



# Children Act 2004

## 2004 CHAPTER 31

### PART 2

#### CHILDREN'S SERVICES IN ENGLAND

##### *Local authority administration*

#### [<sup>F17</sup> Children and young people's plans

- (1) The Secretary of State may by regulations require a Children's Trust Board established by virtue of arrangements under section 10 from time to time to prepare and publish a children and young people's plan.
- (2) A children and young people's plan is a plan setting out the strategy of the persons or bodies represented on the Board for co-operating with each other with a view to improving the well-being of children and relevant young persons in the area of the authority that established the Board.
- (3) In subsection (2) "well-being" means well-being so far as relating to the matters specified in section 10(2)(a) to (e).
- (4) Regulations under this section may in particular make provision as to—
  - (a) the matters to be dealt with in a children and young people's plan;
  - (b) the period to which a children and young people's plan is to relate;
  - (c) when and how a children and young people's plan must be published;
  - (d) keeping a children and young people's plan under review;
  - (e) revising a children and young people's plan;
  - (f) consultation to be carried out during preparation or revision of a children and young people's plan;
  - (g) other steps required or permitted to be taken in connection with the preparation or revision of a children and young people's plan.
- (5) In this section "relevant young persons" means persons, other than children, in relation to whom arrangements under section 10 may be made.]

*Status: Point in time view as at 05/05/2010.*

*Changes to legislation: There are currently no known outstanding effects for the Children Act 2004, Cross Heading: Local authority administration. (See end of Document for details)*

#### Textual Amendments

- F1** Ss. 17, 17A substituted (26.2.2010 for certain purposes and 1.4.2010 otherwise) for s. 17 by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 194(3)**, 269; S.I. 2010/303, **arts. 2, 3**, Sch. 1, Sch. 2

#### Commencement Information

- II** S. 17 not in force at Royal Assent see s. 67(2); s. 17 in force for E. at 1.3.2005 by [S.I. 2005/394](#), **art. 2(1)**

### [<sup>F2</sup>17A Children and young people's plans: implementation

- (1) This section applies where a Children's Trust Board prepares a children and young people's plan in accordance with regulations under section 17.
- (2) The persons and bodies whose strategy for co-operation is set out in the plan must have regard to the plan in exercising their functions.
- (3) The Board must—
  - (a) monitor the extent to which the persons and bodies whose strategy for co-operation is set out in the plan are acting in accordance with the plan;
  - (b) prepare and publish an annual report about the extent to which, during the year to which the report relates, those persons and bodies have acted in accordance with the plan.]

#### Textual Amendments

- F2** Ss. 17, 17A substituted (26.2.2010 for certain purposes and 1.4.2010 otherwise) for s. 17 by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 194(3)**, 269; S.I. 2010/303, **arts. 2, 3**, Sch. 1, Sch. 2

## 18 Director of children's services

- (1) A [<sup>F3</sup>local authority] in England may, and with effect from the appointed day must, appoint an officer for the purposes of—
  - (a) the functions conferred on or exercisable by the authority which are specified in subsection (2); and
  - (b) such other functions conferred on or exercisable by the authority as may be prescribed by the Secretary of State by regulations.
- (2) The functions referred to in subsection (1)(a) are—
  - (a) [<sup>F4</sup>education] functions conferred on or exercisable by the authority <sup>F5</sup>. . . ;
  - (b) functions conferred on or exercisable by the authority which are social services functions (within the meaning of the Local Authority Social Services Act 1970 (c. 42)), so far as those functions relate to children;
  - (c) the functions conferred on the authority under sections 23C to 24D of the Children Act 1989 (c. 41) (so far as not falling within paragraph (b));
  - (d) the functions conferred on the authority under sections 10 to 12 [<sup>F6</sup>, 12C, 12D and 17A] of this Act; <sup>F7</sup>. . .

