



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 9

CHILDREN'S SERVICES

Children's centres

198 Arrangements for children's centres

In Part 1 of the Childcare Act 2006 (c. 21) (functions of local authorities in England in relation to children) after section 5 insert—

“Children's centres

5A Arrangements for provision of children's centres

- (1) Arrangements made by an English local authority under section 3(2) must, so far as is reasonably practicable, include arrangements for sufficient provision of children's centres to meet local need.
- (2) “Local need” is the need of parents, prospective parents and young children in the authority's area.
- (3) In determining what provision of children's centres is sufficient to meet local need, an authority may have regard to any children's centres—
 - (a) that are provided outside the authority's area, or
 - (b) that the authority expect to be provided outside their area.
- (4) For the purposes of this Part and Part 3A a “children's centre” is a place, or a group of places—

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Section 198 is up to date with all changes known to be in force on or before 28 February 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

- (a) which is managed by or on behalf of, or under arrangements made with, an English local authority, with a view to securing that early childhood services in their area are made available in an integrated manner,
 - (b) through which each of the early childhood services is made available, and
 - (c) at which activities for young children are provided, whether by way of early years provision or otherwise.
- (5) For the purposes of this section, a service is made available—
- (a) by providing the service, or
 - (b) by providing advice and assistance to parents and prospective parents on gaining access to the service.
- (6) Guidance given under section 3(6) in respect of arrangements made under section 3(2) by virtue of subsection (1) of this section may, in particular, relate to—
- (a) circumstances in which any early childhood services should be made available through children's centres as mentioned in subsection (5)(a);
 - (b) circumstances in which any early childhood services should be made available through children's centres as mentioned in subsection (5)(b).
- (7) A children's centre provided by virtue of arrangements made by an English local authority under section 3(2) is to be known as a Sure Start Children's Centre.

5B Children's centres: staffing, organisation and operation

- (1) Regulations may make provision about the staffing, organisation and operation of children's centres.
- (2) The regulations may in particular—
- (a) require English local authorities to secure that children's centres have governing bodies;
 - (b) impose obligations and confer powers on any such governing bodies.

5C Children's centres: advisory boards

- (1) This section applies where arrangements made by an English local authority under section 3(2) include arrangements for the provision of one or more children's centres.
- (2) The authority must make arrangements to secure that each of the children's centres is within the remit of an advisory board.
- (3) A children's centre is within the remit of an advisory board if it is specified in relation to the board by the responsible authority.
- (4) An advisory board must provide advice and assistance for the purpose of ensuring the effective operation of the children's centres within its remit.
- (5) An advisory board must include persons representing the interests of—
- (a) each children's centre within its remit;
 - (b) the responsible authority;
 - (c) parents or prospective parents in the responsible authority's area.

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- (6) An advisory board may also include persons representing the interests of any other persons or bodies that the responsible authority think appropriate.
- (7) In exercising their functions under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.
- (8) The guidance may in particular relate to—
 - (a) the membership of advisory boards;
 - (b) the organisation and operation of advisory boards.
- (9) The “responsible authority”, in relation to an advisory board in respect of which arrangements have been made under subsection (2), is the authority that made the arrangements.

5D Children's centres: consultation

- (1) An English local authority must secure that such consultation as they think appropriate is carried out—
 - (a) before making arrangements under section 3(2) for the provision of a children's centre;
 - (b) before any significant change is made in the services provided through a relevant children's centre;
 - (c) before anything is done that would result in a relevant children's centre ceasing to be a children's centre.
- (2) In discharging their duty under this section, an English local authority must have regard to any guidance given from time to time by the Secretary of State.
- (3) For the purposes of this section a change in the manner in which, or the location at which, services are provided is to be treated as a change in the services.
- (4) A “relevant children's centre”, in relation to an authority, is a children's centre provided by virtue of arrangements made by the authority under section 3(2).

5E Duty to consider providing services through a children's centre

- (1) This section applies where arrangements made by an English local authority under section 3(2) include arrangements for the provision of one or more children's centres.
- (2) The authority must consider whether each of the early childhood services to be provided by them should be provided through any of those children's centres.
- (3) Each relevant partner of the authority must consider whether each of the early childhood services to be provided by it in the authority's area should be provided through any of those children's centres.
- (4) In discharging their duties under this section, the authority and each relevant partner must take into account whether providing a service through any of the children's centres in question would—
 - (a) facilitate access to it, or
 - (b) maximise its benefit to parents, prospective parents and young children.

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- (5) In discharging their duties under this section, an English local authority and each of their relevant partners must have regard to any guidance given from time to time by the Secretary of State.
- (6) For the purposes of this section, early childhood services are provided by a person or body if they are provided on behalf of, or under arrangements made with, that person or body.
- (7) For the avoidance of doubt, nothing in this section is to be taken as preventing an English local authority or any of their relevant partners from providing early childhood services otherwise than through a children's centre.

5F Children's centres: transitional provision

- (1) This section applies if immediately before the commencement date an English local authority has made arrangements for the provision of a children's centre.
- (2) To the extent that this would not otherwise be the case, the arrangements are to be treated for the purposes of this Part and Part 3A as made under section 3(2).
- (3) “The commencement date” is the day on which section 198 of the Apprenticeships, Skills, Children and Learning Act 2009 comes into force.

5G Children's centres: interpretation

In sections 5A to 5F—

- “children's centre” has the meaning given by section 5A(4);
- “early childhood services” has the same meaning as in section 3;
- “parent” and “prospective parent” have the same meaning as in section 2;
- “relevant partner” has the same meaning as in section 4.”

Changes to legislation:

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Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing SI 2010/303 art. 7 Sch. 6