

SCHEDULES

SCHEDULE 2

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

PART II

CHILDREN LOOKED AFTER BY LOCAL AUTHORITIES

Regulations as to placing of children with local authority foster parents

- 12 Regulations under section 23(2)(a) may, in particular, make provision—
- (a) with regard to the welfare of children placed with local authority foster parents;
 - (b) as to the arrangements to be made by local authorities in connection with the health and education of such children;
 - (c) as to the records to be kept by local authorities;
 - (d) for securing that a child is not placed with a local authority foster parent unless that person is for the time being approved as a local authority foster parent by such local authority as may be prescribed;
 - (e) for securing that where possible the local authority foster parent with whom a child is to be placed is—
 - (i) of the same religious persuasion as the child; or
 - (ii) gives an undertaking that the child will be brought up in that religious persuasion;
 - (f) for securing that children placed with local authority foster parents, and the premises in which they are accommodated, will be supervised and inspected by a local authority and that the children will be removed from those premises if their welfare appears to require it;
 - (g) as to the circumstances in which local authorities may make arrangements for duties imposed on them by the regulations to be discharged, on their behalf.

Regulations as to arrangements under section 23(2)(f)

- 13 Regulations under section 23(2)(f) may, in particular, make provision as to—
- (a) the persons to be notified of any proposed arrangements;
 - (b) the opportunities such persons are to have to make representations in relation to the arrangements proposed;
 - (c) the persons to be notified of any proposed changes in arrangements;
 - (d) the records to be kept by local authorities;
 - (e) the supervision by local authorities of any arrangements made.

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Regulations as to conditions under which child in care is allowed to live with parent, etc.

- 14 Regulations under section 23(5) may, in particular, impose requirements on a local authority as to—
- (a) the making of any decision by a local authority to allow a child to live with any person falling within section 23(4) (including requirements as to those who must be consulted before the decision is made, and those who must be notified when it has been made);
 - (b) the supervision or medical examination of the child concerned;
 - (c) the removal of the child, in such circumstances as may be prescribed, from the care of the person with whom he has been allowed to live.

Promotion and maintenance of contact between child and family

- 15 (1) Where a child is being looked after by a local authority, the authority shall, unless it is not reasonably practicable or consistent with his welfare, endeavour to promote contact between the child and—
- (a) his parents;
 - (b) any person who is not a parent of his but who has parental responsibility for him; and
 - (c) any relative, friend or other person connected with him.
- (2) Where a child is being looked after by a local authority—
- (a) the authority shall take such steps as are reasonably practicable to secure that—
 - (i) his parents; and
 - (ii) any person who is not a parent of his but who has parental responsibility for him,
 are kept informed of where he is being accommodated; and
 - (b) every such person shall secure that the authority are kept informed of his or her address.
- (3) Where a local authority (“the receiving authority”) take over the provision of accommodation for a child from another local authority (“the transferring authority”) under section 20(2)—
- (a) the receiving authority shall (where reasonably practicable) inform—
 - (i) the child’s parents; and
 - (ii) any person who is not a parent of his but who has parental responsibility for him;
 - (b) sub-paragraph (2)(a) shall apply to the transferring authority, as well as the receiving authority, until at least one such person has been informed of the change; and
 - (c) sub-paragraph (2)(b) shall not require any person to inform the receiving authority of his address until he has been so informed.
- (4) Nothing in this paragraph requires a local authority to inform any person of the whereabouts of a child if—
- (a) the child is in the care of the authority; and
 - (b) the authority has reasonable cause to believe that informing the person would prejudice the child’s welfare.

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- (5) Any person who fails (without reasonable excuse) to comply with sub-paragraph (2) (b) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.
- (6) It shall be a defence in any proceedings under sub-paragraph (5) to prove that the defendant was residing at the same address as another person who was the child's parent or had parental responsibility for the child and had reasonable cause to believe that the other person had informed the appropriate authority that both of them were residing at that address.

Visits to or by children: expenses

- 16 (1) This paragraph applies where—
- (a) a child is being looked after by a local authority; and
 - (b) the conditions mentioned in sub-paragraph (3) are satisfied.
- (2) The authority may—
- (a) make payments to—
 - (i) a parent of the child;
 - (ii) any person who is not a parent of his but who has parental responsibility for him; or
 - (iii) any relative, friend or other person connected with him,in respect of travelling, subsistence or other expenses incurred by that person in visiting the child; or
 - (b) make payments to the child, or to any person on his behalf, in respect of travelling, subsistence or other expenses incurred by or on behalf of the child in his visiting—
 - (i) a parent of his;
 - (ii) any person who is not a parent of his but who has parental responsibility for him; or
 - (iii) any relative, friend or other person connected with him.
- (3) The conditions are that—
- (a) it appears to the authority that the visit in question could not otherwise be made without undue financial hardship; and
 - (b) the circumstances warrant the making of the payments.