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- (e) any functions exercisable by the authority under [F8section 75 of the National Health Service Act 2006 or section 33 of the National Health Service (Wales) Act 2006] on behalf of an NHS body (within the meaning of [F9those sections]), so far as those functions relate to children[F10]; and
  - (f) the functions conferred on the authority under Part 1 of the Childcare Act 2006.]
- (3) Subsection (2)(a) does not include—
- (a) functions under section 120(3) of the Education Reform Act 1988 (c. 40) (functions of LEAs with respect to higher and further education);
  - (b) functions under section 85(2) and (3) of the Further and Higher Education Act 1992 (c. 13) (finance and government of locally funded further and higher education);
  - (c) functions under section 15B of the Education Act 1996 (c. 56) F11 . . . (education for persons who have attained the age of 19);
  - (d) functions under section 22 of the Teaching and Higher Education Act 1998 (c. 30) (financial support to students);
  - (e) such other [F12education] functions conferred on or exercisable by a [F3local authority] in England F5 . . . as the Secretary of State may by regulations prescribe.
- (4) An officer appointed by a [F3local authority] in England under this section is to be known as their “director of children’s services”.
- (5) The director of children’s services appointed by a [F3local authority] in England may also have responsibilities relating to such functions conferred on or exercisable by the authority, in addition to those specified in subsection (1), as the authority consider appropriate.
- (6) The functions in relation to which a director of children’s services may have responsibilities by virtue of subsection (5) include those referred to in subsection (3) (a) to (e).
- (7) A [F3local authority] in England must have regard to any guidance given to them by the Secretary of State for the purposes of this section.
- (8) Two or more [F13local authorities] in England may for the purposes of this section, if they consider that the same person can efficiently discharge, for both or all of them, the responsibilities of director of children’s services, concur in the appointment of a person as director of children’s services for both or all of them.
- (9) The amendments in Schedule 2—
- (a) have effect, in relation to any authority which appoint a director of children’s services before the appointed day, from the day of his appointment; and
  - (b) on and after the appointed day have effect for all purposes.
- [F14(10) In this section—
- “the appointed day” means such day as the Secretary of State may by order appoint;
  - “education functions” has the meaning given by section 579(1) of the Education Act 1996.]

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### Subordinate Legislation Made

**P1** S. 18(10) power exercised: 1.1.2008 appointed by {S.I. 2007/1792}, art. 2

### Textual Amendments

- F3** Words in Pt. 2 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(2)**
- F4** Word in s. 18(2)(a) inserted (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(4)(a)(i)**
- F5** Words in s. 18(2)(a)(3)(e) repealed (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)(2), Sch. 2 para. 55(4)(a)(ii)(b)(ii), **Sch. 3 Pt. 2**
- F6** Words in s. 18(2)(d) substituted (1.4.2010) by [Apprenticeships, Skills, Children and Learning Act 2009 \(c. 22\)](#), **ss. 194(4)**, 269; S.I. 2010/303, **art. 3**, Sch. 2
- F7** Word in s. 18(2)(d) repealed (1.4.2007) by [Childcare Act 2006 \(c. 21\)](#), ss. 16(2)(a), 103(2), 109(2), **Sch. 3 Pt. 2**; S.I. 2007/1019, **art. 3**
- F8** Words in s. 18(2)(e) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 266(a)** (with Sch. 3 Pt. 1)
- F9** Words in s. 18(2)(e) substituted (1.3.2007) by [National Health Service \(Consequential Provisions\) Act 2006 \(c. 43\)](#), ss. 2, 8, **Sch. 1 para. 266(b)** (with Sch. 3 Pt. 1)
- F10** S. 18(2)(f) and preceding word inserted (1.4.2007) by [Childcare Act 2006 \(c. 21\)](#), **ss. 16(2)(b)**, 109(2); S.I. 2007/1019, **art. 3**
- F11** Words in s. 18(3)(c) repealed (21.2.2008) by [Further Education and Training Act 2007 \(c. 25\)](#), ss. 30, 32, **Sch. 2**; S.I. 2008/313, **art. 2**
- F12** Word in s. 18(3)(e) inserted (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(4)(b)(i)**
- F13** Words in Pt. 2 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(2)**
- F14** S. 18(10) 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(4)(c)**

### Commencement Information

**I2** S. 18 not in force at Royal Assent see s. 67(2); s. 18 in force for E. at 1.4.2005 by S.I. 2005/394, **art. 2(2)**

## 19 Lead member for children's services

- (1) A [<sup>F15</sup>local authority] in England must, in making arrangements for the discharge of—
- (a) the functions conferred on or exercisable by the authority specified in section 18(1)(a) and (b), and
  - (b) such other functions conferred on or exercisable by the authority as the authority consider appropriate,
- designate one of their members as their “lead member for children's services”.
- (2) A [<sup>F15</sup>local authority] in England must have regard to any guidance given to them by the Secretary of State for the purposes of subsection (1).

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### **Textual Amendments**

- F15** Words in Pt. 2 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(2)**

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