



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 9

CHILDREN'S SERVICES

Co-operation to improve well-being of children

193 Arrangements to promote co-operation

(1) Section 10 of the Children Act 2004 (c. 31) (co-operation to improve well-being) is amended as set out in subsections (2) to (5).

(2) In subsection (4)—

(a) after paragraph (f) insert—

“(fa) the governing body of a maintained school that is maintained by the authority in their capacity as a local education authority;

(fb) the proprietor of a school approved by the Secretary of State under section 342 of the Education Act 1996 and situated in the authority's area;

(fc) the proprietor of a city technology college, city college for the technology of the arts or Academy situated in the authority's area;

(fd) the governing body of an institution within the further education sector the main site of which is situated in the authority's area;

(fe) the Secretary of State, in relation to the Secretary of State's functions under section 2 of the Employment and Training Act 1973.”;

(b) omit paragraph (g).

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Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Part 9 is up to date with all changes known to be in force on or before 27 June 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)

(3) After subsection (5) insert—

“(5A) For the purposes of arrangements under this section a relevant person or body may—

- (a) provide staff, goods, services, accommodation or other resources to another relevant person or body;
- (b) make contributions to a fund out of which relevant payments may be made.”

(4) Omit subsections (6) and (7).

(5) After subsection (9) insert—

“(10) In deciding for the purposes of subsection (4)(fd) whether the main site of an institution within the further education sector is situated within the area of a children's services authority, the authority and the governing body of the institution must have regard to any guidance given to them by the Secretary of State.

(11) In this section—

“governing body”, in relation to an institution within the further education sector, has the meaning given by section 90 of the Further and Higher Education Act 1992;

“institution within the further education sector” has the meaning given by section 4(3) of the Education Act 1996;

“maintained school” has the meaning given by section 39(1) of the Education Act 2002;

“proprietor”, in relation to a city technology college, city college for the technology of the arts, Academy or other school, means the person or body of persons responsible for its management;

“relevant payment”, in relation to a fund, means a payment in respect of expenditure incurred, by a relevant person or body contributing to the fund, in the exercise of its functions;

“relevant person or body” means—

- (a) a children's services authority in England;
- (b) a relevant partner of a children's services authority in England.”

Commencement Information

II S. 193(1)(2)(a)(3)-(5) in force at 12.1.2010 by [S.I. 2009/3317](#), [art. 2](#), [Sch.](#)

194 Children's Trust Boards

(1) Part 2 of the Children Act 2004 (c. 31) (children's services in England) is amended as set out in subsections (2) to (5).

(2) After section 12 insert—

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“Children's Trust Boards

12A Establishment of CTBs

- (1) Arrangements made by a children's services authority in England under section 10 must include arrangements for the establishment of a Children's Trust Board for their area.
- (2) A Children's Trust Board must include a representative of each of the following—
 - (a) the establishing authority;
 - (b) each of the establishing authority's relevant partners (subject to subsection (4)).
- (3) A Children's Trust Board may also include any other persons or bodies that the establishing authority, after consulting each of their relevant partners, think appropriate.
- (4) A Children's Trust Board need not include any of the establishing authority's relevant partners who are of a description prescribed by regulations made by the Secretary of State.
- (5) Subsection (2) does not require a Children's Trust Board to include a separate representative for each of the persons or bodies mentioned in subsection (2) (a) and (b).
- (6) Where two or more children's services authorities jointly make arrangements under section 10 for the establishment of a Children's Trust Board, references in sections 12B and 17 to the area of the authority that established the Board are to be read as references to an area consisting of the combined areas of those authorities.
- (7) For the purposes of this section and sections 12B and 12C—
 - (a) “the establishing authority”, in relation to a Children's Trust Board, is the children's services authority that establishes the Board;
 - (b) a person or body is a “relevant partner” of a children's services authority if it is a relevant partner of the authority for the purposes of section 10.

12B Functions and procedures of CTBs

- (1) The functions of a Children's Trust Board are—
 - (a) those conferred by or under section 17 or 17A (children and young people's plans);
 - (b) any further functions conferred by regulations made by the Secretary of State.
- (2) Regulations under subsection (1)(b) may confer a function on a Children's Trust Board only if the function relates to improving the well-being of children or relevant young persons in the area of the establishing authority.
- (3) In subsection (2) “well-being” means well-being so far as relating to one or more of the matters specified in section 10(2)(a) to (e).

