
STATUTORY INSTRUMENTS

2015 No. 1792

CHILDREN AND YOUNG PERSONS, ENGLAND

The Children Act 2004 (Joint Area Reviews) Regulations 2015

Made - - - - *14th October 2015*
Laid before Parliament *16th October 2015*
Coming into force - - *9th November 2015*

The Secretary of State for Education makes the following Regulations in exercise of the powers conferred by sections 20(8)(a) to (e), (9) and (11), 23(3) and 66(1) of the Children Act 2004⁽¹⁾.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children Act 2004 (Joint Area Reviews) Regulations 2015 and come into force on 9th November 2015.

(2) In these Regulations—

“the principal authority” has the meaning given in regulation 3(3)(b);

“review” means a review conducted under section 20(1) or (2) of the Children Act 2004 (joint area reviews)⁽²⁾.

Powers of entry for the purposes of a review

2. The Schedule makes provision about powers of entry and related matters for the purposes of reviews.

Report on a review and Chief Inspector’s determination

3.—(1) This regulation applies where a review has been completed.

(2) The Chief Inspector of Schools⁽³⁾ must make a written report on the review.

(3) The Chief Inspector of Schools must (having regard in particular to the nature of the review)—

(a) determine whether it is appropriate for a written statement of proposed action to be made in light of the report; and

(1) 2004 c. 31. Section 23(3) was amended by section 16(3) of, and Schedule 3 to, the Childcare Act 2006 (c. 21).

(2) Section 20(1) and (2) was amended by S.I. 2010/1158.

(3) Section 23(5) of the Children Act 2004 provides that “The Chief Inspector of Schools” means Her Majesty’s Chief Inspector of Education, Children’s Services and Skills.

- (b) if so, determine the person or body (“the principal authority”) who must make that statement.
- (4) A notice of the Chief Inspector of Schools’ determination under paragraph (3)(a) must be published in the report on the review and, where a determination under paragraph (3)(b) is made, the notice must include the name of the principal authority.
- (5) The Chief Inspector of Schools must send a copy of the report to—
 - (a) the Secretary of State;
 - (b) the local authority for each area to which the review relates;
 - (c) where a determination under paragraph (3)(b) has been made and the principal authority is not within sub-paragraph (b), the principal authority; and
 - (d) such other persons or bodies as the Chief Inspector of Schools considers appropriate, having regard to the nature of the review.
- (6) The Chief Inspector of Schools must publish in the report the name, postal address and website address (if any) of:
 - (a) the local authority for each area to which the review relates; and
 - (b) the persons or bodies (if any) to whom the report will be sent under paragraph (5)(c) and (d).
- (7) The local authority for each area to which the review relates must, within 30 days of receiving the report, send a copy to—
 - (a) at least one newspaper circulating in the area of the authority; and
 - (b) at least one radio station serving that area.
- (8) Every person or body to whom the report is sent under paragraph (5)(b), (c) or (d) must, within 30 working days of receiving the report—
 - (a) publish the report on its website (if any); and
 - (b) supply a paper copy of the report to a member of the public on demand on payment of such reasonable charge as may be specified by the person or body.

Written statement of proposed action

- 4.—(1) This regulation applies where the Chief Inspector of Schools makes a determination under regulation 3(3)(b).
- (2) The principal authority must make the written statement of proposed action within 70 working days of receiving the report under regulation 3.
- (3) The local authority (where it is not the principal authority) and every other person or body to whom the report is sent under regulation 3(5)(d) must co-operate with the principal authority in the making of the written statement.
- (4) The written statement must—
 - (a) state who it is proposed should take action; and
 - (b) include a statement of the period within which the action is to be taken.
- (5) The principal authority must send a copy of the written statement to—
 - (a) the Chief Inspector of Schools;
 - (b) any other person or body who conducted the review to which the written statement relates; and
 - (c) the Secretary of State.

(6) The local authority (where it is not the principal authority) and every other person or body who has co-operated with the principal authority under paragraph (3) must—

- (a) publish the written statement on its website (if any); and
- (b) supply a copy to a member of the public on demand on payment of such reasonable charge as may be specified by the person or body.

(7) In this regulation, “working day” means any day other than a Saturday, a Sunday, Christmas Day, Good Friday or a day which is a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971(4).

Amendment

5.—(1) The Children Act 2004 (Children’s Services) Regulations 2005(5) are amended as follows.

