STATUTORY INSTRUMENTS

2018 No. 497 (C. 41)

CHILDREN AND YOUNG PERSONS, ENGLAND SOCIAL WORK, ENGLAND

The Children and Social Work Act 2017 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2018

Made - - - - 18th April 2018

The Secretary of State, in exercise of the powers conferred by sections 65 and 70(2) and (3) of the Children and Social Work Act 2017(**1**), makes the following Regulations:

Citation and interpretation

1. These Regulations may be cited as The Children and Social Work Act 2017 (Commencement No. 4 and Transitional and Saving Provisions) Regulations 2018.

2. "The Act" means the Children and Social Work Act 2017 and "the 2004 Act" means the Children Act 2004(**2**).

Provisions coming into force on 29th June 2018

3. To the extent that they are not already in force, the following provisions of the Act come into force on 29th June 2018—

(a) section 12 (Child Safeguarding Practice Review Panel), which inserts section 16A into the 2004 Act;

(b) section 13 (functions of the Panel), which inserts section 16B into the 2004 Act;

(c) section 14 (events to be notified to the Panel), which inserts section 16C into the 2004 Act;

(d) section 15 (information), which inserts section 16D into the 2004 Act;

(e) section 16 (local arrangements for safeguarding and promoting welfare of children), which inserts section 16E into the 2004 Act;

(f) section 17 (local child safeguarding practice reviews), which inserts section 16F into the 2004 Act;

(g) subject to regulations 5 to 7, section 18 (further provision about arrangements), which inserts section 16G into the 2004 Act;

(**1**) 2017 c. 16
(**2**) 2004 c. 31

(h) section 19 (information), which inserts section 16H into the 2004 Act;

(i) section 20 (funding), which inserts section 16I into the 2004 Act;

(j) section 21 (combining safeguarding partner areas and delegating functions), which inserts section 16J into the 2004 Act;

(k) section 22 (guidance by Secretary of State), which inserts section 16K into the 2004 Act;

(l) section 23 (interpretation), which inserts section 16L into the 2004 Act;

(m) section 24 (child death reviews), which inserts section 16M into the 2004 Act;

(n) section 25 (information), which inserts section 16N into the 2004 Act;

(o) section 26 (funding), which inserts section 16O into the 2004 Act;

(p) section 27 (combining child death review partner areas and delegating functions), which inserts section 16P into the 2004 Act;

(q) section 28 (guidance and interpretation), which inserts section 16Q into the 2004 Act;

(r) subject to regulation 11, section 31 (chapter 2: consequential amendments);

(s) subject to regulation 11, Part 2 of Schedule 2 (amendments relating to abolition of Local Safeguarding Children Boards).

Provisions coming into force on 1st September 2018

4. The following provisions of the Act come into force on 1st September 2018—

(a) section 4 (duty of local authority in relation to previously looked after children);

(b) section 5 (maintained schools: staff member for previously looked after pupils);

(c) section 6 (Academies: staff member for looked after and previously looked after pupils);

(d) section 7 (maintained schools: guidance for staff member for looked after pupils).

Transitional provision relating to the commencement of section 18

5.—(1) The safeguarding partners(**3**) in each local authority area in England must first comply with the duty in section 16G(2) of the 2004 Act no later than 30th June 2019.

(2) The date on which the safeguarding partners in each local authority area in England first comply with the duty in section 16G(2) of the 2004 Act shall be known for each local authority area as its publication date.

6.—(1) The safeguarding partners and relevant agencies(**4**) for the local authority area must comply with the duty in section 16G(4) of the 2004 Act within 3 months of the publication date.

(2) The date of compliance referred to in paragraph (1) shall be known for each local authority area as its implementation date.

7. The first exercise of the duty in section 16G(7) of the 2004 Act must be within 12 months of the implementation date.

(**3**) See section 16E(3) of the Children Act 2004 ("2004 Act") which provides that the safeguarding partners in relation to a local authority area in England are the local authority, a clinical commissioning group for an area any part of which falls within the local authority area and the chief officer of police for a police area any part of which falls within the local authority area.

(**4**) See section 16E(3) of the 2004 Act which provides that a relevant agency in relation to a local authority area in England means a person who is specified in regulations made under that section, and exercises functions in that area in relation to children.

Commencement of, and saving provision relating to, section 30

8.—(1) Section 30 which omits sections 13 to 16 of the 2004 Act comes into force in accordance with this regulation.

(2) For the purpose of giving effect to sections 16E to 16G of the 2004 Act, section 30 is commenced in a local authority area on its implementation date.

(3) Sections 13 to 16 of the 2004 Act are saved to the extent necessary for the operation of regulations 9 and 10.

(4) Section 30 comes fully into force on 29th September 2020.

Transitional provision relating to the completion of serious case reviews by Local Safeguarding Children Boards

9.—(1) If a Local Safeguarding Children Board has completed but not published the report on a serious case review within 12 months of the local authority area's implementation date, it must provide a copy of the report to the safeguarding partners.

(2) If a Local Safeguarding Children Board has not completed a serious case review(**5**) within 12 months of the local authority area's implementation date, it must provide all information relating to the review to the safeguarding partners.

Transitional provision relating to the completion of child death reviews by Local Safeguarding Children Boards

10. If a Local Safeguarding Children Board has not completed a child death review(**6**) by 29th January 2020 it must provide all information relating to that review to the child death review partners.

Transitional provision relating to section 31 and Part 2 of Schedule 2

11. Despite the coming into force of section 31 and Part 2 of Schedule 2 to the Act, the consequential amendments in that Schedule do not have effect in a local authority area until its implementation date.

Nadhim Zahawi
Parliamentary Under Secretary of State
Department for Education

18th April 2018

(**5**) Pursuant to the duty on Local Safeguarding Children Boards in regulation 5 (functions of LSCBs) of the Local Safeguarding Children Boards Regulations 2006 (SI 2006/90).

(**6**) Pursuant to the duty on Local Safeguarding Children Boards in regulation 6 (further functions relating to child deaths) of the Local Safeguarding Children Boards Regulations 2006 (SI 2006/90).