

Children's Rights Alliance for England

Children Bill 2004 - Young people's version

INTRODUCTION

What did we do?

We took the Children Bill full of complicated government words and translated it into regular language.

It was still too long, so we also wrote some notes to help explain what the different parts mean.

Bill Basics

The Government wants to make a new job called Children's Commissioner. It also wants to make services for children better and to update some other laws to help keep children safe. To do all these things, there needs to be a new law - the Children Bill.

The Bill is divided into six parts:

What is it?

How long is it?

PART 1 -- CHILDREN'S COMMISSIONER

This part says what the commissioner's job will be.

pages 2-4

PART 2 -- CHILDREN'S SERVICES IN ENGLAND

This section talks about how services for children should be made better.

pages 5-11

C PART 3 -- CHILDREN'S SERVICES IN WALES

Same thing, but for Wales.

C PART 4 -- ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

This section is about transferring some jobs to the Welsh Assembly.

PART 5 -- MISCELLANEOUS

Changes to the rules about child minding, day care, foster care, and some criminal justice things are covered here.

pages 12-16

PART 6 -- GENERAL

This part has basic things in it like definition and when people have to start following the different parts of the bill. There are also four sections -- called "schedules" -- that have more rules about the commissioner and some changes to other laws.

pages 17-26

C We removed these sections from the translation to make it a little shorter.

This translation was prepared by the UWhat? Campaign of the Children's Rights Alliance for England. That doesn't mean we agree with everything in it. But we did want it to be as close to what the government thinks as possible.

JUST THE NOTES

If you want a short summary, start here.

STEP-BY-STEP TRANSLATION

If you want all the details, start here.

PART 1 -- CHILDREN'S COMMISSIONER

This part of the bill gives the details of what the Children's Commissioner will do.

The Commissioner's main job is to make sure people listen to children and learn what children care about.

How? By...

- ⊘ keeping the government up to date about what children think
- ⊘ getting people who work with children to listen to them
- ⊘ having children involved in all the work he does, especially children who are usually left out of things

The Commissioner should both listen to children and tell children what he is doing.

It says earlier that the Commissioner can look into anything that has to do with children, but that's not exactly right. He or she is not allowed to see

Section 1: Creating the job of Commissioner

- (1) The government will create the job of Children's Commissioner.
- (2) Many of the details of the job -- how they get hired, for how long, etc. -- are listed at the end of this bill in another document called Schedule 1.

Section 2: Main job of the Commissioner

- (1) The Children's Commissioner's main job is to promote awareness of the views and interests of children in the United Kingdom.
- (2) In particular, the Commissioner should—
 - (a) encourage people who have jobs that affect children to take seriously the views and interests of children and young people;
 - (b) keep the Secretary of State for Education and Skills informed about what children think;
 - (c) make sure that the ways children are allowed to complain about services work properly;
 - (d) look into anything else that relates to children.
- (3) The Commissioner should be concerned with how children feel about the following aspects of their well-being:
 - (a) physical and mental health;
 - (b) protection from harm and neglect;
 - (c) education and training;
 - (d) the contribution made by them to society;
 - (e) social and economic well-being.
- (4) Whenever it is possible, the Commissioner should do his best to involve children in his work. In particular, he should:
 - (a) make sure that children across the UK know what he does and how to get in touch with him;
 - (b) consult children and organisations working with children whenever he is doing research about services to children.
- (5) When working with children, the Commissioner must make a special effort to involve children who are usually left out of things.
- (6) Even though the Commissioner can research anything that affects children, he cannot investigate how an individual child has been treated.

how individual children are being treated.

The Convention on the Rights of the Child lists all the basic human rights of children. This part of the bill says the Commissioner doesn't have to pay attention to all those rights when he does his job.

The Commissioner has to write a report every year about what he has done and what he wants to do next year.

The Commissioner has to give the report to the government and they have to show it to the public.

The government can tell the Commissioner what to do. If they want him to write a report about something, they can tell him to do it.

(7) If he wants, the Commissioner can use the United Nations Convention on the Rights of the Child as a guide to his work.

(8) But, if the Commissioner does use the United Nations Convention on the Rights of the Child in his work, he must remember any specific objections the UK government has made to the Convention.

Section 3: Annual report of Commissioner

(1) As soon as possible after the end of each financial year the Children's Commissioner must make a report on—

- (a) what he has done over the past year to promote the views and interests of children;
- (b) the results of any research he has done;
- (c) what he intends to do during the next year.

(2) In the report, the Commissioner must say how he has involved children in his work and how he has kept children informed about what he does.

(3) The Commissioner must send his report to:

- (a) the Secretary of State for Education and Skills;
- (b) and the Secretary of State must present a copy of the report to each House of Parliament (the Commons and the Lords).

(4) Once the Secretary of State has given the report to Parliament, the Commissioner must make it available to the public.

(5) In this section, "financial year" means 1st April to 31st March.