(2) In regulation 2 (children’s services)—

- (a) omit paragraph (1)(j) and (1)(6);
- (b) in paragraph (1)(u), for “section 45(2)” to the end substitute “section 9(2) of the Health and Social Care Act 2008”;
- (c) in paragraph (1), after sub-paragraph (u), insert—
 “(ua) in relation to the promotion and protection of public health;”;
- (d) omit paragraphs (3) to (5)(7).

Revocation

6. The Children Act 2004 (Joint Area Reviews) Regulations 2005(8) are revoked.

14th October 2015

Edward Timpson
Minister of State
Department for Education

(4) 1971 c. 80.

(5) S.I. 2005/1972, amended by S.I. 2010/1881. There are other amending instruments but none are relevant.

(6) Regulation 2(1)(j) and (l) was amended by S.I. 2010/1881.

(7) Regulation 2(3) to (5) was inserted by S.I. 2010/1881.

(8) S.I. 2005/1973, amended by S.I. 2007/603, 2009/462, 2010/1172, 2010/1939, 2012/2401.

SCHEDULE

Regulation 2

Powers of Entry etc. for the Purposes of Reviews

The Chief Inspector of Schools

1.—(1) This paragraph applies where the Chief Inspector of Schools—

- (a) is conducting a review; and
- (b) in the course of that review, reviews children’s services⁽⁹⁾ that —
 - (i) are provided in the exercise of, or pursuant to arrangements made in the exercise of, a relevant function; or
 - (ii) are related activities in relation to a relevant function.

(2) In this paragraph—

- (a) “relevant function” means a function to which Chapter 4 of Part 8 of the Education and Inspections Act 2006 (inspection of local authorities in England) applies (see section 135(1) of that Act)⁽¹⁰⁾;
- (b) “related activity” has the same meaning as in that Chapter (see section 135(2) of that Act).

(3) The following provisions of the Education and Inspections Act 2006 apply for the purposes of the review of the children’s services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under section 136 of that Act —

- (a) section 139 (power of entry)⁽¹¹⁾;
- (b) section 140 (power to inspect documents etc.);
- (c) section 141 (power to require information etc.).

2.—(1) This paragraph applies where the Chief Inspector of Schools—

- (a) is conducting a review; and
- (b) in the course of that review, reviews children’s services that may be made the subject of an area inspection under section 128(5) of the Education and Inspections Act 2006 (area inspections).

(2) The following provisions of the Education and Inspections Act 2006 apply for the purposes of the review of the children’s services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under section 128 of that Act —

- (a) section 128(3), (4), (6) and (7)⁽¹²⁾;
- (b) section 131 (power of entry);
- (c) section 132 (power to inspect documents, etc.).

3.—(1) This paragraph applies where the Chief Inspector of Schools —

- (a) is conducting a review; and
- (b) in the course of that review, reviews children’s services that comprise services provided in pursuance of section 68 of the Education and Skills Act 2008 (support services: provision by local authorities)⁽¹³⁾.

⁽⁹⁾ Section 23(3) of the Children Act 2004 defines “children’s services”.

⁽¹⁰⁾ 2006 c. 40. Section 135 was amended by S.I. 2010/1158 and 2012/961.

⁽¹¹⁾ Sections 139 and 140 were amended by S.I. 2012/1879.

⁽¹²⁾ Section 128(3) was amended by paragraph 34 of Schedule 16 to the Education Act 2011 (c. 21), by paragraph 55 of Schedule 14 to the Deregulation Act 2015 (c. 20) and by S.I. 2010/1080 and 2010/1158. Section 128(7) was amended by S.I. 2010/1158.

⁽¹³⁾ 2008 c. 25. Section 68 was amended by section 28(3)(a) of the Education Act 2011 and by S.I. 2010/1158.

(2) The following provisions apply for the purposes of the review of the children's services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under section 75 of the Education and Skills Act 2008 (inspection)—

- (a) section 10(1)(a) and (d) of the Education Act 2005 (right of access)(**14**);
- (b) section 58 of that Act (computer records);
- (c) section 75(7) of the Education and Skills Act 2008 (offence of obstruction).

4.—(1) This paragraph applies where the Chief Inspector of Schools—

- (a) is conducting a review; and
- (b) in the course of that review, reviews children's services that are provided in the exercise of the functions of the Children and Family Court Advisory and Support Service and its officers.

(2) The following provisions of the Education and Inspections Act 2006 apply for the purposes of the review of the children's services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under section 143 of that Act—

- (a) section 144 (power of entry);
- (b) section 145 (power to inspect documents etc.).