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- (4) A Children's Trust Board must have regard to any guidance given to it by the Secretary of State in connection with—
 - (a) the procedures to be followed by it;
 - (b) the exercise of its functions.
- (5) In this section “relevant young persons” means persons, other than children, in relation to whom arrangements under section 10 may be made.

12C Funding of CTBs

- (1) The establishing authority and any of their relevant partners represented on a Children's Trust Board may make payments towards expenditure incurred by, or for purposes connected with, the Board—
 - (a) by making the payments directly; or
 - (b) by contributing to a fund out of which the payments may be made.
- (2) The establishing authority and any of their relevant partners represented on a Children's Trust Board may provide staff, goods, services, accommodation or other resources for purposes connected with the functions of the Board.
- (3) Two or more Children's Trust Boards may establish and maintain a pooled fund for the purposes of any of their functions.
- (4) A pooled fund is a fund—
 - (a) which is made up of contributions by the Boards concerned, and
 - (b) out of which payments may be made towards expenditure incurred in the discharge of functions of any of the Boards.

12D Supply of information to CTBs

- (1) A person or body represented on a Children's Trust Board must supply to the Board any information requested by the Board for the purpose of enabling or assisting it to perform its functions.
- (2) Information supplied to a Children's Trust Board under this section may be used by the Board only for the purpose of enabling or assisting it to perform its functions.
- (3) Information requested under subsection (1) must be information that relates to—
 - (a) the person or body to whom the request is made;
 - (b) a function of that person or body, or
 - (c) a person in respect of whom a function is exercisable by that person or body.”
- (3) For section 17 substitute—

“17 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.

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- (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.

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.”
- (4) In section 18(2) (functions of children's services authority exercisable by director of children's services) in paragraph (d) for “and 17” substitute “, 12C, 12D and 17A ”.
- (5) In section 23(3) (sections 20 to 22: meaning of “children's services”) in paragraph (b) for “13” substitute “ 12B ”.
- (6) In section 50(2) of the Children Act 2004 (c. 31) (intervention: relevant functions) in paragraph (c) for “and 17” substitute “, 12C, 12D and 17A ”.
- (7) In section 66(3) of that Act (regulations and orders subject to affirmative procedure) after “12” insert “, 12B(1)(b) ”.
- (8) In section 47A of the School Standards and Framework Act 1998 (schools forums)—
 - (a) after subsection (3) insert—

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“(3A) In exercising its functions, a schools forum is to have regard to any children and young people's plan prepared by the local Children's Trust Board.”;

(b) after subsection (9) insert—

“(10) In this section—

(a) a “children and young people's plan” means a plan published by a Children's Trust Board under section 17 of the Children Act 2004;

(b) “the local Children's Trust Board”, in relation to a schools forum, is the Children's Trust Board established by arrangements made under section 10 of that Act by the relevant authority in their capacity as a children's services authority within the meaning of that Act.”

(9) In section 21 of the Education Act 2002 (c. 32)—

(a) in subsection (9) for paragraph (a) (but not the “and” immediately after it) substitute—

“(a) in relation to a school in England, any plan published by the relevant Children's Trust Board under section 17 of the Children Act 2004 (children and young people's plans: England),”;

(b) after subsection (9) insert—

“(10) In subsection (9)(a), “the relevant Children's Trust Board” means the Children's Trust Board established by arrangements made under section 10 of the Children Act 2004 by the local education authority in their capacity as a children's services authority (within the meaning of that Act).”

Commencement Information

I2 [S. 194\(1\)\(2\)\(3\)](#) in force at 26.2.2010 for specified purposes by [S.I. 2010/303](#), [art. 2](#), [Sch. 1](#) (with [arts. 9-11](#))

Safeguarding and promoting the welfare of children

195 Targets for safeguarding and promoting the welfare of children

(1) Before section 10 of the Children Act 2004 (c. 31) insert—

“9A Targets for safeguarding and promoting the welfare of children

(1) The Secretary of State may, in accordance with regulations, set safeguarding targets for a children's services authority in England.

