



Children and Families (Wales) Measure 2010

2010 nawm 1

A Measure of the National Assembly for Wales to make provision about contributing to the eradication of child poverty; to provide a duty for local authorities to secure sufficient play opportunities for children; to make provision about arrangements for participation of children in local authority decisions that might affect them; to make provision about child minding and day care for children; to make provision establishing integrated family support teams and boards; to make provision about improving standards in social work for children and persons who care for them; to make provision about assessing the needs of children where their parents need community care services or have health conditions that affect the needs of the children; and for connected purposes.

This Measure, passed by the National Assembly for Wales on 10 November 2009 and approved by Her Majesty in Council on 10 February 2010, enacts the following provisions:

PART 1

CHILD POVERTY, PLAY AND PARTICIPATION

CHAPTER 1

ERADICATING CHILD POVERTY

Broad aims

1 Broad aims for contributing to the eradication of child poverty

(1) This section applies for the purposes of this Part.

Status: This version of this Measure contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010. (See end of Document for details)

- (2) The broad aims for contributing to the eradication of child poverty are—
- (a) to increase income for households including one or more children with a view to ensuring that, so far as reasonably practicable, there are no households in the relevant income group;
 - (b) ensuring that, so far as reasonably practicable, children living in households in the relevant income group are not materially deprived;
 - (c) to promote and facilitate paid employment for parents of children;
 - (d) to provide parents of children with the skills necessary for paid employment;
 - (e) to reduce inequalities in educational attainment between children;
 - (f) to support parenting of children;
 - (g) to reduce inequalities in health between children and between parents of children (so far as necessary to ensure the well-being of their children);
 - (h) to ensure that all children grow up in decent housing;
 - (i) to ensure that all children grow up in safe and cohesive communities;
 - (j) to reduce inequalities in participation in cultural, sporting and leisure activities between children and between parents of children (so far as necessary to ensure the well-being of their children);
 - (k) to help young persons participate effectively in education and training;
 - (l) to help young persons take advantage of opportunities for employment;
 - (m) to help young persons participate effectively and responsibly in the life of their communities.
- (3) For the purposes of subsection (2)(a), the “relevant income group”, in relation to a household, is every household including one or more children where household income is less than 60% of median income in the United Kingdom.
- (4) For the purposes of subsection (2)(b), the “relevant income group”, in relation to a household, is every household including one or more children where household income is less than 70% of median income in the United Kingdom.
- (5) Regulations may provide for the determination of material deprivation and median income in relation to a household for the purposes of this section.
- (6) If no regulations under subsection (5) are in force, a Welsh authority is to make its own determination of material deprivation and median income in relation to a household for the purposes of this section.
- (7) In this section “young persons” means persons who have attained the age of 11 but not the age of 26.
- (8) The Welsh Ministers may by order—
- (a) amend or omit any paragraph of subsection (2);
 - (b) add paragraphs to that subsection;
 - (c) amend or omit such additional paragraphs;
 - (d) amend or omit subsections (3), (4), (5), (6) and (7);
 - (e) add subsections which relate to subsection (2);
 - (f) amend or omit such additional subsections;
 - (g) make any amendments to this Part that are necessary or expedient in consequence of any provision made under paragraphs (a) to (f).

Status: This version of this Measure contains provisions that are prospective.
Changes to legislation: There are currently no known outstanding effects for the
Children and Families (Wales) Measure 2010. (See end of Document for details)

Strategies

2 Strategies for contributing to the eradication of child poverty

- (1) A Welsh authority must prepare and publish a strategy for contributing to the eradication of child poverty in Wales which sets out each of the following—
 - (a) objectives chosen by the authority (subject to subsections (3) and (4)) which—
 - (i) relate to one or more of the broad aims for contributing to the eradication of child poverty, and
 - (ii) may be pursued in the exercise of its functions;
 - (b) any objectives specified in relation to the authority in regulations under subsection (5);
 - (c) actions to be performed and functions to be exercised by the authority for the purpose of achieving the objectives under paragraph (a) and, if any objectives are specified in relation to the authority in regulations under subsection (5), paragraph (b).
- (2) A Welsh authority must take all reasonable steps to perform the actions and exercise the functions referred to in subsection (1)(c) in accordance with its strategy.
- (3) The Welsh Ministers and a local authority must choose a range of objectives under subsection (1)(a) relating to all of the broad aims for the eradication of child poverty.
- (4) The Welsh Ministers must also choose objectives under subsection (1)(a) which—
 - (a) relate to their powers to provide funding to any person, and
 - (b) promote the broad aims for the eradication of child poverty.
- (5) The Welsh Ministers may specify objectives for a Welsh authority in regulations if—
 - (a) the objectives relate to one or more of the broad aims for contributing to the eradication of child poverty, and
 - (b) the objectives may be pursued by the Welsh authority in the exercise of its functions.
- (6) Regulations under subsection (5) may also provide that subsection (1)(a) and paragraph (c) of that subsection (as it relates to paragraph (a)) do not apply to a Welsh authority to the extent specified in the regulations.
- (7) For the purposes of this section, a reference to an action to be performed or a function to be exercised by a Welsh authority is a reference to an action or function which is within the powers of the Welsh authority.
- (8) For provision about the preparation and publication of strategies, see sections 3 to 5 of this Measure ^{F1}....