Section: 4 Inquiries held by Commissioner

(1) It says in an earlier section that the Commissioner cannot investigate the case of an individual child. But if the Secretary of State thinks that the case of an individual child raises issues important to other children, he may tell the Children's Commissioner to investigate that case.

(2) If he thinks fit, the Children's Commissioner may hold an inquiry into an individual case in private.

(3) As soon as the Commissioner completes an inquiry into an individual case he must send his report to the Secretary of State.

(4) The Secretary of State must publish each report he receives in a way he thinks fit.

If the government wants to keep the report a secret, they can do that -- even after the Commissioner has finished all his work.

(5) If a report names an individual child and the Secretary of State thinks that the child's name should be kept private:
(a) the Secretary of State can change the report and publish his version instead of the original; or
(b) if he thinks that it is not possible to publish the report without identifying the child, he can decide to not publish the report at all.

(6) The Secretary of State must present a copy of every report he does publish to each House of Parliament (the Commons and the Lords). If he decides not to publish a report, he does not need to present it to Parliament.

(7) The sections of the Local Government Act 1972 that outline how evidence is collected in inquiries and how they are paid for apply to inquiries that the Secretary of State asks the Commissioner to hold. But this only applies to inquiries held in England and Wales.

(8) For inquiries held in Scotland, the same relevant parts of the Local Government (Scotland) Act 1973 apply here.

(9) For inquiries held in Northern Ireland, the same relevant parts of the Health and Personal Social Services (Northern Ireland) Order 1972 apply here.

Section 5: Talking to other Commissioners

There are already Children's Commissioners in Wales, Northern Ireland and Scotland, so this new one in England shouldn't look into things in those parts of the UK.

But he is allowed to work with those other commissioners if he wants to.

(1) The Children's Commissioner shouldn't worry about:
(a) anything within the remit of the Children's Commissioner for Wales that is outlined in the Care Standards Act 2000; or
(b) any issue relating to children in Scotland that the Scotland Act 1998 does not say is still the responsibility of the UK government; or
(c) any matter relating to children in Northern Ireland which is covered by the Northern Ireland Act 1998.

(2) If the Commissioner does do something that relates to children in Wales, Scotland and Northern Ireland, he must pay attention to:
(a) the views of and any work undertaken by the Children's Commissioner for Wales;
(b) the views of and any work undertaken by the Commissioner for Children and Young People in Scotland;
(c) the views of and any work undertaken by the Commissioner for Children and Young People for Northern Ireland.

(3) The Secretary of State cannot ask the Children's Commissioner to hold an inquiry if it is about something that should be covered by the governments in Wales or Scotland.

PART 2 -- CHILDREN'S SERVICES IN ENGLAND

This section talks about how services for children should be made better.

The idea of this section is to make services better for children.

To do that, it says everyone in a local area who works with children -- the council, police, health workers, etc. -- should tell each other what they do.

It says they should meet with each other and figure out ways they can help each other do better.

Section 6: Improving services

(1) Each local authority in England that provides services to children must come up with ways for the following groups to work together better:

- (a) the local authority;
- (b) each relevant partner (see (3) below for a list of "relevant partners"); and
- (c) any other person or group working with children in their area that the local authority thinks should be involved.

(2) The plans for better cooperation between those groups should have the goal of improving the lives of children. Specifically, they should pay attention to:

- (a) physical and mental health;
- (b) protection from harm and neglect;
- (c) education and training;
- (d) the contribution made by children to society;
- (e) social and economic well-being.

(3) When the local authority is making plans for improved cooperation, the following are "relevant partners":

- (a) a district council (where there is a district council);
- (b) the police authority and the chief officer of police for any part of the area covered by the children's services offered by the local authority;
- (c) any probation board that works in any part of the area covered by the authority;
- (d) any Strategic Health Authority and Primary Care Trust that works in any part of the area covered by the authority;
- (e) a person hired by the local authority to provide educational support to young people between the ages of 13 and 19;
- (f) the Learning and Skills Council for England.

(4) These "relevant partners" must cooperate in setting the plans for improving services.

(5) The local authority and the partners may put their money together in a "pooled fund" to pay for their improved cooperation.

(6) A pooled fund is a pot of money:

- (a) made up of contributions by the authority and the relevant partners; and
- (b) can be used to pay for the work of the local authority or the work of the partner.

(7) Any local authority in England that provides services to children or any of their partners must follow any rules told them by the Secretary of State.

(8) Any plans to work better together can include services for:

- (a) people aged 18 and 19;
- (b) certain looked after people who are over 19;

(c) people over 19 but under 25 who have a learning difficulty and are receiving services as part of the Learning and Skills Act 2000.

Everyone who provides a service to children in a local area must also make sure that they are all trying to keep children safe.

Section 7: Plans to keep children safe

(1) This section applies to:

- (a) a local authority in England that provides services to children;
- (b) a district council;
- (c) a Strategic Health Authority;
- (d) a Primary Care Trust;
- (e) an NHS trust that works mostly in England;
- (f) an NHS foundation trust;
- (g) the police authority and chief officer of police for a police area in England;
- (h) a local probation board for an area in England;
- (i) a youth offending team for an area in England;
- (j) the governor or director of a prison or secure training centre in England;
- (k) a person hired by the local authority to provide educational support to young people between the ages of 13 and 19.

