
STATUTORY INSTRUMENTS

1996 No. 785

CHILDREN AND YOUNG PERSONS

**The Children Act 1989 (Amendment)
(Children's Services Planning) Order 1996**

Made - - - - *13th March 1996*
Coming into force - - *1st April 1996*

Whereas a draft of this Order has been approved by resolution of each House of Parliament:
Now, therefore, the Secretary of State for Health, in exercise of the powers conferred by section 17(4) of the Children Act 1989(1) and of all other powers enabling him in that behalf, hereby makes the following Order—

Citation and commencement

1. This Order may be cited as the Children Act 1989 (Amendment) (Children's Services Planning) Order 1996 and shall come into force on 1st April 1996.

Amendment of the Children Act 1989

2. After paragraph 1 of Schedule 2 to the Children Act 1989 (local authority support for children and families) there shall be inserted the following paragraph—

“Children's services plans

- 1A.**—(1) Every local authority shall, on or before 31st March 1997—
- (a) review their provision of services under sections 17, 20, 21, 23 and 24; and
 - (b) having regard to that review and to their most recent review under section 19, prepare and publish a plan for the provision of services under Part III.
- (2) Every local authority—
- (a) shall, from time to time review the plan prepared by them under sub-paragraph (1)
 - (b) (as modified or last substituted under this sub-paragraph), and
 - (b) may, having regard to that review and to their most recent review under section 19, prepare and publish—

- (i) modifications (or, as the case may be, further modifications) to the plan reviewed; or
 - (ii) a plan in substitution for that plan.
- (3) In carrying out any review under this paragraph and in preparing any plan or modifications to a plan, a local authority shall consult—
- (a) every health authority the whole or any part of whose area lies within the area of the local authority;
 - (b) every National Health Service trust which manages a hospital, establishment or facility (within the meaning of the National Health Service and Community Care Act 1990)(2) in the authority's area;
 - (c) if the local authority is not itself a local education authority, every local education authority the whole or any part of whose area lies within the area of the local authority;
 - (d) any organisation which represents schools in the authority's area which are grant-maintained schools or grant-maintained special schools (within the meaning of the Education Act 1993)(3);
 - (e) the governing body of every such school in the authority's area which is not so represented;
 - (f) such voluntary organisations as appear to the local authority—
 - (i) to represent the interests of persons who use or are likely to use services provided by the local authority under Part III; or
 - (ii) to provide services in the area of the local authority which, were they to be provided by the local authority, might be categorised as services provided under that Part.
 - (g) the chief constable of the police force for the area(4);
 - (h) the probation committee for the area(5);
 - (i) such other persons as appear to the local authority to be appropriate; and
 - (j) such other persons as the Secretary of State may direct.
- (4) Every local authority shall, within 28 days of receiving a written request from the Secretary of State, submit to him a copy of—
- (a) the plan prepared by them under sub-paragraph (1); or
 - (b) where that plan has been modified or substituted, the plan as modified or last substituted.”.

13th March 1996

John Bowis
Parliamentary Under Secretary of State
Department of Health

(2) 1990 c. 19. See in particular section 5.

(3) 1993 c. 35. “Grant-maintained school” and “grant-maintained special school” are defined in section 306 of the Act.

(4) The chief constable is appointed by the police authority for the area under section 5A of the Police Act 1964 (c. 48), which was inserted by section 5 of the Police and Magistrates' Courts Act 1994 (c. 29).

(5) Probation committees are constituted under section 3 of the Probation Service Act 1993 (c. 47).

EXPLANATORY NOTE

(This note is not part of the Order)

This Order inserts a new paragraph in Schedule 2 to the Children Act 1989, which requires local authorities to prepare and publish plans for the provision of children's services in their area and to keep those plans under review. In preparing or updating their plans, local authorities are required to consult health and education authorities, certain voluntary organisations, the police, probation service and other relevant bodies. The Secretary of State may require local authority plans to be submitted to him at any time.