Textual Amendments

- F1** Words in s. 2(8) repealed (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), [Sch. 4 para. 25](#); S.I. 2016/86, art. 3

Commencement Information

- I1** S. 2 partly in force; s. 2 in force for specified purposes at 10.4.2010 see s. 75(1)
- I2** S. 2 in force at 10.1.2011 for specified purposes by [S.I. 2010/2994](#), [art. 2\(a\)](#)

Status: This version of this Measure contains provisions that are prospective.

Changes to legislation: There are currently no known outstanding effects for the Children and Families (Wales) Measure 2010. (See end of Document for details)

3 Strategies prepared by the Welsh Ministers

- (1) The Welsh Ministers—
 - (a) must publish their first strategy under this Part in 2010,
 - (b) must keep their strategy under review, and
 - (c) may from time to time remake or revise their strategy.
- (2) Before making, remaking or revising their strategy, the Welsh Ministers must consult—
 - (a) the Secretary of State, and
 - (b) such other persons as they consider appropriate.
- (3) The provisions of subsection (2)(a) are not to be interpreted as conferring a power or duty on the Secretary of State.
- (4) The Welsh Ministers must publish a strategy when they make it and whenever they remake it; and, if they revise the strategy without remaking it, they must publish either the revisions or the strategy as revised (as they consider appropriate).
- (5) If the Welsh Ministers publish a strategy or revisions under subsection (4) they must lay a copy of the strategy or revisions before the National Assembly for Wales.
- (6) The Welsh Ministers must in 2013 and in every third year after 2013—
 - (a) publish a report containing an assessment of the extent to which—
 - (i) the objectives contained in their strategy for contributing to the eradication of child poverty have been achieved, and
 - (ii) if an objective has not been achieved, progress that has been made towards achieving the objective;
 - (b) lay a copy of the report before the National Assembly for Wales.

4 Strategies prepared by local authorities ^{F2}...

- (1) The duty of a local authority to publish a strategy under section 2(1) is discharged on publication [^{F3}of a local well-being plan under section 39 [^{F4}, 44(5) or 47(6) or (11)] of the Well-being of Future Generations (Wales) Act 2015 (anaw 2) by the public services board of which the authority is a member, but only if the authority's strategy is an integral part of that plan].

^{F5}(2)

^{F5}(3)

- (4) In section 66 (regulations and orders), after subsection (6) insert—

“(7) Any statutory instrument containing regulations made under section 26 by the Welsh Ministers is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

- (8) Paragraphs 33 to 35 of Schedule 11 to the Government of Wales Act 2006 make provision about the National Assembly for Wales procedures that apply to any statutory instrument containing regulations or an order made in exercise of functions conferred upon the National Assembly for Wales by this Act that have been transferred to the Welsh Ministers by virtue of paragraph 30 of that Schedule.”.

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Changes to legislation: There are currently no known outstanding effects for the
Children and Families (Wales) Measure 2010. (See end of Document for details)

Textual Amendments

- F2** Words in s. 4 omitted (5.5.2010) by virtue of [Local Education Authorities and Children's Services Authorities \(Integration of Functions\) \(Wales\) Order 2010 \(S.I. 2010/1148\)](#), arts. 1, **6(2)**
- F3** Words in s. 4(1) substituted (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 26(a)**; S.I. 2016/86, art. 3
- F4** Words in s. 4(1) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(3)(q), **Sch. 14 para. 6(2)**
- F5** S. 4(2)(3) repealed (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 26(b)**; S.I. 2016/86, art. 3,

Commencement Information

- I3** S. 4 in force at 10.1.2011 by [S.I. 2010/2994](#), **art. 2(b)** (with [art. 3](#))

5 Strategies prepared by other Welsh authorities

- (1) In this section a reference to a “Welsh authority” does not include—
- (a) the Welsh Ministers;
 - (b) a local authority.
- (2) Subsection (3) applies to the strategy of a Welsh authority under section 2.
- (3) Regulations may make provision as to—
- (a) the period to which a strategy is to relate;
 - (b) when and how a strategy must be published;
 - (c) keeping a strategy under review;
 - (d) consultation to be carried out before a strategy is published.

^{F6}(4)

- (5) The duty of a Welsh authority under section 2(1) to publish a strategy is discharged if the strategy is an integral part of a [^{F7}local well-being plan published under section 39 [^{F8}, 44(5) or 47(6) or (11)] of the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#) by each public services board for a local authority area in which the Welsh authority exercises functions.]

Textual Amendments

- F6** S. 5(4) repealed (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 27(a)**; S.I. 2016/86, art. 3
- F7** Words in s. 5(5) substituted (1.4.2016) by [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#), s. 56(2), **Sch. 4 para. 27(b)**; S.I. 2016/86, art. 3
- F8** Words in s. 5(5) substituted (20.3.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\)](#), s. 175(3)(q), **Sch. 14 para. 6(3)**

Commencement Information

- I4** S. 5 in force at 10.1.2011 by [S.I. 2010/2994](#), **art. 2(c)**