(2) Each of those groups and people listed above must make sure:

- (a) they do their jobs with concern for the safety of children; and
- (b) that anyone else they hire to help them do their job also care about the safety of children.

(3) This applies to everything a local authority does except for those services covered by section 175 of the Education Act 2002. (That part of the Education Act covers how local education authorities are supposed to ensure the safety of children.)

(4) Any group or person mentioned in the list above must follow any rules told them by the Secretary of State.

Section 8: Information sharing

One of the government's ideas for keeping children safe and making sure they get the help they need is to create a big computer database with information about every child in England.

They might ask each local authority to create a computer database or they might make one themselves.

Either way, the government will set the rules for how the database works and who can use it.

(1) The Secretary of State may:

- (a) tell local authorities to create a database of information about the children who use their services; or
- (b) create his own database.

(2) The Secretary of State may set up a separate group to run the database.

(3) The Secretary of State can set the rules about how the database is run.

(4) In particular, his rules may describe:

- (a) what information goes in the database;
- (b) how people must cooperate to supply the information that goes in the database;
- (c) how people can find out what information is in the database;
- (d) who can access the database;
- (e) how local authorities must cooperate with building the database.

- (5) The rules about what goes in the database should cover:
 - (a) what services are provided to individual children;
 - (b) any concerns about individual children;
- (6) The Secretary of State can hire someone to make sure everyone is following the rules.
- (7) Even if there are other rules requiring someone working with children to keep what they learn confidential, these new rules can make them include that secret information in the database.
- (8) The technical people who create or maintain the database must follow all the rules of the Secretary of State.
- (9) In particular, there may be rules about:
 - (a) which technical people can access the database;
 - (b) how the database is run;
 - (c) the technical details of the database;
 - (d) the security of the database;
 - (e) sharing information between different databases.

Section 9: Setting Up Local Safeguarding Children Boards

Another idea the government has to keep children safe is to set up things called "Local Safeguarding Children Boards" all over the country.

This would be a group of people in the area who already do jobs that affect children -- like the police, health workers, or people who run prisons.

These people are supposed to meet to make sure they know what everyone else is doing to help children.

- (1) Each local authority must set up a group called a Local Safeguarding Children Board.
- (2) The board must have members from:
 - (a) the local authority, and
 - (b) each of the "board partners" listed below.
- (3) Board partners are:
 - (a) a district council (where there is a district council);
 - (b) the chief officer of police;
 - (c) a local probation board;
 - (d) a Strategic Health Authority and a Primary Care Trust;
 - (e) an NHS trust and an NHS foundation trust;
 - (f) a person hired by the local authority to provide educational support to young people between the ages of 13 and 19;
 - (g) the Children and Family Court Advisory and Support Service;
 - (h) the governor or director of any secure training centre in the area;
 - (i) the governor or director of any prison in the area that detains children.
- (4) The Secretary of State can add people to the board.
- (5) The local authority can also add people to the board.
- (6) People added to the board must work with children in the local area.
- (7) To make sure the board works properly:
 - (a) the local authority must co-operate with each of their board partners; and
 - (b) each Board partner must co-operate with the local authority.

(8) Two or more local authorities can team up to form one board for all their areas.

Section 10: The purpose of Local Safeguarding Children Boards

(1) The purpose of a Local Safeguarding Children Board is:
(a) to get the different groups that provide services to children to work together better.
(b) to make sure each group is doing their job.

(2) The Secretary of State can make rules about what each Local Safeguarding Children Board should do.

(3) The Secretary of State can also make rules about how they do their job.

Section 11: Paying for the Local Safeguarding Children Boards

(1) Any person or group on the board can:
(a) pay for things directly; or
(b) put money in a special fund to pay for things the board does

(2) The people and groups on the board who are responsible for paying for things are:

(a) the local authority;

(b) the board partners.

(c) The Secretary of State must pay for the governor of a secure training centre or prison.

(d) If the prison or secure training centre is not run by the government, the company hired to run it must pay.

Section 12: More about Local Safeguarding Children Boards

(1) The Secretary of State can make rules telling local authorities how to work with the Local Safeguarding Children Board they set up.

(2) The board and the local authority must follow any rules the Secretary of State tells them.

Section 13: Director of children's services

The government also wants each local authority to hire one person to look after all the services for children.

That could be something about education, children in care, health, or anything else the government wants them to look at.

(1) Each local authority must hire someone as "director of children's services." Their job will be to:

(a) do all the things listed below; and

(b) do anything else the Secretary of State says they should.

(2) The things mentioned above that they must do are:

(a) any job related to education that the local authority tells them to do;

(b) any job related to any other child-related service that the local authority tells them to do;

(c) anything the local authority tells them to do to help looked-

after children;
(d) any jobs listed in this law that the local authority tells them to do; and
(e) any job related to health and the NHS that they are told to do by the local authority.