(2) The regulations may, in particular—

(a) make provision about matters by reference to which safeguarding targets may, or must, be set;

(b) make provision about periods to which safeguarding targets may, or must, relate;

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- (c) make provision about the procedure for setting safeguarding targets;
 - (d) specify requirements with which a children's services authority in England must comply in connection with the setting of safeguarding targets.
- (3) In exercising their functions, a children's services authority in England must act in the manner best calculated to secure that any safeguarding targets set under this section (so far as relating to the area of the authority) are met.
- (4) "Safeguarding targets", in relation to a children's services authority in England, are targets for safeguarding and promoting the welfare of children in the authority's area."
- (2) In section 66 of that Act (regulations and orders)—
- (a) in subsection (4) after "containing" insert " the first regulations under section 9A or ";
 - (b) in subsection (5)(a) for "to which subsection (3) does not apply" substitute " to which neither of subsections (3) and (4) applies ".
- (3) In Schedule 1 to the Local Authority Social Services Act 1970 (c. 42) (social services functions) in the entry relating to the Children Act 2004—
- (a) in the first column, after "Sections" insert " 9A, ";
 - (b) in the second column, after "to" insert " targets for safeguarding and promoting the welfare of children, and to ".

Commencement Information

I3 S. 195 in force at 12.1.2010 by S.I. 2009/3317, art. 2, Sch.

VALID FROM 01/04/2010

196 Local Safeguarding Children Boards: lay members

- (1) Part 2 of the Children Act 2004 is amended as follows.
- (2) In section 13 (establishment of LSCBs) after subsection (5) insert—
- “(5A) A children's services authority in England must take reasonable steps to ensure that the Local Safeguarding Children Board established by them also includes two persons who appear to the authority to be representative of persons living in the authority's area.
- (5B) An authority may pay remuneration, allowances and expenses to persons who are included by virtue of subsection (5A) in a Local Safeguarding Children Board established by them.”
- (3) In section 14 (functions and procedures of LSCBs) in subsection (1)(a) after “the Board” insert “ by virtue of section 13(2), (4) or (5) ”.

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VALID FROM 01/04/2010

197 Local Safeguarding Children Boards: annual reports

After section 14 of the Children Act 2004 (c. 31) insert—

“14A LSCBs: annual reports

- (1) At least once in every 12 month period, a Local Safeguarding Children Board established under section 13 must prepare and publish a report about safeguarding and promoting the welfare of children in its local area.
- (2) The Board must submit a copy of the report to the local Children's Trust Board.
- (3) For the purposes of this section—
 - (a) the local area of a Local Safeguarding Children Board is the area of the children's services authority that established the Board;
 - (b) the local Children's Trust Board, in relation to a Local Safeguarding Children Board, is the Children's Trust Board established for the Board's local area.”

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—
 - (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,

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- (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.
- (6) An advisory board may also include persons representing the interests of any other persons or bodies that the responsible authority think appropriate.

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- (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.
- (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.

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- (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.”

199 Inspection of children's centres

After Part 3 of the Childcare Act 2006 (c. 21) (regulation of provision of childcare in England) insert—

“PART 3A INSPECTION OF CHILDREN'S CENTRES

98A Inspections

- (1) The Chief Inspector must—
 - (a) inspect a children's centre at such intervals as may be prescribed;
 - (b) inspect a children's centre at any time when the Secretary of State requires the Chief Inspector to secure its inspection.
- (2) The Chief Inspector may inspect a children's centre at any other time when the Chief Inspector considers that it would be appropriate for it to be inspected.
- (3) Regulations may provide that in prescribed circumstances the Chief Inspector is not required to inspect a children's centre at an interval prescribed for the purposes of subsection (1)(a).
- (4) A requirement made by the Secretary of State as mentioned in subsection (1)
 - (b) may be imposed in relation to—
 - (a) children's centres generally;

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- (b) a class of children's centres;
- (c) a particular children's centre.

- (5) For the purposes of subsection (4)(b) a class of children's centres may be described, in particular, by reference to a geographical area.
- (6) If the Chief Inspector so elects in the case of an inspection falling within subsection (1)(b) or (2), that inspection is to be treated as if it were an inspection falling within subsection (1)(a).

