

# Summary of the Children Act 2004

For a detailed legal account of what the Act does, copies of the Explanatory Notes and the Act itself are available from the Stationery Office. A full text of both is available at [www.hmsso.gov.uk/acts.htm](http://www.hmsso.gov.uk/acts.htm).

The following is a brief account of the key parts of the Act that specifically relate to the Change for Children programme in England.

## Children's Commissioner – Part 1

*Sections 1-9* provide for the establishment of a new Children's Commissioner for England, who will also have a role across the UK for reporting on non-devolved matters, working closely with counterparts in Wales, Scotland and Northern Ireland. The Commissioner's job will be to raise awareness of the best interests of children and young people and to report annually to Parliament, through the Secretary of State, on his findings.

*Section 2* makes clear that the Commissioner will not act as a last court of appeal for individual cases. Instead the Commissioner will look at how bodies, including Government and the public and private sectors, listen to children and young people. The Commissioner will be able to highlight failures in complaints procedures and make recommendations for improvements.

*Section 3* gives the Commissioner freedom to look at an individual case with wider implications, for the purpose of learning broader lessons to inform public policy. Subject to the appointment process we expect the first Commissioner to be in place by April 2005.

## Children's Services in England – Part 2

*Section 10* establishes a duty on Local Authorities to make arrangements to promote co-operation between agencies in order to improve children's well-being, defined by reference to the five outcomes and a duty on key partners to take part in those arrangements. It also provides a new power to allow pooling of resources in support of these arrangements.

*Section 11* creates a duty for the key agencies who work with children to put in place arrangements to make sure that they take account of the need to safeguard and promote the welfare of children when doing their jobs.

*Section 12* allows further secondary legislation and statutory guidance to be made with respect to setting up databases or indexes that contain basic information about children and young people to help professionals in working together to provide early support to children, young people and their families. Case details are specifically ruled out.

# Summary of the Children Act 2004 cont/d

**Sections 13-16** require that Local Authorities set up statutory Local Safeguarding Children Boards and that the key partners take part.

**Section 17** and the associated repeals in Schedule 5 establish a single Children and Young People's Plan (CYPP) to replace a range of current statutory planning. Details of what the CYPP should cover will be set out in further secondary legislation and supported by guidance. There will be no requirement for the Secretary of State to approve the plan and Local Authorities categorised as excellent under Comprehensive Performance Assessment will be exempt from the requirement.

**Sections 18 & 19** require Local Authorities to put in place a Director of Children's Services and Lead Member to be responsible for, as a minimum, education and children's social service functions. Local Authorities have discretion to add other relevant functions, for instance leisure or housing, to the role if they feel it is appropriate.

**Sections 20-24** require an integrated inspection framework to be established by the relevant inspectorates to inform future inspections of all services for children. They also make provision for regular Joint Area Reviews to be carried out to look at how children's services as a whole operate across each Local Authority area.

## Other provisions – Part 5

**Sections 44-47** put stronger requirements on Local Authorities to manage and monitor the current statutory notification scheme for private fostering arrangements. They also allow for a registration scheme to be set up if the notification arrangements prove to be inadequate.

**Section 49** allows for the secondary legislation to be made to bring in a minimum fostering allowance.

**Section 50** makes changes to allow consistent intervention across Local Authority education and children's social service functions where it is shown to be necessary.

**Section 52** puts a duty on the Local Authority in its role as the corporate parent to promote the educational achievement of looked after children. This will ensure that decisions on issues such as placement and stability support better educational achievement.