Care Quality Commission

5.—(1) This paragraph applies where the Care Quality Commission—

- (a) is conducting a review; and
- (b) in the course of that review, reviews children's services that comprise—
 - (i) the provision of health care within the meaning given in section 9(2) of the Health and Social Care Act 2008 (health or social care)(**15**); or
 - (ii) the promotion and protection of public health.

(2) The following provisions of the Health and Social Care Act 2008 apply for the purposes of the review of the children's services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under Chapter 6 of Part 1 of that Act—

- (a) section 62 (entry and inspection);
- (b) section 63 (entry and inspection: supplementary); and
- (c) section 64 (power to require documents and information etc.)(**16**).

Her Majesty's Chief Inspector of Constabulary

6.—(1) This paragraph applies where Her Majesty's Chief Inspector of Constabulary—

- (a) is conducting a review; and
- (b) in the course of that review, reviews children's services that relate to anything done for or in relation to children by—
 - (i) a police force maintained under section 2 of the Police Act 1996(**17**);

(14) 2005 c. 18.

(15) 2008 c.14.

(16) Section 64 was amended by paragraph 162 of Schedule 5, and by paragraph 11 of Schedule 19, to the Health and Social Care Act 2012 (c. 7).

(17) 1996 c. 16. Section 2 was amended by paragraph 4(2) and (3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011 (c. 13).

- (ii) the metropolitan police force, maintained under section 5A(18) of that Act; or
- (iii) the City of London police force.

(2) The following provisions of the Police Act 1996 apply for the purposes of the review of the children’s services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under section 54(19) of that Act—

- (a) paragraph 6A of Schedule 4A (powers of inspector regarding information etc.);
- (b) paragraph 6B of Schedule 4A (powers of inspectors regarding access to police premises)(20).

Her Majesty’s Chief Inspector of Probation for England and Wales

7.—(1) This paragraph applies where the Chief Inspector of Probation for England and Wales—

- (a) is conducting a review; and
- (b) in the course of that review, reviews children’s services that are provided pursuant to arrangements made by the Secretary of State under section 3 of the Offender Management Act 2007 (power to make arrangements for the provision of probation services)(21).

(2) The following provisions of the Police Act 1996 apply for the purposes of the review of the children’s services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under section 54 of that Act—

- (a) paragraph 6A of Schedule 4A (powers of inspection regarding information etc.);
- (b) paragraph 6B of Schedule 4A (powers of inspectors regarding access to police premises).

(3) In their application by virtue of paragraph (2), paragraphs 6A and 6B of Schedule 4A to the Police Act 1996 have effect as if—

- (a) references to an inspector were references to the Chief Inspector of Probation for England and Wales;
- (b) references to the chief officer of police force were references to a provider of probation services; and
- (c) the reference in paragraph 6B(1)(a) to premises were a reference to premises occupied for the purposes of the children’s services mentioned in paragraph (1)(b).

(4) In this paragraph, a “provider of probation services” has the meaning given in section 3(6) of the Offender Management Act 2007.

8.—(1) This paragraph applies where the Chief Inspector of Probation for England and Wales—

- (a) is conducting a review; and

(18) Section 5A was inserted by section 310 of the Greater London Authority Act 1999 (c. 29) and amended by paragraph 6(2) and (3) of Schedule 16 to the Police Reform and Social Responsibility Act 2011.

(19) Section 54 was amended by: paragraph 76 of Schedule 9 to the Police Act 1997 (c. 50); section 24(2) of the Local Government Act 1999 (c. 27); paragraph 7(1) of Schedule 4, and Part 3 of Schedule 7, to the Criminal Justice and Police Act 2001 (c. 16); sections 3(1) and 84 of, and paragraph 15 of Schedule 7 to, the Police Reform Act 2002 (c. 30); paragraph 71(2) and (3) of Schedule 4, and Part 2 of Schedule 17, to the Serious Organised Crime and Police Act 2005 (c. 15); section 129 of, and Part 8 of Schedule 28 to, the Criminal Justice and Immigration Act 2008 (c. 4); section 2(2) of, and Part 1 of Schedule 8 to, the Policing and Crime Act 2009 (c. 26); and section 83(2) to (7) of the Police Reform and Social Responsibility Act 2011.

(20) Paragraphs 6A and 6B of Schedule 4A to the Police Act 1996 were inserted by section 86 of the Police Reform and Social Responsibility Act 2011.

(21) 2007 c. 21. Section 3 was amended by section 10 of the Offender Rehabilitation Act 2014 (c. 11).

- (b) in the course of that review, reviews children's services which relate to the duties of a youth offending team under section 39 of the Crime and Disorder Act 1998 (youth offending teams)(22).

