

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 2008, SCHEDULE 2. (See end of Document for details)

SCHEDULES

SCHEDULE 2

Section 8(3)

TRANSITORY MODIFICATIONS OF SCHEDULE 2 TO THE 1989 ACT

Commencement Information

II Sch. 2 in force at 31.3.2010 for W. by S.I. 2010/749, art. 2(a)

- 1 Paragraph 12 of Schedule 2 to the 1989 Act (regulations as to placing of children with local authority foster parents) has effect as if paragraphs (d) and (g) were omitted.

Commencement Information

I2 Sch. 2 para. 1 in force at 12.2.2009 for E. by S.I. 2009/268, art. 3(1)(b)

- 2 That Schedule has effect as if, after paragraph 12, there were inserted—
- “12A(1) Regulations under section 23(2)(a) may, in particular, also make provision—
- (a) for securing that a child is not placed with a local authority foster parent unless that person is for the time being approved as a local authority foster parent by such local authority as may be prescribed;
 - (b) establishing a procedure under which any person in respect of whom a qualifying determination has been made may apply to the appropriate national authority for a review of that determination by a panel constituted by that national authority.
- (2) A determination is a qualifying determination if—
- (a) it relates to the issue of whether a person should be approved, or should continue to be approved, as a local authority foster parent; and
 - (b) it is of a prescribed description.
- (3) Regulations made by virtue of sub-paragraph (1)(b) may include provision as to—
- (a) the duties and powers of a panel;
 - (b) the administration and procedures of a panel;
 - (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment);
 - (d) the payment of fees to members of a panel;
 - (e) the duties of any person in connection with a review conducted under the regulations;
 - (f) the monitoring of any such reviews.

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- (4) Regulations made by virtue of sub-paragraph (3)(e) may impose a duty to pay to the appropriate national authority such sum as that national authority may determine; but such a duty may not be imposed upon a person who has applied for a review of a qualifying determination.
 - (5) The appropriate national authority must secure that, taking one financial year with another, the aggregate of the sums which become payable to it under regulations made by virtue of sub-paragraph (4) does not exceed the cost to it of performing its independent review functions.
 - (6) The appropriate national authority may make an arrangement with an organisation under which independent review functions are performed by the organisation on the national authority's behalf.
 - (7) If the appropriate national authority makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any general or special directions given by that national authority.
 - (8) The arrangement may include provision for payments to be made to the organisation by the appropriate national authority.
 - (9) Payments made by the appropriate national authority in accordance with such provision shall be taken into account in determining (for the purpose of sub-paragraph (5)) the cost to that national authority of performing its independent review functions.
 - (10) Where the Welsh Ministers are the appropriate national authority, sub-paragraphs (6) and (8) also apply as if references to an organisation included references to the Secretary of State.
 - (11) In this paragraph—
 - “financial year” means a period of twelve months ending with 31st March;
 - “independent review function” means a function conferred or imposed on a national authority by regulations made by virtue of sub-paragraph (1)(b);
 - “organisation” includes a public body and a private or voluntary organisation.
- 12B Regulations under section 23(2)(a) may, in particular, also make provision as to the circumstances in which local authorities may make arrangements for duties imposed on them by the regulations to be discharged on their behalf.”

Commencement Information

I3 Sch. 2 para. 2 in force at 12.2.2009 for E. by S.I. 2009/268, art. 3(1)(b)

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