

<i>Body</i>	<i>CA 2004 section 10 – duty to cooperate</i>	<i>CA 2004 Section 11 – duty to s'guard & promote welfare</i>	<i>Ed Act 2002 Section 175 – duty to s'guard & promote welfare + the regs</i>	<i>CA 2004 Section 12A – statutory partners on CTBs</i>	<i>CA 2004 Section 13 – statutory partners in LSCBs</i>	<i>CA 1989 Section 27 – help with children in need</i>	<i>CA 1989 Section 47 - help with enquiries about sig harm</i>
<i>District Councils</i>	X	X		X	X	X	X
<i>Police Authority</i>	X	X		X			
<i>Chief officer of Police</i>	X	X		X	X		
<i>Local Probation Board</i>	X	X		X	X		
<i>SoS functions in s2-3 of the Offenders Management Act 2007</i>	X	X		X	X		
<i>Providers of probation services required under s3(2) OMA 2007</i>	X	X		X	X		
<i>British Transport Police</i>		X					
<i>Prison or secure training centre</i>		X			X <i>(which details children)</i>		
<i>Youth Offending Team</i>	X	X		X	X		
<i>Strategic Health Authority</i>	X	X		X	X	X	X
<i>Primary Care Trust</i>	X	X		X	X	X	X

<i>Body</i>	<i>CA 2004 section 10 – duty to</i>	<i>CA 2004 Section 11 – duty to s'guard &</i>	<i>Ed Act 2002 Section 175 – duty to s'guard &</i>	<i>CA 2004 Section 12A – statutory</i>	<i>CA 2004 Section 13 – statutory</i>	<i>CA 1989 Section 27 – help with</i>	<i>CA 1989 Section 47 - help with enquiries</i>
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	<i>cooperate</i>	<i>promote welfare</i>	<i>promote welfare + the regs</i>	<i>partners on CTBs</i>	<i>partners in LSCBs</i>	<i>children in need</i>	<i>about sig harm</i>
<i>Special Health Authority</i>		X (as designated by the Secretary of State)				X	X
<i>NHS Trust</i>		X			X	X	X
<i>NHS Foundation Trust</i>		X			X	X	X
<i>Connexion Service</i>	X	X		X	X		
<i>Learning & Skills Council</i>	X	X		X			
<i>CAFCASS</i>					X		
<i>Maintained Schools</i>	X		X	X			
<i>FE Colleges</i>	X		X	X			
<i>Independent Schools</i>	X		X	X			
<i>Contracted Services</i>		X	X				
<i>SoS re functions in section 2 Employment & Training Act 1973</i>	X			X			
<i>Such other persons as the authority considers appropriate</i>	X			X (after consulting partners)			

Education Act 2002

8. **Section 175** puts a duty on local education authorities, maintained (state) schools and further education institutions, including sixth-form colleges, to exercise their functions with

a view to safeguarding and promoting the welfare of children – children who are pupils, and students under 18 years of age in the case of schools and colleges.

9. The same duty is put on independent schools, including academies, by Regulations made under section 157 of that Act.

Children Act 1989

10. The Children Act 1989 places a duty on local authorities to promote and safeguard the welfare of children in need in their area.

Section 17(1) of the Children Act 1989 states that:

It shall be the general duty of every local authority:

- to safeguard and promote the welfare of children within their area who are in need; and
- so far as is consistent with that duty, to promote the upbringing of such children by their families, by providing a range and level of services appropriate to those children's needs.

Section 17(10) states that a child shall be taken to be in need if:

a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;

b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or

c) he is disabled.

(Children Act 1989, section 17)

11. The primary focus of legislation about children in need is on how well they are progressing and whether their development will be impaired without the provision of services.

12. It also places a specific duty on other local authority services and health bodies to co-operate in the interests of children in need in section 27. Section 322 of the Education Act 1996 places a duty on social services to assist the local education authority where any child has special educational needs.

