



# 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

- 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
- 32 Power of Registrar General to supply information to national authorities
- 33 Research etc. into matters connected with certain statutory functions

### **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

- 1 The 1989 Act
- 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...
- 8 Criminal Justice Act 1991 (c. 53)
- 9 Children (Scotland) Act 1995 (c. 36)
- 10 Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 11 Care Standards Act 2000 (c. 14)
- 12 In section 31 of that Act (inspection of establishments and...
- 13 In section 43(1) (local authority services: meaning of “relevant adoption...
- 14 Adoption and Children Act 2002 (c. 38)
- 15 Sexual Offences Act 2003 (c. 42)
- 16 In section 27 of that Act (family relationships) in subsection...
- 17 Children Act 2004 (c. 31)
- 18 Income Tax (Trading and Other Income) Act 2005 (c. 5)
- 19 Childcare Act 2006 (c. 21)
- 20 Safeguarding Vulnerable Groups Act 2006 (c. 47)
- 21 Criminal Justice and Immigration Act 2008

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...
- 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 national...
- 25 (1) Section 104 is amended as follows.

*Status: This is the original version (as it was originally enacted).*

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- 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