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 [F1].

F1 2004 c. 31. Section 23(3) was amended by section 16(3) of, and Schedule 3 to, the Childcare Act 2006 (c. 21).

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) [F2].

F2 Section 20(1) and (2) was amended by S.I. 2010/1158.

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 [F3] 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

(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.

F3 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.

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 **[**[F4], or as soon as is reasonably practicable,**]** 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 [F5].

F4 Words in reg. 4(2) inserted (temp.) (24.4.2020) by The Adoption and Children (Coronavirus) (Amendment) Regulations 2020 (S.I. 2020/445), regs. 1(2), **10** (with Pts. 12, 13)
F5 1971 c. 80.

Amendment

5.—(1) The Children Act 2004 (Children's Services) Regulations 2005 [F6] are amended as follows.

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

(a) omit paragraph (1)(j) and (l) [F7];

(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) [F8].

F6 S.I. 2005/1972, amended by S.I. 2010/1881. There are other amending instruments but none are relevant.
F7 Regulation 2(1)(j) and (l) was amended by S.I. 2010/1881.
F8 Regulation 2(3) to (5) was inserted by S.I. 2010/1881.

Revocation

6. The Children Act 2004 (Joint Area Reviews) Regulations 2005 [F9] are revoked.

F9 S.I. 2005/1973, amended by S.I. 2007/603, 2009/462, 2010/1172, 2010/1939, 2012/2401.

Edward Timpson
Minister of State

Department for Education

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 [F10] 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) [F11];

(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) [F12];

(b) section 140 (power to inspect documents etc.);

(c) section 141 (power to require information etc.).

F10 Section 23(3) of the Children Act 2004 defines "children's services".
F11 2006 c. 40. Section 135 was amended by S.I. 2010/1158 and 2012/961.
F12 Sections 139 and 140 were amended by S.I. 2012/1879.

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) [F13];

(b) section 131 (power of entry);

(c) section 132 (power to inspect documents, etc.).

F13 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.

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