Where it appears to a local authority that any authority mentioned in subsection (3) could, by taking any specified action, help in the exercise of any of their functions under this Part, they may request the help of that other authority, specifying the action in question. An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.

The authorities are:

a. any local authority;

13. Under section 47 of the Children Act 1989, the same agencies are placed under a similar duty to assist local authorities in carrying out enquiries into whether or not a child is at risk of significant harm.

14. Section 47 also sets out duties for the local authority itself, around making enquiries in certain circumstances to decide whether they should take any action to safeguard or promote the welfare of a child.

Section 47(1) of the Children Act 1989 states that:

Where a local authority:

a. are informed that a child who lives, or is found, in their area (i) is the subject of an emergency protection order, or (ii) is in police protection, or (iii) has contravened a ban imposed by a curfew notice imposed within the meaning of Chapter I of Part I of the Crime and Disorder Act 1998; or

b. have reasonable cause to suspect that a child who lives, or is found, in their area is suffering, or is likely to suffer, significant harm:

The authority shall make, or cause to be made, such enquiries as they consider necessary to enable them to decide whether they should take any action to safeguard or promote the child's welfare.

In the case of a child falling within paragraph (a) (iii) above, the enquiries shall be commenced as soon as practicable and, in any event, within 48 hours of the authority receiving the information.

(Children Act 1989, section 47)

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establishing whether a child is in need and for ensuring that services are provided to that child as appropriate. This does not necessarily require local authorities themselves to be the provider of such services.

16. Section 17(5) of the Children Act 1989 enables the local authority to make arrangements with others to provide services on their behalf.

Every local authority:

a. shall facilitate the provision by others (including in particular voluntary organisations) of services which the authority have power to provide by virtue of this section, or section 18, 20, 23, 23B to 23D, 24A or 24B; and

b. may make such arrangements as they see fit for any person to act on their behalf in the provision of any such service.

(Children Act 1989, section 17(5))

17. Section 53 of the Children Act 2004 amends both section 17 and section 47 of the Children Act 1989, to require in each case that before determining what services to provide or what action to take, the local authority shall, so far as is reasonably practicable and consistent with the child's welfare:

- ascertain the child's wishes and feelings regarding the provision of those services or the action to be taken; and
- give due consideration (with regard to the child's age and understanding) to such wishes and feelings of the child as they have been able to ascertain.

Emergency protection powers

18. There is a range of powers available to local authorities and others such as the NSPCC and the police to take emergency action to safeguard children.

Emergency protection orders

The court may make an emergency protection order under section 44 of the Children Act 1989, if it is satisfied that there is reasonable cause to believe that a child is likely to suffer significant harm if:

- s/he is not removed to different accommodation; or
- s/he does not remain in the place in which s/he is then being accommodated.

An emergency protection order may also be made if enquiries (for example, made under section 47) are being frustrated by access to the child being unreasonably refused to a person authorised to seek access, and the applicant has reasonable cause to believe that access is needed as a matter of urgency.

Exclusion requirement

The court may include an exclusion requirement in an interim care order or emergency protection order (sections 38A and 44A of the Children Act 1989). This allows a perpetrator to be removed from the home instead of having to remove the child. The court must be satisfied that:

- there is reasonable cause to believe that if the person is excluded from the home in which the child lives, the child will cease to suffer, or cease to be likely to suffer, significant harm, or that enquiries will cease to be frustrated; and
- another person living in the home is able and willing to give the child the

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Homelessness Act 2002

19. Under section 12 (which inserts section 213A of the Housing Act 1996), housing authorities are required to refer to adult social care services homeless persons with dependent children who are ineligible for homelessness assistance, or are intentionally homeless, as long as the person consents. If homelessness persists, any child in the family could be in need. In such cases, if social services decide the child's needs would be best met by helping the family to obtain accommodation, they can ask the housing authority for reasonable advice and assistance in this, and the housing authority must give reasonable advice and assistance.