



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Notification of children accommodated in certain establishments

85 Children accommodated by health authorities and local education authorities

- (1) Where a child is provided with accommodation by any health authority or local education authority (“the accommodating authority”)—
 - (a) for a consecutive period of at least three months; or
 - (b) with the intention, on the part of that authority, of accommodating him for such a period,the accommodating authority shall notify the responsible authority.
- (2) Where subsection (1) applies with respect to a child, the accommodating authority shall also notify the responsible authority when they cease to accommodate the child.
- (3) In this section “the responsible authority” means—
 - (a) the local authority appearing to the accommodating authority to be the authority within whose area the child was ordinarily resident immediately before being accommodated; or
 - (b) where it appears to the accommodating authority that a child was not ordinarily resident within the area of any local authority, the local authority within whose area the accommodation is situated.
- (4) Where a local authority have been notified under this section, they shall—
 - (a) 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 accommodating authority; and
 - (b) consider the extent to which (if at all) they should exercise any of their functions under this Act with respect to the child.

Status: This is the original version (as it was originally enacted).

86 Children accommodated in residential care, nursing or mental nursing homes

- (1) Where a child is provided with accommodation in any residential care home, nursing home or mental nursing home—
 - (a) for a consecutive period of at least three months; or
 - (b) with the intention, on the part of the person taking the decision to accommodate him, of accommodating him for such period,the person carrying on the home shall notify the local authority within whose area the home is carried on.
- (2) Where subsection (1) applies with respect to a child, the person carrying on the home shall also notify that authority when he ceases to accommodate the child in the home.
- (3) Where a local authority have been notified under this section, they shall—
 - (a) 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 in the home; and
 - (b) consider the extent to which (if at all) they should exercise any of their functions under this Act with respect to the child.
- (4) If the person carrying on any home fails, without reasonable excuse, to comply with this section he shall be guilty of an offence.
- (5) A person authorised by a local authority may enter any residential care home, nursing home or mental nursing home within the authority's area for the purpose of establishing whether the requirements of this section have been complied with.
- (6) Any person who intentionally obstructs another in the exercise of the power of entry shall be guilty of an offence.
- (7) Any person exercising the power of entry shall, if so required, produce some duly authenticated document showing his authority to do so.
- (8) Any person committing an offence under this section shall be liable on summary conviction to a fine not exceeding level 3 on the standard scale.

87 Welfare of children accommodated in independent schools

- (1) It shall be the duty of—
 - (a) the proprietor of any independent school which provides accommodation for any child; and
 - (b) any person who is not the proprietor of such a school but who is responsible for conducting it,to safeguard and promote the child's welfare.
- (2) Subsection (1) does not apply in relation to a school which is a children's home or a residential care home.
- (3) Where accommodation is provided for a child by an independent school within the area of a local authority, the 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.

- (4) Where a local authority 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 within their area, they shall notify the Secretary of State.
- (5) Any person authorised by a local authority may, for the purpose of enabling the authority to discharge their duty under this section, enter at any reasonable time any independent school within their area which provides accommodation for any child.
- (6) Any person entering an independent school in exercise of the power conferred by subsection (5) may carry out such inspection of premises, children and records as is prescribed by regulations made by the Secretary of State for the purposes of this section.
- (7) Any person exercising that power shall, if asked to do so, produce some duly authenticated document showing his authority to do so.
- (8) Any person authorised by the regulations to inspect records—
 - (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used; or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such assistance as he may reasonably require.
- (9) Any person who intentionally obstructs another in the exercise of any power conferred by this section or the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (10) In this section “proprietor” has the same meaning as in the Education Act 1944.