



# Children and Young Persons Act 2008

## CHAPTER 23

### CHILDREN AND YOUNG PERSONS ACT 2008

#### PART 1

##### DELIVERY OF SOCIAL WORK SERVICES FOR CHILDREN AND YOUNG PERSONS

- 1 Power to enter into arrangements for discharge of care functions
- 2 Restrictions on arrangements under section 1
- 3 Effect of arrangements under section 1
- 4 Regulation of providers of social work services
- 5 Functions under this Part to be social services functions
- 6 Piloting and expiry of arrangements under this Part

#### PART 2

##### FUNCTIONS IN RELATION TO CHILDREN AND YOUNG PERSONS

###### *Well-being*

- 7 Well-being of children and young persons

###### *Accommodation*

- 8 Provision of accommodation and maintenance for children who are looked after by a local authority
- 9 General duty of local authority to secure sufficient accommodation

###### *Independent reviewing officers*

- 10 Independent reviewing officers
- 11 Power to make further provision concerning independent reviewing officers: England

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- 12 Power to make further provision concerning independent reviewing officers: Wales
- 13 Orders under sections 11 and 12: supplementary provisions
- 14 Expiry of powers conferred by sections 11 and 12

#### *Visiting*

- 15 Duty of local authority to ensure visits to looked after children and others
- 16 Independent visitors for children looked after by a local authority
- 17 Children in long-term care: notification to appropriate officer etc
- 18 Visits to children in long-term care

#### *Provision of support services for certain children*

- 19 Support for accommodated children

#### *Education and training*

- 20 Designated member of staff at school for pupils looked after by a local authority
- 21 Entitlement to payment in respect of higher education
- 22 Assistance to pursue education or training
- 23 Extension of entitlements to personal adviser and to assistance in connection with education or training

#### *Cash payments*

- 24 Extension of power to make payments in cash

#### *Care breaks*

- 25 Breaks from caring for disabled children

#### *Enforcement of care standards*

- 26 Power of Chief Inspector where person is failing to comply with requirement relating to children's home etc.
- 27 Notice restricting accommodation at certain establishments
- 28 Appeals etc. in relation to notices under section 22B of the 2000 Act
- 29 Notification of matters relating to persons carrying on or managing children's homes etc.

#### *Emergency protection orders*

- 30 Removal of restriction on hearing of application for discharge of emergency protection order

#### *Information and research*

- 31 Supply of information concerning the death of children to Local Safeguarding Children Boards in England and Safeguarding Children Boards in Wales
- 32 Power of Registrar General to supply information to national authorities
- 33 Research etc. into matters connected with certain statutory functions

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### **PART 3**

#### ADOPTION AND FOSTERING

- 34 Independent review of determinations relating to adoption
- 35 Extension of period allowed for making regulations under section 45 or 46 of the Children Act 2004

### **PART 4**

#### ORDERS UNDER PART 2 OF THE 1989 ACT

##### *Residence orders*

- 36 Entitlement of relative to apply for a residence order
- 37 Duration of residence orders

##### *Special guardianship orders*

- 38 Entitlement of relative to apply for a special guardianship order

### **PART 5**

#### SUPPLEMENTARY, GENERAL AND FINAL PROVISIONS

##### *Supplementary*

- 39 Minor and supplementary amendments to the 1989 Act

##### *General*

- 40 Orders, regulations and guidance
- 41 Interpretation
- 42 Repeals

##### *Final*

- 43 Extent
- 44 Commencement
- 45 Short title

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### **SCHEDULES**

#### SCHEDULE 1 — Children looked after by local authorities: supplementary and consequential provisions

##### *The 1989 Act*

- 1 In section 17(5)(a) of the 1989 Act (facilitation of provision...
- 2 (1) Section 59 of that Act (accommodation by voluntary organisations)...
- 3 (1) Section 105(1) of that Act (interpretation of certain expressions)...
- 4 In Part 2 of Schedule 2 to that Act (children...
- 5 In paragraph 21(5) of that Schedule (liability to contribute towards...
- 6 In paragraph 9 of Schedule 8 (accommodation of children during...
- 7 In paragraph 2(1) of Schedule 9A (exemption of certain establishments...

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*Criminal Justice Act 1991 (c. 53)*

- 8 (1) Section 61 of the Criminal Justice Act 1991 (provision...

*Children (Scotland) Act 1995 (c. 36)*

- 9 In section 26 of the Children (Scotland) Act 1995 (manner...

*Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)*

- 10 In paragraph 5A(3) of Schedule 6 to the Powers of...

*Care Standards Act 2000 (c. 14)*

- 11 In section 22 of the Care Standards Act 2000 (regulation...  
12 In section 31 of that Act (inspection of establishments and...  
13 In section 43(1) (local authority services: meaning of “relevant adoption...

*Adoption and Children Act 2002 (c. 38)*

- 14 In Schedule 6 to the Adoption and Children Act 2002...

*Sexual Offences Act 2003 (c. 42)*

- 15 In section 21 of the Sexual Offences Act 2003 (positions...  
16 In section 27 of that Act (family relationships) in subsection...

*Children Act 2004 (c. 31)*

- 17 In section 49(1)(a) of the Children Act 2004 (payments to...

*Income Tax (Trading and Other Income) Act 2005 (c. 5)*

- 18 (1) Section 806 of the Income Tax (Trading and Other...