(3) However, the director of children's services cannot do anything about:

(a) and (b) higher education;
(c) education for people over 18;
(d) financial help for students;
(e) anything to do with education that the Secretary of State says he cannot do.

(4) The person who does all of the things listed above will be called the "director of children's services."

(5) The local authority can also tell the director of children's services to do other jobs that are not listed here.

(6) Those other jobs may be related to higher education, financial help for students, or education for people over 18.

(7) If the Secretary of State comes up with any other rules for the director of children's services, the local authority must follow those rules.

(8) Two or more local authorities can team up to one director of children's services for all their areas.

(9) There are more rules for the director of children's services listed in another document at the end of this one called Schedule 2. Those rules will apply:

(a) from the day the person starts the job, if they start the job before the Secretary of State says they should; and
(b) from the day the Secretary of State says the person should start their job.

(10) The Secretary of State can decide what day all of the director of children's services should start their jobs.

Section 14: Lead member for children's services

Each local council should have one of their members look after children's services. This would mean that the person would be someone elected by the people and not someone just hired for a job.

(1) As well as hiring a director for children's services, each local authority must make one of their current members the "lead member for children's services."

(2) The local authorities must listen to the Secretary of State's rules for appointing the lead member for children's services.

Section 15: Joint area reviews

(1) The Secretary of State can ask inspection agencies to review all of the children's services in an area.

(2) He can ask for two different inspections to take place at the same time in the same area.

(3) Any inspection agency asked to look into children's services has to be allowed to do their job.

(4) The purpose of a review is to see if the services are helping children.

(5) Any of the following people can be asked to do a review:

- (a) the Chief Inspector of Schools;
- (b) the Adult Learning Inspectorate;
- (c) the Commission for Social Care Inspection;
- (d) the Commission for Healthcare Audit and Inspection;
- (e) the Audit Commission for Local Authorities and the National Health Service in England and Wales;
- (f) the chief inspector of constabulary;
- (g) Her Majesty's Chief Inspector of the National Probation Service for England and Wales;
- (h) Her Majesty's Chief Inspector of Court Administration; and
- (i) the Chief Inspector of Prisons.

(6) Any review must cooperate with the Chief Inspector of Schools.

(7) And the Chief Inspector of Schools must cooperate with any review.

(8) The Chief Inspector of Schools must include information about any reviews in his annual report.

(9) The Secretary of State can make more rules about reviewing children's services. For example, he can:

- (a) make sure inspectors can get the information they need;
- (b) make sure inspectors can go anywhere they need to;
- (c) say how a report of the review should be written;
- (d) tell people they have to respond to any report with plans to make services better;
- (e) say that any other rules about inspections no longer matter.

Section 16: Framework

(1) The Chief Inspector of Schools must come up with a plan for reviewing children's services. That plan will be called "the Framework."

(2) The Framework must include rules that inspectors must follow.

(3) Those rules must make sure that any review is trying to make the services better.

(4) The rules may:

- (a) include something about how to write a report;
- (b) and they can be different for each review.

(5) These rules will only apply to inspections of children's services.

(6) The Chief Inspector of Schools must talk to other people when making his rules.

(7) The Chief Inspector of Schools must publish the Framework, but before doing so he must:

- (a) talk to anyone else he wants to; and
- (b) get approval from the Secretary of State.

(8) The Chief Inspector of Schools may at any time revise the Framework (and subsections (6) and (7) apply in relation to revisions to the Framework as to the original Framework).

Section 17: Co-operation and delegation

(1) Everyone involved in an inspection of children's services must cooperate with everyone else.

(2) Anyone making an inspection can ask someone else to do it for them.

Section 18: Some definitions for sections 15 to 17

(1) The following definition of children's services applied to the three sections above this one about inspections.

(2) "Children's services" means anything done for children:

- (a) that is already inspected;
- (b) that the Secretary of State says should be inspected.

(3) This can also apply to other young people who may be over 18.

(4) "The Chief Inspector of Schools" means Her Majesty's Chief Inspector of Schools in England.

Section 19: Performance rating of social services

Right now, local authorities are given a grade every year for all their services put together. In the future, they will get special grades for the services they give to children.

(1) The Health and Social Care Act 2003 says that the Commission for Social Care Inspection must give a grade every year to each local authority. This will now be changed to say:

- (a) they must give a grade every year for
 - (i) services to children
 - (ii) services to children in care
- (b) all other social services.

(2) The Commission for Social Care Inspection must tell the Secretary of State who gets the lowest grade.

PART 5 -- MISCELLANEOUS

Changes to the rules about child minding, day care, foster care, and some criminal justice things are covered here.

All of these rule changes are to make sure children in foster care are living good lives.

The new rules make sure that:

- ≠ adults who care for foster children can be trusted
- ≠ the house the children live in is clean and big enough
- ≠ no one else living in the house is dangerous

One of the ways to make sure children in foster care are treated well is to know a lot about the adults.

So the government wants foster carers to register. This means they have to tell the government who they are and let the government look into their background.