98B Reports

- (1) After conducting an inspection of a children's centre under section 98A, the Chief Inspector must make a report in writing.
- (2) The report must address the centre's contribution to—
 - (a) facilitating access to early childhood services by parents, prospective parents and young children;
 - (b) maximising the benefit of those services to parents, prospective parents and young children;
 - (c) improving the well-being of young children.
- (3) Regulations may make provision, for the purposes of subsection (2), about—
 - (a) matters required to be dealt with in the report;
 - (b) matters not required to be dealt with in the report.
- (4) The regulations may, in particular, require the matters dealt with in the report to include matters relating to the quality of the leadership and management of the centre, including whether the financial resources made available to it are managed effectively.
- (5) The Chief Inspector—
 - (a) may send a copy of the report to the Secretary of State and must do so without delay if the Secretary of State requests a copy;
 - (b) must ensure that a copy of the report is sent without delay to the relevant local authority;
 - (c) may arrange for the report (or parts of it) to be further published in any manner the Chief Inspector considers appropriate.
- (6) For the purposes of this section and section 98C, the “relevant local authority”, in relation to a children's centre, is the English local authority that made the arrangements under section 3(2) by virtue of which the centre is provided.

98C Action to be taken by local authority on receiving report

- (1) This section applies where a copy of a report relating to a children's centre is sent to the relevant local authority under section 98B(5)(b).
- (2) The authority may—
 - (a) send a copy of the report (or parts of it) to any person they think appropriate;
 - (b) otherwise publish the report (or parts of it) in any manner they think appropriate.

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- (3) The authority must secure that a written statement within subsection (4) is prepared and published.
- (4) A statement within this subsection is one setting out—
 - (a) the action that each relevant person proposes to take in the light of the report, and
 - (b) the period within which each relevant person proposes to take that action.
- (5) For the purposes of this section and section 98D, each of the following is a relevant person in relation to a children's centre—
 - (a) the relevant local authority;
 - (b) any person or body, other than the relevant local authority, managing the centre.
- (6) 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.

98D Inspections of children's centres: powers of entry

- (1) The Chief Inspector may, at any reasonable time, enter any relevant premises in England for the purpose of conducting an inspection of a children's centre under section 98A.
- (2) "Relevant premises", for the purposes of subsection (1), are—
 - (a) premises on which services or activities are being provided through the children's centre;
 - (b) premises of a relevant person which are used in connection with the staffing, organisation or operation of the children's centre.
- (3) But premises used wholly or mainly as a private dwelling are not relevant premises for the purposes of subsection (1).
- (4) An authorisation given by the Chief Inspector under paragraph 9(1) of Schedule 12 to the Education and Inspections Act 2006 in relation to functions under subsection (1)—
 - (a) may be given for a particular occasion or period;
 - (b) may be given subject to conditions.
- (5) Subject to any conditions imposed under subsection (4)(b), subsections (6) to (8) apply where a person ("the inspector") enters premises under this section.
- (6) The inspector may—
 - (a) inspect the premises;
 - (b) take measurements and photographs or make recordings;
 - (c) inspect any children for whom activities are provided on the premises, and the arrangements made for their welfare;
 - (d) interview in private any person working on the premises who consents to be interviewed.
- (7) The inspector may inspect, and take copies of, any records or documents relating to—
 - (a) the services or activities provided through the children's centre;

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(b) the staffing, organisation or operation of the children's centre.

- (8) The inspector may require a person to afford such facilities and assistance, with respect to matters within the person's control, as are necessary to enable the inspector to exercise the powers conferred by this section.
- (9) Section 58 of the Education Act 2005 (inspection of computer records) applies for the purposes of this section as it applies for the purposes of Part 1 of that Act.
- (10) In this section “documents” and “records” each include information recorded in any form.

98E **Obstruction of power of entry, etc.**

- (1) A person commits an offence if the person intentionally obstructs another person exercising a power under section 98D.
- (2) A person guilty of an offence under subsection (1) is liable on summary conviction to a fine not exceeding level 4 on the standard scale.

