



# Children Act 1989

## 1989 CHAPTER 41

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Notification of children accommodated in certain establishments*

##### **[<sup>F1</sup> 87A Suspension of duty under section 87(3).**

- (1) The Secretary of State may appoint a person to be an inspector for the purposes of this section if—
  - (a) that person already acts as an inspector for other purposes in relation to schools or colleges to which section 87(1) applies, and
  - (b) the Secretary of State is satisfied that the person is an appropriate person to determine whether the welfare of children provided with accommodation by such schools or colleges is adequately safeguarded and promoted while [<sup>F2</sup>accommodation for the children is provided] by them.
- (2) Where—
  - (a) the relevant person enters into an agreement in writing with a person appointed under subsection (1),
  - (b) the agreement provides for the person so appointed to have in relation to the school or college the function of determining whether section 87(1) is being complied with, and
  - (c) the appropriate authority receive from the person mentioned in paragraph (b) (“the inspector”) notice in writing that the agreement has come into effect,the appropriate authority’s duty under section 87(3) in relation to the school or college shall be suspended.
- (3) Where the appropriate authority’s duty under section 87(3) in relation to any school or college is suspended under this section, it shall cease to be so suspended if the appropriate authority receive—
  - (a) a notice under subsection (4) relating to the inspector, or

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*Changes to legislation: Children Act 1989, Section 87A is up to date with all changes known to be in force on or before 14 March 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*

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- (b) a notice under subsection (5) relating to the relevant agreement.
- (4) The Secretary of State shall terminate a person's appointment under subsection (1) if—
  - (a) that person so requests, or
  - (b) the Secretary of State ceases, in relation to that person, to be satisfied that he is such a person as is mentioned in paragraph (b) of that subsection,
 and shall give notice of the termination of that person's appointment to the appropriate authority.
 

[ The Secretary of State may by regulations specify matters that must be taken into

<sup>F3</sup>(4A) account in deciding whether to appoint a person to be an inspector for the purposes of this section in relation to schools or colleges in England, or to terminate the appointment of such a person under subsection (4)(b).]
- (5) Where—
  - (a) the appropriate authority's duty under section 87(3) in relation to any school or college is suspended under this section, and
  - (b) the relevant agreement ceases to have effect,
 the inspector shall give to the appropriate authority notice in writing of the fact that it has ceased to have effect.
- (6) In this section references to the relevant agreement, in relation to the suspension of the appropriate authority's duty under section 87(3) as regards any school or college, are to the agreement by virtue of which the appropriate authority's duty under that provision as regards that school or college is suspended.]

#### Textual Amendments

- F1** S. 87A substituted (1.4.2002 (E.) and 1.2.2003 (W.)) by 2000 c. 14, ss. 106(1), 122; S.I. 2001/3852, art. 3(7)(h) (subject to transitional provision in Sch. 1 of the commencing S.I. (as amended by S.I. 2001/4150, art. 5; S.I. 2002/1493, art. 5; S.I. 2002/1790, art. 2; S.I. 2002/2001, arts. 2, 3; S.I. 2002/3210, art. 2 (with art. 4); S.I. 2005/3397, art. 2)); S.I. 2003/152, art. 2(2)
- F2** Words in s. 87A(1)(b) substituted (1.2.2012) by Education Act 2011 (c. 21), ss. 43(3)(a), 82(3); S.I. 2012/84, art. 3
- F3** S. 87A(4A) inserted (1.2.2012) by Education Act 2011 (c. 21), ss. 43(3)(b), 82(3); S.I. 2012/84, art. 3

#### Modifications etc. (not altering text)

- C1** S. 87A: transfer of functions (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 148(3), 188; S.I. 2007/935, art. 5(u)

**Changes to legislation:**

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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\(2\)\(b\)](#)