

CHILD POVERTY ACT 2010

EXPLANATORY NOTES

COMMENTARY ON SECTIONS AND SCHEDULES

Part 2 – DUTIES OF LOCAL AUTHORITIES AND OTHER BODIES IN ENGLAND (Sections 19 to 25)

Section 19: Responsible local authorities

89. *Section 19* sets out which local authorities will be “responsible local authorities” for the purposes of Part 2 of the Act. They are upper-tier authorities or those with upper-tier responsibilities as well as London boroughs, the City of London and the Council of the Isles of Scilly.

Section 20: Partner authorities

90. *Section 20* lists public bodies and persons who will be “partner authorities” in relation to responsible local authorities for the purposes of Part 2. Some of these bodies are also listed as partner authorities for the purposes of Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007.
91. *Subsection (3)(a)* covers Jobcentre Plus by referring to the Secretary of State in relation to his functions under section 2 of the Employment and Training Act 1973. *Subsection (3)(b)* covers the Probation Services by referring to the Secretary of State in relation to his functions under sections 2 and 3 of the Offender Management Act 2007.
92. *Subsection (4)* provides that the Secretary of State’s functions under Part 2 of this Act as a partner authority, in relation to subsection (3)(b), are functions which can be performed through arrangements for the provision of probation services under section 3 of the Offender Management Act 2007. This means that they are included in the functions that are to be discharged under arrangements made under section 3 of that Act.
93. *Subsection (6)* provides that the Secretary of State may, by order, amend the list of partner authorities by adding any person with functions of a public nature, removing any person, or by adding or removing references to the Secretary of State’s functions under subsection (3). The order is subject to the negative resolution procedure. *Subsection (7)* provides that before making such an order, the Secretary of State must consult such representatives of local government and such other persons as he thinks fit.

Section 21: Co-operation to reduce child poverty in local area

94. *Section 21 (subsection (1))* imposes a duty on each responsible local authority to make arrangements to promote co-operation between the authority, each of its partner authorities, and such other persons or bodies as the authority considers appropriate. *Subsection (2)* provides that the purpose of these arrangements is to reduce, and mitigate the effects of, child poverty in the local authority’s area. *Subsection (3)* places a duty on the partner authorities to co-operate with the local authority. The section also enables the local authority to involve other persons or bodies, for example from the private and

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voluntary sectors, in the arrangements; however these persons or bodies are not under a duty to co-operate.

95. *Subsection (4)* provides that the responsible local authority and its partner authorities must have regard to guidance issued by the Secretary of State. This guidance is intended to cover the arrangements that responsible local authorities should put in place. It is expected that responsible local authorities and partner authorities will use existing partnerships, such as Local Strategic Partnerships, rather than setting up new arrangements.
96. *Subsections (5) and (6)* provide powers for responsible local authorities and their partner authorities to provide staff, goods, services, accommodation or other resources and to pool budgets in support of the arrangements made under this section.

Section 22: Local child poverty needs assessment

97. *Section 22* requires a responsible local authority, as part of the arrangements to co-operate made under section 21, to prepare and publish an assessment of the needs of children living in poverty its area. Partner authorities must co-operate with the local authority in preparing a needs assessment.
98. *Subsection (2)* gives the Secretary of State the power to make regulations about local child poverty needs assessments. *Subsection (3)* sets out the things that the regulations can make provision about. The intention is that the regulations will set out those matters which a responsible local authority must consider in its child poverty needs assessment, while giving the authority flexibility to consider other matters that it considers appropriate.
99. *Subsection (4)* requires the responsible local authority and each partner authority to have regard to any guidance that the Secretary of State gives to them about how they should exercise their functions under this section.

Section 23: Joint child poverty strategy for local area

100. *Section 23* requires the arrangements to co-operate made by a responsible local authority under section 21 to include arrangements to prepare a joint child poverty strategy in relation to the authority's area and to modify it in accordance with the provisions in this section. *Subsection (2)* requires that the strategy must set out the measures that the authority and each partner authority propose to take for the purpose of reducing, and mitigating the effects of, child poverty in the responsible local authority's area.
101. *Subsection (3)* provides that some of these measures must relate to matters identified in a local child poverty needs assessment carried out by the authority under section 22. The strategy can also include other measures relating to matters that the responsible local authority or a partner authority considers relevant to tackling child poverty in their area.
102. *Subsection (4)* provides that the responsible local authority may modify the strategy. When revising the local child poverty needs assessment the responsible local authority must consider whether any modification of the strategy is required (*subsection (5)*).
103. *Subsection (6)* requires the responsible local authority to consult such children, and organisations working with or representing children as the authority thinks fit; and such parents and organisations working with or representing parents, as the authority thinks fit, when preparing or modifying the strategy. The authority may also consult such other persons or bodies as it thinks fit.
104. *Subsection (7)* provides a power for the Secretary of State to issue guidance, which the responsible local authority and each of its partner authorities must have regard to when exercising functions under this section.

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105. *Subsection (8)* provides that the responsible local authority and each partner authority must have regard to the joint child poverty strategy in exercising their functions.

Section 24: Sustainable community strategy

106. *Section 24* amends section 4 of the Local Government Act 2000, which concerns the preparation of strategies for promoting well-being. The effect of the amendment is that local authorities are required to take account of the local child poverty needs assessment, the joint child poverty strategy and other arrangements they have made to tackle child poverty in their area when preparing their sustainable community strategy.
107. This is to ensure that measures to reduce, and mitigate the effects of, child poverty are reflected in the wider planning of local authorities.

Section 25: Meaning of “child poverty” in Part 2

108. *Section 25* defines “child poverty” for the purposes of Part 2 of the Act.
109. *Subsection (2)* states that a child is considered to be in poverty if the child experiences socio-economic disadvantage.
110. *Subsection (3)* makes it clear children whose families fall within the relevant income groups for the purposes of sections 3 to 6 are to be regarded as experiencing socio-economic disadvantage.