98F **Power of constable to assist in exercise of power of entry**

- (1) The Chief Inspector may apply to a court for a warrant under this section.
- (2) Subsection (3) applies if on an application under subsection (1) it appears to the court that the Chief Inspector—
- (a) has attempted to exercise a power conferred by section 98D but has been prevented from doing so, or
 - (b) is likely to be prevented from exercising any such power.
- (3) The court may issue a warrant authorising any constable to assist the Chief Inspector in the exercise of the power, using reasonable force if necessary.
- (4) A warrant under this section must be addressed to, and executed by, a constable.
- (5) Schedule 11 to the Children Act 1989 (jurisdiction of courts) applies in relation to proceedings under this section as if they were proceedings under that Act.
- (6) Subject to any provision made (by virtue of subsection (5)) by or under Schedule 11 to the Children Act 1989, “court” in this section means—
- (a) the High Court;
 - (b) a county court;
 - (c) a magistrates' court.

98G **Inspection of children's centres: interpretation**

In sections 98A to 98F—

“the Chief Inspector” means Her Majesty's Chief Inspector of Education, Children's Services and Skills;

“children's centre” has the meaning given by section 5A(4);

“relevant partner” has the same meaning as in section 4.”

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200 Children's centres: safeguarding children

In paragraph 3(1) of Schedule 4 to the Safeguarding Vulnerable Groups Act 2006 (c. 47) (regulated activities relating to children: establishments) after paragraph (f) insert—

“(fa) a children's centre (within the meaning of section 5A(4) of the Childcare Act 2006);”.

Arrangements in respect of early childhood services

201 Arrangements in respect of early childhood services

In section 3 of the Childcare Act 2006 (c. 21) (specific duties of local authority in relation to early childhood services) after subsection (4) insert—

“(4A) In deciding what arrangements to make under this section, an English local authority must in particular have regard to—

- (a) the quantity and quality of early childhood services that are provided, or that the authority expect to be provided, in their area, and
- (b) where in that area those services are provided or are expected to be provided.”

Early years provision: budgetary framework

202 Free of charge early years provision: budgetary framework: England

(1) The School Standards and Framework Act 1998 (c. 31) is amended as follows.

(2) In section 45A (determination of specified budgets of LEA), after subsection (4A) insert—

“(4B) For the purposes of this Part, the duty imposed on a local authority in England by section 7(1) of the Childcare Act 2006 (duty to secure prescribed early years provision free of charge) is to be treated as imposed on the authority in their capacity as a local education authority.”

(3) After section 47 (determination of school's budget share) insert—

“47ZA Free of charge early years provision outside a maintained school: budgetary framework: England

- (1) This section applies where a local education authority in England propose to allocate an amount of relevant financial assistance to a relevant childcare provider for a funding period out of the authority's individual schools budget for the period.
- (2) The amount to be allocated is to be determined in accordance with regulations.
- (3) Financial assistance provided by a local education authority in England to a childcare provider is “relevant” financial assistance if it is provided—
 - (a) for the purpose of the discharge of the authority's duty under section 7 of the Childcare Act 2006, and
 - (b) in respect of the provision of childcare.

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- (4) Regulations under this section may, in particular—
- (a) specify factors or criteria which an authority are to take into account in determining the amount of any relevant financial assistance to be provided by them to a relevant childcare provider;
 - (b) specify factors or criteria which an authority are to disregard in determining such an amount;
 - (c) specify requirements as to other matters with which an authority are to comply in determining such an amount;
 - (d) make provision about consultation to be carried out by an authority in connection with determining such an amount;
 - (e) authorise an authority, in prescribed circumstances and to a prescribed extent, to determine such an amount in accordance with arrangements approved by the Secretary of State (instead of in accordance with arrangements provided for by the regulations);
 - (f) require an authority to provide relevant childcare providers with prescribed information relating to their determination of such an amount;
 - (g) make provision about the circumstances in which an authority are required to redetermine such an amount;
 - (h) specify a time by which an authority's determination of such an amount is to take place.
- (5) For the purposes of this section—
- (a) “childcare” has the meaning given in section 18 of the Childcare Act 2006;
 - (b) “relevant childcare provider” means a provider of childcare other than the governing body of a maintained school;
 - (c) a reference to an authority's determination of the amount of any relevant financial assistance includes a reference to the authority's redetermination of such an amount.”

Commencement Information

I4 S. 202(1)(2) in force at 12.1.2010 by S.I. 2009/3317, art. 2, Sch.

Status:

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Changes to legislation:

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