



Care Standards Act 2000

2000 CHAPTER 14

PART VIII

MISCELLANEOUS

Boarding schools and colleges

105 Welfare of children in boarding schools and colleges.

- (1) Section 87 of the 1989 Act (welfare of children accommodated in independent schools) shall be amended in accordance with subsections (2) to (4).
- (2) For subsections (1) to (5) there shall be substituted—
 - “(1) Where a school or college provides accommodation for any child, it shall be the duty of the relevant person to safeguard and promote the child’s welfare.
 - (2) Subsection (1) does not apply in relation to a school or college which is a children’s home or care home.
 - (3) Where accommodation is provided for a child by any school or college the appropriate authority shall 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 by the school or college.
 - (4) Where the Commission are of the opinion that there has been a failure to comply with subsection (1) in relation to a child provided with accommodation by a school or college, they shall—
 - (a) in the case of a school other than an independent school or a special school, notify 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, notify that authority;
 - (c) in any other case, notify the Secretary of State.

Changes to legislation: Care Standards Act 2000, Section 105 is up to date with all changes known to be in force on or before 04 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

- (4A) Where the National Assembly for Wales are of the opinion that there has been a failure to comply with subsection (1) in relation to a child provided with accommodation by a school or college, they shall—
- (a) in the case of a school other than an independent school or a special school, notify 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, notify that authority.
- (5) Where accommodation is, or is to be, provided for a child by any school or college, a person authorised by the appropriate authority may, for the purpose of enabling that authority to discharge its duty under this section, enter at any time premises which are, or are to be, premises of the school or college.”
- (3) In subsection (6), for “entering an independent school in exercise of” there shall be substituted “exercising”.
- (4) For subsection (10) there shall be substituted—
- “(10) In this section and sections 87A to 87D—
- “the 1992 Act” means the ^{M1}Further and Higher Education Act 1992;
- “appropriate authority” means—
- (a) in relation to England, the National Care Standards Commission;
 - (b) in relation to Wales, the National Assembly for Wales;
- “college” means an institution within the further education sector as defined in section 91 of the 1992 Act;
- “the Commission” means the National Care Standards Commission;
- “further education corporation” has the same meaning as in the 1992 Act;
- “local education authority” and “proprietor” have the same meanings as in the ^{M2}Education Act 1996
- (11) In this section and sections 87A and 87D “relevant person” means—
- (a) in relation to an independent school, the proprietor of the school;
 - (b) in relation to any other school, or an institution designated under section 28 of the 1992 Act, the governing body of the school or institution;
 - (c) in relation to an institution conducted by a further education corporation, the corporation.
- (12) Where a person other than the proprietor of an independent school is responsible for conducting the school, references in this section to the relevant person include references to the person so responsible.”
- (5) In section 62 of the 1989 Act (duties of local authorities in relation to children provided with accommodation by voluntary organisations), at the end there shall be inserted—
- “(10) This section does not apply in relation to any voluntary organisation which is an institution within the further education sector, as defined in section 91 of the ^{M3}Further and Higher Education Act 1992, or a school.”

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Commencement Information

- II** **S. 105** wholly in force; **s. 105** not in force at Royal Assent see **s. 122**; **s. 105(1)-(4)** in force for E. for certain purposes at 20.11.2001 by **S.I. 2001/3852, arts. 1(4), 3(2)(3)(a)(iii)** (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. 105** 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. 105** in force for W. at 1.2.2003 by **S.I. 2003/152, art. 2(2)**

Marginal Citations

- M1** 1992 c. 13.
M2 1996 c. 56.
M3 1992 c. 13.

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. 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\(3\)](#)