



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Notification of children accommodated in certain establishments

86 [F¹ Children accommodated in care homes or independent hospitals.]

- (1) Where a child is provided with accommodation [F²in England] in any [F³care home or independent hospital]—
- (a) for a consecutive period of at least three months; or
 - (b) with the intention, on the part of the person taking the decision to accommodate him, of accommodating him for such period,
- the person carrying on [F⁴the establishment in question] shall notify [F⁵the appropriate officer of] the local authority within whose area [F⁶the establishment] is carried on.
- (2) Where subsection (1) applies with respect to a child, the person carrying on [F⁷the establishment] shall also notify [F⁸the appropriate officer of] that authority when he ceases to accommodate the child in [F⁷the establishment] .
- (3) Where [F⁹the appropriate officer of a local authority has] been notified under this section, [F¹⁰the local authority] shall—
- (a) take such steps as are reasonably practicable to enable them to determine whether the child's welfare is adequately safeguarded and promoted while he is accommodated in [F¹¹the establishment in question] ; and
 - (b) consider the extent to which (if at all) they should exercise any of their functions under this Act with respect to the child.
- (4) If the person carrying on any [F¹²care home or independent hospital] fails, without reasonable excuse, to comply with this section he shall be guilty of an offence.

Changes to legislation: Children Act 1989, Section 86 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (5) A person authorised by a local authority [^{F13}in England] may enter any [^{F3}care home or independent hospital] within the authority's area for the purpose of establishing whether the requirements of this section have been complied with.
- (6) Any person who intentionally obstructs another in the exercise of the power of entry shall be guilty of an offence.
- (7) Any person exercising the power of entry shall, if so required, produce some duly authenticated document showing his authority to do so.
- (8) Any person committing an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

Textual Amendments

- F1** S. 86: sidenote substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(20)(a)**; S.I. 2001/4150, **art. 3(3)(a)** (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F2** Words in s. 86(1) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **103(a)**
- F3** Words in s. 86(1)(5) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(20)(b)**; S.I. 2001/4150, **art. 3(3)(a)** (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F4** Words in s. 86(1) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(7)(a)**, 44; S.I. 2010/2981, {art. 2(a)}
- F5** Words in s. 86(1) inserted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(7)(b)**, 44; S.I. 2010/2981, {art. 2(a)}
- F6** Words in s. 86(1) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(7)(c)**, 44; S.I. 2010/2981, {art. 2(a)}
- F7** Words in s. 86(2) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(8)(a)**, 44; S.I. 2010/2981, {art. 2(a)}
- F8** Words in s. 86(2) inserted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(8)(b)**, 44; S.I. 2010/2981, {art. 2(a)}
- F9** Words in s. 86(3) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(9)(a)**, 44; S.I. 2010/2981, {art. 2(a)}
- F10** Words in s. 86(3) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(9)(b)**, 44; S.I. 2010/2981, {art. 2(a)}
- F11** Words in s. 86(3)(a) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(9)(c)**, 44; S.I. 2010/2981, {art. 2(a)}
- F12** Words in s. 86(4) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(10)**, 44; S.I. 2010/2981, {art. 2(a)}
- F13** Words in s. 86(5) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **103(b)**

Commencement Information

- I1** S. 86 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Changes to legislation:

Children Act 1989, Section 86 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)