There are rules in this bill about how to register, what happens if you don't and how the government will keep checking to make sure the foster children are safe.

Section 36: Changes to the rules for private foster care

- (1) The law about the safety of children in private foster care is changing in the following ways:
 - (a) and (b) include children who are not yet in foster care but will be soon;
 - (c) not just people who care for them, but anyone who cares about them.
- (2) The part that says a local authority must make sure children in foster care are safe will now:
 - (a) and (b) include children who are not yet in foster care but will be soon;
 - (c) not just people who care for them, but anyone who cares about them.
- (3) A part is being added that allows the Secretary of State to make rules about what local authorities must do to make sure a child going into foster care will be safe.
- (4) The local authority can send more people to inspect foster homes.
- (5) The part about what to do if a child is not being properly taken care of will now:
 - (a) and (b) include children who are not yet in foster care but will be soon;
- (6) A part is being added allowing the Secretary of State to make rules telling local authorities how they must make sure they are checking that children in foster care are safe.
- (7) A part is being added telling local authorities to advertise the rules about private foster care.

Section 37: Making foster carers register in England

- (1) The Secretary of State can make rules telling people who provide foster care to register with their local authority.
- (2) There could be other rules about:
 - (a) how a person applies to provide foster care and how their application is looked at;
 - (b) what a person must do to get registered;
 - (c) why a person might not be registered;
 - (d) when an application must be accepted or refused;
 - (e) fees;
 - (f) adding conditions to someone's registration;
 - (g) canceling someone's registration;
 - (h) how people appeal a decision about their application;
 - (i) temporary registrations;
 - (j) what a person has to do once they are registered.
- (3) The rules about who can be registered should also:
 - (a) make sure the person would be a good foster parent;
 - (b) make sure the foster home would be a good place to live.

- (4) People could be not allowed to register because:
- (a) they have broken one of the rules about foster care;
 - (b) there has been a complaint about how they cared for another child;
 - (c) after a complaint they were told to follow special rules about caring for children;
 - (d) they have been found guilty of a crime;
 - (e) some other law says they can't;
 - (f) they have had their rights to care for children taken away from them;
 - (g) they live with someone else who is not allowed to care for a child.
- (5) The local authority can decide who can and can't be registered to provide foster care.
- (6) Special rules could be added to someone's registration. Those rules could be about:
- (a) making sure the foster home is a nice place to live;
 - (b) any other people living in the home.
- (7) Once a person is registered to provide foster care:
- (a) they could be asked to get permission from the local authority before they look after any children;
 - (b) the rules about getting permission from the local authority can be decided by them.
- (8) Also, once a person is registered, there should be rules about:
- (a) checking every year that they would still be good people to look after children; and
 - (b) who pays for that annual check-up.
- (9) These rules may:
- (a) let the local authority tell people who provide foster care that they need to register; and
 - (b) say that a person who does not register could be fined.
- (10) People who register and break the rules could be fined.
- (11) A person who does not register but still cares for a foster child will be guilty of a crime, unless:
- (a) he couldn't register because he lives with someone who is not allowed to register; and
 - (b) he didn't know that person was not allowed to register.
- (12) Anyone who is found guilty of breaking the rules cannot be:
- (a) fined more than a certain amount, or
 - (b) sent to prison for more than 6 months, or
 - (c) both of those.
- (13) This law may also apply to:
- (a) the rules about foster care in the Children Act 1989;
 - (b) the Local Authority Social Services Act 1970.
- (14) Nothing in this section changes the meaning of section 50 (1) below which is about what types of rules can be made under this law.

The same rules for foster care in England will apply in Wales.

(15) A person providing private foster care means the same thing in this law as it does in the Children Act 1989.

Section 38: Making foster carers register in Wales

(1) The Welsh Assembly can make rules telling people who provide foster care to register with their local authority.

(2) Parts (2) through (14) of the above section also apply to Wales.

(3) Part (15) of the above section also applies to Wales.

Section: 39 Dates about the rules for foster care

(1) If no rules about private foster care are made within four years, the parts of this law about private foster care will no longer matter.

(2) This also applies to Wales.

(3) The four year period starts the day this bill becomes a law.

Section 40: Child minding and day care

The Children Act 1989 has rules about child minding and daycare. Several changes to those rules are listed at the end of this bill in another document called Schedule 4.

Section 41: Getting involved

(1) The part of the Education Act 1996 that gives the Secretary of State the power to make sure local education authorities are doing their job still applies:

- (a) local authorities in England, and
- (b) local authorities in Wales.

(2) The Secretary of State can get involved in any of the following jobs of a local authority:

- (a) children's social services;
- (b) children in care; and
- (c) improving services for children and sharing information.

(3) Social services mean anything listed in the Local Authority Social Services Act 1970.

(4) The Secretary of State can also get involved in education issues.

(5) He can get involved in any local authority in England or Wales.

(6) He can get involved in any part of education.

Section 42: Inspection of local education authorities

(1) A section of the Education Act 1997 is being changed to say that an inspection can look at anything a local education authority does but that does not include adult education.