Appointment of visitor for child who is not being visited

- 17 (1) Where it appears to a local authority in relation to any child that they are looking after that—
- (a) communication between the child and—
 - (i) a parent of his, or
 - (ii) any person who is not a parent of his but who has parental responsibility for him,has been infrequent; or
 - (b) he has not visited or been visited by (or lived with) any such person during the preceding twelve months,

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and that it would be in the child's best interests for an independent person to be appointed to be his visitor for the purposes of this paragraph, they shall appoint such a visitor.

- (2) A person so appointed shall—
 - (a) have the duty of visiting, advising and befriending the child; and
 - (b) be entitled to recover from the authority who appointed him any reasonable expenses incurred by him for the purposes of his functions under this paragraph.
- (3) A person's appointment as a visitor in pursuance of this paragraph shall be determined if—
 - (a) he gives notice in writing to the authority who appointed him that he resigns the appointment; or
 - (b) the authority give him notice in writing that they have terminated it.
- (4) The determination of such an appointment shall not prejudice any duty under this paragraph to make a further appointment.
- (5) Where a local authority propose to appoint a visitor for a child under this paragraph, the appointment shall not be made if—
 - (a) the child objects to it; and
 - (b) the authority are satisfied that he has sufficient understanding to make an informed decision.
- (6) Where a visitor has been appointed for a child under this paragraph, the local authority shall determine the appointment if—
 - (a) the child objects to its continuing; and
 - (b) the authority are satisfied that he has sufficient understanding to make an informed decision.
- (7) The Secretary of State may make regulations as to the circumstances in which a person appointed as a visitor under this paragraph is to be regarded as independent of the local authority appointing him.

Power to guarantee apprenticeship deeds etc.

- 18 (1) While a child is being looked after by a local authority, or is a person qualifying for advice and assistance, the authority may undertake any obligation by way of guarantee under any deed of apprenticeship or articles of clerkship which he enters into.
- (2) Where a local authority have undertaken any such obligation under any deed or articles they may at any time (whether or not they are still looking after the person concerned) undertake the like obligation under any supplemental deed or articles.

Arrangements to assist children to live abroad

- 19 (1) A local authority may only arrange for, or assist in arranging for, any child in their care to live outside England and Wales with the approval of the court.
- (2) A local authority may, with the approval of every person who has parental responsibility for the child arrange for, or assist in arranging for, any other child looked after by them to live outside England and Wales.

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- (3) The court shall not give its approval under sub-paragraph (1) unless it is satisfied that—
- (a) living outside England and Wales would be in the child’s best interests;
 - (b) suitable arrangements have been, or will be, made for his reception and welfare in the country in which he will live;
 - (c) the child has consented to living in that country; and
 - (d) every person who has parental responsibility for the child has consented to his living in that country.
- (4) Where the court is satisfied that the child does not have sufficient understanding to give or withhold his consent, it may disregard sub-paragraph (3)(c) and give its approval if the child is to live in the country concerned with a parent, guardian, or other suitable person.
- (5) Where a person whose consent is required by sub-paragraph (3)(d) fails to give his consent, the court may disregard that provision and give its approval if it is satisfied that that person—
- (a) cannot be found;
 - (b) is incapable of consenting; or
 - (c) is withholding his consent unreasonably.
- (6) Section 56 of the Adoption Act 1976 (which requires authority for the taking or sending abroad for adoption of a child who is a British subject) shall not apply in the case of any child who is to live outside England and Wales with the approval of the court given under this paragraph.
- (7) Where a court decides to give its approval under this paragraph it may order that its decision is not to have effect during the appeal period.
- (8) In sub-paragraph (7) “the appeal period” means—
- (a) where an appeal is made against the decision, the period between the making of the decision and the determination of the appeal; and
 - (b) otherwise, the period during which an appeal may be made against the decision.

Death of children being looked after by local authorities

- 20 (1) If a child who is being looked after by a local authority dies, the authority—
- (a) shall notify the Secretary of State;
 - (b) shall, so far as is reasonably practicable, notify the child’s parents and every person who is not a parent of his but who has parental responsibility for him;
 - (c) may, with the consent (so far as it is reasonably practicable to obtain it) of every person who has parental responsibility for the child, arrange for the child’s body to be buried or cremated; and
 - (d) may, if the conditions mentioned in sub-paragraph (2) are satisfied, make payments to any person who has parental responsibility for the child, or any relative, friend or other person connected with the child, in respect of travelling, subsistence or other expenses incurred by that person in attending the child’s funeral.
- (2) The conditions are that—

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- (a) it appears to the authority that the person concerned could not otherwise attend the child's funeral without undue financial hardship; and
 - (b) that the circumstances warrant the making of the payments.
- (3) Sub-paragraph (1) does not authorise cremation where it does not accord with the practice of the child's religious persuasion.
- (4) Where a local authority have exercised their power under sub-paragraph (1)(c) with respect to a child who was under sixteen when he died, they may recover from any parent of the child any expenses incurred by them.
- (5) Any sums so recoverable shall, without prejudice to any other method of recovery, be recoverable summarily as a civil debt.
- (6) Nothing in this paragraph affects any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.