

EXPLANATORY MEMORANDUM TO
THE LOCAL SAFEGUARDING CHILDREN BOARDS REGULATIONS 2006

2006 No. 90

1. This explanatory memorandum has been prepared by Department for Education and Skills and is laid before Parliament by Command of Her Majesty.

This memorandum contains information for the Joint Committee on Statutory Instruments.

2. **Description**

- 2.1 The Children Act 2004 requires local authorities in England to establish Local Safeguarding Children Boards (LSCBs) for their area. The Boards are to consist of representatives from the local authority and their partner agencies (which include police, probation and NHS bodies). These Regulations prescribe the functions to be exercised by the Boards and other matters relating to the composition of the Boards including the appointment of the Chair.

3. **Matters of special interest to the Joint Committee on Statutory Instruments**

- 3.1 None

4. **Legislative Background**

- 4.1 Sections 13 to 16 of the Children Act 2004 set out the duties of local authorities to establish and operate LSCBs in conjunction with their partner agencies, and also provide the Secretary of State's powers to prescribe the functions of the Boards (within its broad objective as set out in section 14 of the Act) and various other matters in relation to the Boards. These Regulations are the first exercise of those powers.

5. **Extent**

- 5.1 This instrument applies only in relation to England.

6. **European Convention on Human Rights**

- 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. **Policy background and consultation**

- 7.1 LSCBs are to replace Area Child Protection Committees (ACPCs), which local authorities are currently required to establish by statutory guidance. These

committees include representation from police, NHS bodies, local probation boards and other agencies. Some ACPCs work effectively but in general their performance has been patchy. One key inspection report found that few ACPCs were adequately equipped and able to exercise their responsibilities. The object of sections 13 to 16 of the Children Act 2004 and these Regulations is to replace those committees with Boards set up on a clearer statutory footing.

- 7.2 The functions of the LSCB are similar to those of the ACPCs. However the statutory requirement of partner agencies to cooperate in the establishment and operation of the Boards is new. LSCBs will also operate in the context of a better framework for local co-operation across children's services, arising from the duty to co-operate in section 10 of the Children Act 2004. LSCBs will contribute to the Children and Young People's Plans required by section 17 of that Act. Their main new functions compared to ACPCs are in collecting and analysing information on child deaths in the local area, in order to learn the lessons for the future, and in ensuring that there is a co-ordinated response to an unexpected child death. These new functions around child deaths will not be made mandatory before 1 April 2008.
- 7.3 The DfES issued for consultation on 28 July 2005 a set of draft LSCB regulations alongside a draft revised version of 'Working Together to Safeguard Children'. This document provides core guidance on how organisations should co-operate to safeguard children and the revised version included a chapter on LSCBs to accompany the regulations. A draft Regulatory Impact Assessment was also published. 302 responses were received, primarily from organisations closely involved in safeguarding work with the largest number coming from health bodies, ACPCs and local authorities. In addition the Department held six well-attended regional consultation events to discuss the proposals.
- 7.3 There was general support for the way LSCBs would work as described in the guidance and regulations. A majority of respondents said that the guidance and regulations would help local authorities and their partners to set up LSCBs by 1 April 2006, and again a majority agreed that they would help LSCBs to work effectively and to achieve their objectives.
- 7.4 No concerns were raised specifically about the regulations in the consultation responses. A number of respondents raised the issue of the availability of funding and resources for LSCBs. The guidance makes clear that it is for LSCB member organisations to decide how to carry out their shared responsibility for the LSCB's functions, and that this includes determining how the necessary resources are to be provided to support the LSCB. Respondents also raised issues around the staffing and operation of the functions around child deaths, as set out in the draft guidance. The Government is taking these points into account in clarifying and revising the guidance on these new functions, and is putting plans in place to trial these new functions and take any lessons into account before final implementation at 1 April 2008.

8. Impact

8.1 A Regulatory Impact Assessment relating to these Regulations and to the associated statutory guidance has been published on the DfES website <http://www.dfes.gov.uk/ria/>.

9. Contact

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