



# Children and Families Act 2014

## 2014 CHAPTER 6

### PART 6

#### THE CHILDREN'S COMMISSIONER

#### 107 Primary function of the Children's Commissioner

For section 2 of the Children Act 2004 (general function of the Children's Commissioner) substitute—

**“2 Primary function: children's rights, views and interests**

- (1) The Children's Commissioner's primary function is promoting and protecting the rights of children in England.
- (2) The primary function includes promoting awareness of the views and interests of children in England.
- (3) In the discharge of the primary function the Children's Commissioner may, in particular—
  - (a) advise persons exercising functions or engaged in activities affecting children on how to act compatibly with the rights of children;
  - (b) encourage such persons to take account of the views and interests of children;
  - (c) advise the Secretary of State on the rights, views and interests of children;
  - (d) consider the potential effect on the rights of children of government policy proposals and government proposals for legislation;
  - (e) bring any matter to the attention of either House of Parliament;
  - (f) investigate the availability and effectiveness of complaints procedures so far as relating to children;
  - (g) investigate the availability and effectiveness of advocacy services for children;

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*Status: This is the original version (as it was originally enacted).*

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- (h) investigate any other matter relating to the rights or interests of children;
  - (i) monitor the implementation in England of the United Nations Convention on the Rights of the Child;
  - (j) publish a report on any matter considered or investigated under this section.
- (4) In the discharge of the primary function, the Children’s Commissioner must have particular regard to the rights of children who are within section 8A (children living away from home or receiving social care) and other groups of children who the Commissioner considers to be at particular risk of having their rights infringed.
- (5) The Children’s Commissioner may not conduct an investigation of the case of an individual child in the discharge of the primary function.

## **2A United Nations Convention on the Rights of the Child**

- (1) The Children’s Commissioner must, in particular, have regard to the United Nations Convention on the Rights of the Child in considering for the purposes of the primary function what constitute the rights and interests of children (generally or so far as relating to a particular matter).
- (2) The references in section 2(3)(i) and this section to the United Nations Convention on the Rights of the Child are to the Convention on the Rights of the Child adopted by the General Assembly of the United Nations on 20th November 1989 (including any Protocols to that Convention which are in force in relation to the United Kingdom), subject to any reservations, objections or interpretative declarations by the United Kingdom for the time being in force.

## **2B Involving children in the discharge of the primary function**

- (1) The Children’s Commissioner must take reasonable steps to involve children in the discharge of the primary function.
- (2) The Commissioner must in particular take reasonable steps to—
- (a) ensure that children are aware of the Commissioner’s primary function and how they may communicate with him or her, and
  - (b) consult children, and organisations working with children, on the matters the Commissioner proposes to consider or investigate in the discharge of the primary function.
- (3) The Children’s Commissioner must for the purposes of this section have particular regard to children who are within section 8A (children living away from home or receiving social care) and other groups of children who the Commissioner considers do not have adequate means by which they can make their views known.

## **2C Primary function: reports**

- (1) This section applies where the Children’s Commissioner publishes a report in the discharge of the primary function.

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- (2) The Commissioner must, if and to the extent he or she considers it appropriate, also publish the report in a version which is suitable for children (or, if the report relates to a particular group of children, for those children).
- (3) Where the report contains recommendations about the exercise by a person of functions of a public nature, the Commissioner may require that person to state in writing, within such period as the Commissioner may reasonably require, what action the person has taken or proposes to take in response to the recommendations.”