(2) The part of the education the Disability Discrimination Act 1995 that says a local education authority should regularly review its plan to make schools and lessons accessible to disabled students is being deleted.

Section 43: Better education for children in care

A section is being added to the Children Act 1989 that says local authorities have a special duty to make sure that children in care do well in school.

Section 44: Information about individual children

A section is being added to the Children Act 1989 that says the Secretary of State can make a local authority or charity tell him the names of children they look after.

Section 45: Changes to parts 2 and 3

(1) Local authorities no longer have to make a plan for their children's services.

Section 46: Fees payable to adoption review panel members

Part of the Adoption and Children Act 2002 is being changed to pay people who work on review panels.

Section 47: Power to give financial help for education

The rules about the government helping students by giving them money are changing.

The new rules let the government give money to:

- ⊘ pregnant students
- ⊘ students who have their own babies
- ⊘ students who need money to help take care of their parents

(1) The part of the Education Act 2002 that lets the Secretary of State or the Welsh Assembly help students financially is being changed.

(2) The part that says what money can be used to pay for will now include the welfare of the student and their parents as well helping students who are parents or pregnant.

(3) When money is given for the welfare of children and their parents, this includes 18 and 19 year old students.

(4) The title of the section of the law is being changed to include the word "children."

(5) The title of another section is being changed to include the word "children."

Section 48: Child safety orders

If children get into trouble with the police, the government wants to be able to tell their parents what to do.

They also want to make children who get in trouble with the police follow rules about what they can do for 12 months. The old rule said 3 months.

The good news is that children who break those rules can't be taken away from their families.

(1) The Crime and Disorder Act 1998 is being changed in the following way.

(2) In the section that says parents can be made to follow certain rules to keep their children out of trouble, a part is being added that lets a judge make rules for parents if their children have broken other court rules.

(3) How long children can be made to follow a judge's rules is changing from three months to 12 months.

(4) Children who break a judge's rules cannot be taken into care.

PART 6 -- General

This part has basic things in it like definition and when people have to start following the different parts of the bill. There are also four sections -- called "schedules" -- that have more rules about the commissioner and some changes to other laws.

Section 49: Definitions

(1) Some definitions:

The Assembly means the Welsh Assembly.

Child and children mean everyone under 18.

Children's Services Authority in England means:

- (a) a county council;
 - (b) a metropolitan district council;
 - (c) a non-metropolitan district council where there is no county council;
 - (d) a London borough council;
 - (e) the Common Council of the City of London;
 - (f) the Council of the Isles of Scilly.
- Children's Services Authority in Wales means a county council or county borough council.

(2) This law also applies to the Isles of Scilly, but the Secretary of State can make different rules for them if he wants to.

(3) In this law:

- (a) prisons include young offender institutions;
- (b) secure training centres not run by the government are also included.
- (c) prisons not run by the government are also included.

(4) This law can also apply to just the parts of a prison or secure training centre that deal with young people.

Section 50: Making rules

(1) People making rules about the things covered in this law:

- (a) can make different rules for different parts of the law;
- (b) can make different rules for different parts of the country;
- (c) can change the rules later.

(2) Any rules that are made will be just like laws.

(3) The Secretary of State cannot make rules about setting up a database or registration of foster carers without getting approval from Parliament first.

(4) The rules that the Secretary of State can make without asking Parliament can still be canceled by Parliament.

(5) Rules he makes together with the Welsh Assembly cannot be canceled by Parliament.

Section 51: Dates

(1) Part 1 -- the section about the Children's Commissioner -- comes into force the day this bill becomes law.

(2) Part 2 -- the section about improving children's services in England -- comes into force on a date to be set by the Secretary of State.

(3) Part 3 -- the section about improving children's services in Wales -- comes into force on a date to be set by the Welsh Assembly.

(4) Part 4 -- about transferring some powers to the Welsh Assembly -- comes into force on a date to be set by the Assembly with the agreement of the Secretary of State.

(5) In Part 5:

(a) the section about keeping children in foster care safe comes into force on dates set by the Secretary of State or the Welsh Assembly;

(b) the sections on making foster carers register takes effect two months after this bill becomes a law;

(c) sections 40 to 46 come into force on dates set by the Secretary of State or the Welsh Assembly;

(d) the section about helping students financially comes into force the day this bill becomes a law;

(e) the section on child safety orders comes into force on a date to be set by the Secretary of State.

(6) Part 6 comes into force on the day the bill becomes a law.

Section 52: Parts of the UK covered by the law

(1) Part 1 applies to the whole of the United Kingdom (except where it says otherwise).

(2) Parts 2 to 5 applies to England and Wales only.

(3) Part 6 applies to the whole of the United Kingdom.

Section 53: Short title

This Act may be called the Children Act 2004.

SCHEDULE 1 -- CHILDREN'S COMMISSIONER

Most of these rules are very basic things like the government has to pay the Commissioner and the Commissioner can hire people to help him.

But the rules about hiring a Commissioner are worth looking at.

