, including their number and location and which services a centre should provide directly.

618. Subsection (2) requires local authorities to have regard to guidance issued by the Secretary of State when exercising their function of ensuring that consultation is carried out. This may include guidance on what would constitute a “significant change” for the purposes of subsection (1)(b).
619. New section 5E gives local authorities and their “relevant partners” (the Primary Care Trust or Strategic Health Authority for an area, and Jobcentre Plus) a duty to consider, when deciding whether and how to provide a particular early childhood service, whether it should be provided through one of the children’s centres in the area. In considering this, subsection (4) provides that the local authority or relevant partner must take into account whether providing the early childhood service through a children’s centre would facilitate access to it or maximise its benefit to parents, prospective parents and young children.
620. The effect of subsection (6) is that the duty also applies where the local authority or relevant partner commissions a third party to provide an early childhood service, rather than doing so itself.
621. Subsection (7) clarifies that, despite the duty in this section, a local authority or its relevant partners are still free to decide that an early childhood service is better located somewhere other than a children’s centre, as long as they have in fact considered a children’s centre as one option for the location of the service.
622. New section 5F contains a transitional provision which ensures that, where a local authority has made arrangements before the commencement of section 198 for a children’s centre, but those arrangements were not made under section 3(2) of the 2006 Act, those children’s centres will count as being made under section 3(2) so that new sections 5A to 5E will apply to them. These transitional provisions are necessary for children’s centres which may have been set up before section 3(2) came into force, and therefore would not have been set up as part of arrangements under section 3(2).