*Childcare Act 2006 (c. 21)*

- 19 (1) Section 18 of the Childcare Act 2006 (meaning of...

*Safeguarding Vulnerable Groups Act 2006 (c. 47)*

- 20 In section 53(7)(a) of the Safeguarding Vulnerable Groups Act 2006...

*Criminal Justice and Immigration Act 2008*

- 21 In paragraph 18(3) of Schedule 1 to the Criminal Justice...

SCHEDULE 2 — Transitory modifications of Schedule 2 to the 1989 Act

- 1 Paragraph 12 of Schedule 2 to the 1989 Act (regulations...  
2 That Schedule has effect as if, after paragraph 12, there...

SCHEDULE 3 — Minor and supplementary amendments to the 1989 Act

- 1 The 1989 Act is amended in accordance with this Schedule...  
2 In section 17(4) for “Secretary of State” substitute “appropriate national...  
3 In section 17A(1) for “Secretary of State” substitute “appropriate national...

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- 4 In section 17B(1) for “Secretary of State” substitute “appropriate national...
- 5 In section 21(3), after “Secretary of State” insert “, the...
- 6 In section 22(7)— (a) for “Secretary of State” substitute “appropriate...
- 7 (1) Section 23 is amended as follows.
- 8 (1) Section 23A is amended as follows.
- 9 (1) Section 23B is amended as follows.
- 10 In section 23D, in subsections (1) and (2), for “Secretary...
- 11 In section 23E(2) for “Secretary of State” substitute “appropriate national...
- 12 In section 24(5)(za) for “Secretary of State” substitute “appropriate national...
- 13 In section 24B(6) for “Secretary of State” substitute “appropriate national...
- 14 In section 24D, in subsections (1A) and (2), for “Secretary...
- 15 In section 25, in subsections (2) and (7), for “Secretary...
- 16 (1) Section 26 is amended as follows.
- 17 In section 26ZB(1) for “Secretary of State” substitute “Welsh Ministers...
- 18 In section 26A, in each of subsections (3)(a) and (4),...
- 19 In section 27(3)(e) for “Secretary of State” substitute “appropriate national...
- 20 In section 29(8)(c) after “Secretary of State” insert “, the...
- 21 (1) Section 30 is amended as follows.
- 22 After section 30 insert— Meaning of appropriate national authority In this Part “ the appropriate national authority ” means—...
- 23 (1) Section 59 is amended as follows.
- 24 In section 62(3) for “Secretary of State” substitute “ appropriate...
- 25 (1) Section 104 is amended as follows.
- 26 After section 104 insert— Regulations and orders made by the...
- 27 (1) Schedule 2 is amended as follows.
- 28 In paragraph 7 of Schedule 5 for “Secretary of State”...

#### SCHEDULE 4 — Repeals

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**Changes and effects yet to be applied to :**

- Pt. 1 repealed by 2008 c. 23 Sch. 4
- s. 1-5 cease to have effect (cond.) by 2008 c. 23 s. 6(3)-(5) Sch. 4
- s. 2(6)(a) substituted by 2017 c. 16 Sch. 5 para. 37(1)
- s. 11 repealed (cond.) by 2008 c. 23 s. 14(1) (3) Sch. 4 (This amendment not applied to legislation.gov.uk. Ss. 11-14 were never brought into force within the 7 year period from the date of Royal Assent)
- s. 12 repealed (cond.) by 2008 c. 23 s. 14(2) (3) Sch. 4 (This amendment not applied to legislation.gov.uk. Ss. 11-14 were never brought into force within the 7 year period from the date of Royal Assent)
- s. 13 repealed in part (cond.) by 2008 c. 23 s. 14 Sch. 4 (This amendment not applied to legislation.gov.uk. Ss. 11-14 were never brought into force within the 7 year period from the date of Royal Assent)
- s. 31(2) words substituted by 2017 c. 16 Sch. 2 para. 9(2)
- s. 31(4) words substituted by 2017 c. 16 Sch. 2 para. 9(2)
- s. 31(5) words substituted by 2017 c. 16 Sch. 2 para. 9(3)
- s. 31(6) words inserted by 2017 c. 16 Sch. 2 para. 9(5)(a)
- s. 31(6) words omitted by 2017 c. 16 Sch. 2 para. 9(5)(b)
- s. 31(7)(c) words substituted by 2017 c. 16 Sch. 2 para. 9(6)
- s. 31(9) words omitted by 2017 c. 16 Sch. 2 para. 9(8)
- s. 31(10) word substituted by 2017 c. 16 Sch. 2 para. 9(10)(a)
- s. 31(10) words inserted by 2017 c. 16 Sch. 2 para. 9(10)(c)
- s. 31(10) words inserted by 2017 c. 16 Sch. 2 para. 9(11)
- s. 31(10) words omitted by 2017 c. 16 Sch. 2 para. 9(12)
- s. 31(10) words substituted by 2017 c. 16 Sch. 2 para. 9(10)(b)

**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. 20(2A) inserted by 2017 c. 16 s. 7
- s. 20A inserted by 2017 c. 16 s. 5
- s. 31(5A) inserted by 2017 c. 16 Sch. 2 para. 9(4)
- s. 31(8A) inserted by 2017 c. 16 Sch. 2 para. 9(7)