

EXPLANATORY MEMORANDUM TO

THE CHILDREN'S TRUST BOARD (RELEVANT PARTNERS) (EXCEPTIONS) (ENGLAND) REGULATIONS 2010

2010 No. 590

1. This explanatory memorandum has been prepared by the Department for Children, Schools and Families and is laid before Parliament by Command of Her Majesty.

2. Purpose of the instrument

2.1 The effect of the Regulations will be that, when they come into effect on the 1 April 2010, a Strategic Health Authority (SHA) need not be represented on a Children's Trust Board.

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

3.1 None

4. Legislative Context

4.1 Section 194(2) of the Apprenticeships, Skills, Children and Learning Act 2009 inserted new sections 12A to 12D into the Children Act 2004 ("the Act"). Section 12A(1) provides that arrangements made by a children's services authority ("establishing authority") in England under section 10 of the Act must include arrangements to establish a Children's Trust Board ("Board") for their area. A Board must include a representative of each of the establishing authority's relevant partners (set out in section 10(4) of the Act) unless they are of a description prescribed by regulations made under section 12A(4) of the Act. These Regulations prescribe the Strategic Health Authority ("SHA") as a relevant partner and as such one that need not be represented on the Board, and are the first use of this power.

5. Territorial Extent and Application

5.1 This instrument applies 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

7.1 The SHA is a statutory 'relevant partner' in arrangements made by a local authority under section 10 of the Act, commonly known as Children's Trust co-operation arrangements. SHAs are regional organisations of the NHS. They are accountable to the Secretary of State for Health for the performance and management of the healthcare system. SHAs oversee the performance of Primary Care Trusts and NHS trusts, and hold Primary Care Trusts to account. It would not, therefore, be necessary to require them to sit on each Board, given that Primary Care Trusts, who are also relevant partners under section 10(4) of the Act, will always be represented on the Board. This does not, of course, preclude SHAs being closely involved in the work of the Children's Trust partners or being represented on the Board where it makes sense locally. Where they are not represented on the Board, SHAs must be consulted on each Children and Young People's Plan (CYPP) prepared by the Board under section 17 of the Children Act 2004. The plan sets out Board

partners' strategy for co-operating with each other to improve the well-being of local children and young people, and such plans will include discussion of local workforce development plans.

8. Consultation outcome

8.1 The requirement for the SHA to be represented on the Children's Trust Board has been removed on advice from the Department of Health. Consultation on new *Children's Trusts: statutory guidance on co-operation arrangements, including the Children's Trust Board and the Children and Young People's Plan* (13 November 2009 to 29 January 2010) set out clearly the expectation that the SHA would not be required to be represented on the Children's Trust Board. Consultation responses did not identify removing the requirement for SHA to be represented on the Children's Trust Boards as an important issue.

9. Guidance

9.1 DCSF intends to publish new statutory Children's Trust guidance which will explain the roles and responsibilities of the Children's Trust Board. The guidance will explain why the SHA is not required to be a member of the Children's Trust Board and its role as a 'relevant partner' in the Children's Trust. The guidance is due to be published mid March 2010.

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector will be to lessen any burden on SHAs by not requiring them to be represented on the Board.

10.3 An Impact Assessment has not been prepared for this instrument as no impact on the private or voluntary sectors is foreseen.

11. Regulating small business

11.1 The legislation does not apply to small businesses.

12. Monitoring & review

12.1 PricewaterhouseCoopers has been commissioned to carry out a two-year evaluation on the impact of Children's Trust legislation, accompanying Regulations and statutory guidance, on local authority operation and on their capacity to drive improvements in outcomes.

13. Contact

Sandra Cullen at the Department for Children Schools and Families Tel: 0207 340 7386 or email: Sandra.cullen@dcsf.gsi.gov.uk can answer any queries regarding the instrument.