



Children's  
Rights Alliance  
for England

## FAQ - Full Answer



**“Our council announced that the toy library and the singing and story-telling sessions at the children’s library are going to be closed as part of the cuts. I have two children under four and the place is a great help for us – the little ones love it and I meet other mums. Is there any way of stopping this?”**

Ask the local authority (the council) to reconsider its decision, using the following legal duties to help make your case:

### **Relevant duties under the Children Act 1989**

The local authority (the council) has a general duty under [section 17](#) to promote the welfare of children who are in need by providing appropriate services. What is meant by appropriate services is set out in [Schedule 2](#) at the end of the Act. These include provision for children with disabilities (particularly where these are integrated for all children) and recreational facilities for families. Most importantly paragraph 9 of the Schedule places a specific duty – not discretionary – on the council to provide “family centres”, defined as a place where parents and children can attend ‘*for occupational, social, cultural or recreational activities*’.

A toy library certainly fits this description. You would need to find out what other family centres existed in your area. If there are none nearby, you can argue that the council is failing in its duties if it cuts the library.

You will also need to show that some of the children at the toy library are ‘*in need*’. This is defined in section 17 as any child who is disabled or a child who is unlikely to achieve a reasonable standard of health or development without provision of this service. Are there any disabled children who go to the library? Are there any children whose development might suffer if they didn’t use the service – for example if their parents are isolated, poor, ill or who don’t speak English as their first language?



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## Relevant duties under the Children Act 2004

Section 11 of this Act placed duties on the local authority to co-operate with other public agencies to improve the well-being of children in the area and lists specific things such as children's '*physical and mental health and emotional well-being*', their '*education, training and recreation*' and '*social well-being*'.

Talk to local schools and health centres about the importance of the toy library in your children's life. If you can convince them that the library, for example, encourages your children to look at books or teaches them to play sociably with other children, then you can quote section 11 as part of your case.

## Relevant duties under the Equality Act 2010

The Equality Act places binding duties on public bodies like local councils. Not only is it about preventing discrimination against people and groups with "protected characteristics", it requires public bodies to have "due regard" to the need to enhance equality of opportunity and to foster good relations between these protected groups and the rest of the community (section 149).

Case law has established that "due regard" includes having adequate information on the potential effect of the cuts on any protected group (for example through public consultation) and to do this before the decision is confirmed.

The "protected characteristics" under the Act are age, disability, gender, gender reassignment, pregnancy and maternity, race, religion or belief and sexual orientation.

## The Convention on the Rights of the Child

Article 31 of the Convention on the Rights of the Child sets out children's right to play. Other articles say that parents must be supported in their child-rearing responsibilities (Article 18), disabled children should be helped to enjoy active participation in the community (Article 23) and the state must encourage the dissemination of children's books (Article 17).

Unlike the Human Rights Act, these rights are not part of English law but should nonetheless be considered by courts and public bodies when making decisions.