- €# They don't say children have to be involved in picking a person for the job.
- €# The job can only last for five years, but a person can hold the job twice for a total of 10 years.
- €# The rules about why the government can fire the Commissioner are very general.

Section 1: Status

- (1) The Children's Commissioner is to be a "corporation sole," which means there is only one person in the job at a time.
- (2) The Children's Commissioner will not be an agent of the Crown and none of the Children's Commissioner's property will belong to the Crown.

Section 2: General tasks

- (1) The Children's Commissioner can do anything in the job that will help him meet the requirements of the position.
- (2) In particular he may:
 - (a) work with anyone else in the United Kingdom;
 - (b) sign contracts; and
 - (c) buy and sell property.

Section 3: Hiring the Commissioner

- (1) The Children's Commissioner is to be hired by the Secretary of State.
- (2) They will keep the job as long as the Secretary of State says.
- (3) The Secretary of State must let people apply for the job at least every five years.
- (4) A person who has been Children's Commissioner can only be hired again once.
- (5) The Children's Commissioner may resign by writing to the Secretary of State.
- (6) The Secretary of State may fire the Children's Commissioner if he thinks the person:
 - (a) is not able to do the job; or
 - (b) has behaved in a way that the Children's Commissioner should not behave.

Section 4: Pay

The Secretary of State must:

- (a) pay the Children's Commissioner, and
- (b) pay for his pension,

according to his employment contract.

Section 5: Staff

- (1) The Children's Commissioner can hire people to work for him,

including a deputy Children's Commissioner.

(2) If the Children's Commissioner cannot do his job or there is no one in the post, the deputy Children's Commissioner shall do the job.

(3) The Children's Commissioner can tell other people in his staff to do parts of his job for him.

Section 6: Pensions

(1) In the laws about pensions:

(a) the phrase "Employment by the Children's Commissioner" should be added; and

(b) the title of Children's Commissioner" should also be added.

(2) The Secretary of State must pay for the pensions of the Commissioner and his employees.

Section 7: Funding

The Secretary of State can decide how much money the Children's Commissioner gets to do his job.

Section 8: Accounts

(1) The Children's Commissioner must:

(a) keep proper accounting records;

(b) prepare a statement of accounts for each financial year; and

(c) send a copy of each statement of accounts to the Secretary of State and the Comptroller and Auditor General

(2) The Comptroller and Auditor General must examine and approve the accounts and present them to Parliament.

(3) Financial year means 1st of April to 31st of March.

Section 9: Evidence

(1) Evidence given by the Children's Commissioner should be considered.

(2) This section does not apply to Scotland.

Section 10: Regulated position

The jobs of Children's Commissioner and deputy Children's Commissioner should be added to the Criminal Justice and Court Services Act 2000.

Sections 11 and 12: Disqualifications

"Children's Commissioner" and "member of staff of the Children's Commissioner" should be added to the House of Commons Disqualification Act 1975.

"Children's Commissioner" and "member of staff of the Children's Commissioner" should be added to the Northern Ireland Assembly Disqualification Act 1975.

SCHEDULE 2 -- DIRECTOR OF CHILDREN'S SERVICES: CONSEQUENTIAL AMENDMENTS

Section 1: Children and Young Persons Act 1933

The Children and Young Persons Act 1933 is to be changed to include the director of children's services and the chief education officer.

Section 2: Local Authority Social Services Act 1970

(1) The Local Authority Social Services Act 1970 is to be changed as follows.

(2) In section 6:

- (a) a part is to be added saying local authorities should hire someone to run the adult social services;
- (b) the words "in Wales" should be added to subsection (1);
- (c) the job "director of adult social services" should be added to subsection (2);
- (d) the words "a director of social services" should be added to subsection (6).

(3) The new director of adult social services job is to be added to Schedule 1.

Section 3: Local Government and Housing Act 1989

The Local Government and Housing Act 1989 should be changed to mention:

- (a) the director of children's services and the director of adult social services;
- (b) Wales in the definition of the chief education officer;
- (c) Wales in the definition of the director of social services.

Section 4: Education Act 1996

(1) The Education Act 1996 should be changed in the following ways:

(2) The section about appointing a chief education officer should mention Wales.

(3) The section about the head of an education authority giving evidence should list the director of children's services and the chief education officer.

Section 5: Crime and Disorder Act 1998

(1) The Crime and Disorder Act 1998 should be changed in the following ways.

(2) A person responsible for making sure parents follow rules about keeping their children out of trouble can be appointed by the director of children's services.

- (3) In the section about youth offending teams, the teams can include:
- (a) a social worker with experience working with children hired by the director of children's services of an English local authority;
 - (b) a social worker hired by a Welsh local authority;
 - (c) someone working in education hired by the director of children's services of an English local authority;
 - (e) someone working in education hired by a Welsh local authority.

Section 6: Protection of Children Act 1999

The Protection of Children Act 1999 should be changed to say "director of children's services of a local authority in England or a director of social services of a local authority in Wales."