(2) The following provisions of the Police Act 1996 apply for the purposes of the review of the children's services mentioned in paragraph (1)(b) as they apply for the purposes of an inspection under section 54 of that Act—

- (a) paragraph 6A of Schedule 4A (powers of inspection regarding information etc.);
- (b) paragraph 6B of Schedule 4A (powers of inspectors regarding access to police premises).

(3) In their application by virtue of paragraph (2), paragraphs 6A and 6B of Schedule 4A to the Police Act 1996 have effect as if—

- (a) references to an inspector were references to the Chief Inspector of Probation for England and Wales;
- (b) references to the chief officer of police of a police force were references to a youth offending team; and
- (c) the reference in paragraph 6B(1)(a) to premises were a reference to premises occupied for the purposes of the children's services mentioned in paragraph (1)(b).

Power to require information from the Local Safeguarding Children Board

9.—(1) This paragraph applies where a person or body to which section 20 of the Children Act 2004(23) applies—

- (a) is conducting a review; and
- (b) in the course of that review, reviews children's services that are provided in the exercise of functions of the Local Safeguarding Children Board.

(2) Regulation 5 of the Local Safeguarding Children Boards (Review) Regulations 2013 (power to require information etc.)(24) applies for the purposes of a review of the children's services mentioned in paragraph (1)(b) as it applies for the purposes of a review under those Regulations.

(3) In its application by virtue of paragraph (2), regulation 5 of the Local Safeguarding Children Boards (Review) Regulations 2013 have effect as if references to the Chief Inspector were references to the person or body conducting the review.

(22) 1998 c. 37. Section 39 was amended by: paragraphs 4 and 151 of Schedule 7 to the Criminal Justice and Court Services Act 2000 (c. 43); section 18(9) and (10) of, and paragraph 5(3) of Schedule 2 to, the Children Act 2004 and Schedule 5 to that Act; paragraph 3(3) of Schedule 3 to the Offender Management Act 2007; paragraphs 86 and 87 of Schedule 5 to the Health and Social Care Act 2012; S.I. 2000/90; S.I. 2002/2469; and S.I. 2007/961.

(23) See footnote to regulation 1(2). Section 20 was also amended by: paragraph 96(2) and (3) of Schedule 14, and Schedule 18, to the Children Act 2004; paragraph 78 of Schedule 5 to the Health and Social Care Act 2008; paragraph 68 of Schedule 12 to the Local Audit and Accountability Act 2014 (c. 2); S.I. 2008/912; and S.I. 2012/2401.

(24) S.I. 2013/2299.

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations revoke and replace, with modifications, the Children Act 2004 (Joint Area Reviews) Regulations 2005.

Section 20 of the Children Act 2004 provides for the review of children's services in the area of a local authority in England (joint area reviews). "Children's services" are defined by section 23(3) and regulations under that provision. A review involves two or more of the persons and bodies listed at section 20(4); they may be requested to conduct a review by the Secretary of State, or may themselves decide to conduct a review. The purpose of a review is set out in section 20(3).

These Regulations make provision for the purposes of such reviews. Regulation 2 and the Schedule to the Regulations ensure that the persons and bodies listed at section 20(4) have sufficient powers to conduct an inspection for the purposes of a review by applying, for the purposes of a review, relevant enactments relating to the powers of those persons and bodies to inspect services that are children's services, rights of entry and rights to obtain information, etc.

Regulation 3 requires the Chief Inspector of Schools to make a report on a review and to send the report to a number of persons. Every person to whom the report is sent must publish it on their website and supply a copy to a member of the public, on demand, for a reasonable charge. Regulation 3 also requires the Chief Inspector of Schools to determine whether it is appropriate for a written statement of proposed action to be made in the light of the report and, if so, to determine the person or body ("the principal authority") who must make that statement.

Where the Chief Inspector determines that a written statement of proposed action should be made, regulation 4 requires the principal authority to make that statement within 70 working days of receiving the report. All those other persons or bodies who have received the report must co-operate with the principal authority in the making of the written statement. The principal authority must send the written statement to the Chief Inspector of Schools, to any other person or body who conducted the review, and to the Secretary of State. The principal authority and all the persons or bodies who co-operated with the principal authority in making the written statement must publish it on their website and supply a copy to a member of the public, on demand, for a reasonable charge.

Regulation 5 makes an amendment to the Children Act 2004 (Children's Services) Regulations 2005 in consequence of the enactment of the Health and Social Care Act 2008.

No impact assessment has been produced for this instrument because no significant impact on business, civil society organisations or the public sector is foreseen.