



# Care Standards Act 2000

## 2000 CHAPTER 14

### PART VIII

#### MISCELLANEOUS

##### *Boarding schools and colleges*

#### **106 Suspension of duty under section 87(3) of the 1989 Act.**

- (1) For section 87A of the 1989 Act (suspension of duty under section 87(3)) there shall be substituted—

##### **“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 they are accommodated 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,

---

*Changes to legislation: Care Standards Act 2000, Section 106 is up to date with all changes known to be in force on or before 24 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*

---

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
- (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.

(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.”

(2) In section 87B of that Act (duties of inspectors under section 87A)—

- (a) in subsections (2) and (3), after “school”, in each place where it occurs, there shall be inserted “ or college ”;
- (b) in subsection (2), for “to the Secretary of State” there shall be substituted—
  - “(a) in the case of a school other than an independent school or a special school, to the local education authority for the area in which the school is situated;
  - (b) in the case of a special school which is maintained by a local education authority, to that authority;
  - (c) in any other case, to the Secretary of State”;

and

(c) for subsection (4) there shall be substituted the following subsection—

“(4) In this section “substitution agreement” means an agreement by virtue of which the duty of the appropriate authority under section 87(3) in relation to a school or college is suspended.”

---

**Changes to legislation:** Care Standards Act 2000, Section 106 is up to date with all changes known to be in force on or before 24 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](#)

---

---

### Commencement Information

- II** [S. 106](#) partly in force; [s. 106](#) not in force at Royal Assent see [s. 122](#); [s. 106](#) in force for E. in so far as not already in force at 1.4.2002 by [S.I. 2001/3852](#), arts. 1(4), 3(2)(7)(h) (subject to transitional provisions in [Sch. 1](#) and with transitional provisions in [Sch. 2](#)) (as amended by [S.I. 2001/4150](#), 2002/1493, 2002/1790, 2002/2001, 2002/3210); [s. 106](#) in force for W. at 1.2.2003 by [S.I. 2003/152](#), [art. 2\(2\)](#)

**Changes to legislation:**

Care Standards Act 2000, Section 106 is up to date with all changes known to be in force on or before 24 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.

[View outstanding changes](#)

**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. 5(1)(a)(iii) words substituted by [2008 c. 23 s. 4\(2\)\(a\)](#)
- Sch. 2A para. 8A inserted by [2022 asc 1 Sch. 4 para. 13\(2\)\(b\)](#)
- Sch. 2B para. 11 inserted by [2022 asc 1 Sch. 4 para. 13\(3\)](#)