Section 7: Criminal Justice and Court Services Act 2000

(1) The Criminal Justice and Court Services Act 2000 will be changed in the following ways:

(2) Section 34 should be changed to say "director of children's services of a local authority in England or a director of social services of a local authority in Wales."

(3) Section 36 should include:

- (a) "director of children's services and director of adult social services of a local authority in England";
- (b) mention of Wales in paragraph (c);
- (c) mention of Wales in paragraph (d).

Section 8: Criminal Justice Act 2003

Section 322, which inserts things into the Crime and Disorder Act 1998, should include mention of the director of children's services.

SCHEDULE 3 -- ADVISORY AND SUPPORT SERVICES FOR FAMILY PROCEEDINGS

Section 1: Domestic Proceedings and Magistrates' Courts Act 1978

Section 26 should make specific mention of a Welsh family proceedings officer.

Sections 2-4: Child Abduction and Custody Act 1985

The Child Abduction and Custody Act 1985 should be changed to mention the role of Welsh family proceedings officer.

Sections 5-11: Children Act 1989

The Children Act 1989 should be changed to include the role of Welsh family proceedings officer.

Sections 12-14: Criminal Justice and Court Services Act 2000

The Criminal Justice and Court Services Act 2000 should be changed in the following ways:

The section on the main role of CAFCASS should specifically mention children in Wales.

In Schedule 2, there should be only nine members, not ten.

Sections 15-17: Adoption and Children Act 2002

The Adoption and Children Act 2002 should be changed to mention the role of Welsh family proceedings officer.

Section 18: Sexual Offences Act 2003

Section 21 of the Sexual Offences Act 2003 should be changed to mention the role of Welsh family proceedings officer.

Section 1

Part 10A of the Children Act 1989 should be changed in the ways listed below:

Section 2: Rules set out by judges

(1) In section 79B(3)(d) and (4)(d), change "by the registration authority" to "under this Part".

(2) Remove "under section 79F(3)" from section 79G(2).

Section 3: Application fees

(1) In section 79E(2), add a rule that fees have to be paid.

(2) In section 79F(1) and (2)—
(a) after "on an application" add "under section 79E";
(b) remove paragraph (b).

Section 4: Fees payable by registered persons

(1) In section 79G(1), change "an annual fee" to "a fee".

(2) In Schedule 9A:
(a) delete "Annual" from the heading before paragraph 7;
(b) in paragraph 7, replace the section from "at prescribed times" to the end with ", at or by the prescribed times, fees of the prescribed amounts in respect of the discharge by the registration authority of its functions under Part XA."

Section 5: Waiver of disqualification

In Schedule 9A, in paragraph 4(3A):
(a) after "disqualified for registration" add "(and may in particular provide for a person not to be disqualified for registration for the purposes of sub-paragraphs (4) and (5))";
(b) in paragraph (b), delete "to his registration".

Section 6: Amendments relating to day care only

In section 79B(4):
(a) delete all of paragraph (a) and (b) and replace them with:
"(a) he has made adequate arrangements to ensure that—
(i) every person (other than himself and the responsible individual) looking after children on the premises is suitable to look after children under the age of eight; and
(ii) every person (other than himself and the responsible individual) living or working on the premises is suitable to be in regular contact with children under the age of eight;
(b) the responsible individual—

- (i) is suitable to look after children under the age of eight, or
- (ii) if he is not looking after such children, is suitable to be in regular contact with them;”;
- (b) in subsection (5), change “(4)(b)” to “(4)(a)”;
- (c) after subsection (5) add:
“(5ZA) For the purposes of subsection (4), “the responsible individual” means—
 - (a) in a case of one individual working on the premises in the provision of day care, that person;
 - (b) in a case of two or more individuals so working, the individual so working who is in charge.”

Section 7: Prohibition in respect of disqualified persons

In Schedule 9A, in paragraph 4(4):

- (a) after “or be” add “directly”;
- (b) delete “or have any financial interest in”.

Section 8: Unincorporated associations

In Schedule 9A, after paragraph 5 add:

“Provision of day care: unincorporated associations

5A (1) References in Part XA to a person, so far as relating to the provision of day care, include an unincorporated association.

(2) Proceedings for an offence under Part XA which is alleged to have been committed by an unincorporated association must be brought in the name of the association (and not in that of any of its members).

(3) For the purpose of any such proceedings, rules of court relating to the service of documents are to have effect as if the association were a body corporate.

(4) In proceedings for an offence under Part XA brought against an unincorporated association, section 33 of the Criminal Justice Act 1925 and Schedule 3 to the Magistrates’ Courts Act 1980 (procedure) apply as they do in relation to a body corporate.

(5) A fine imposed on an unincorporated association on its conviction of an offence under Part XA is to be paid out of the funds of the association.

(6) If an offence under Part XA committed by an unincorporated association is shown—

- (a) to have been committed with the consent or connivance of an officer of the association or a member of its governing body, or
- (b) to be attributable to any neglect on the part of such an officer or member, the officer or member as well as the association is guilty of the offence and liable to be proceeded against and punished accordingly.”