



# Children and Young Persons Act 2008

## 2008 CHAPTER 23

### PART 2

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

##### *Visiting*

#### 16 Independent visitors for children looked after by a local authority

(1) After section 23ZA of the 1989 Act (which is inserted by section 15) insert—

**“23ZB Independent visitors for children looked after by a local authority**

- (1) A local authority looking after a child must appoint an independent person to be the child’s visitor if—
  - (a) the child falls within a description prescribed in regulations made by the appropriate national authority; or
  - (b) in any other case, it appears to them that it would be in the child’s interests to do so.
- (2) A person appointed under this section must visit, befriend and advise the child.
- (3) A person appointed under this section is entitled to recover from the appointing authority any reasonable expenses incurred by that person for the purposes of that person’s functions under this section.
- (4) A person’s appointment as a visitor in pursuance of this section comes to an end if—
  - (a) the child ceases to be looked after by the local authority;
  - (b) the person resigns the appointment by giving notice in writing to the appointing authority; or
  - (c) the authority give him notice in writing that they have terminated it.

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*Status: This is the original version (as it was originally enacted).*

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- (5) The ending of such an appointment does not affect any duty under this section to make a further appointment.
  - (6) Where a local authority propose to appoint a visitor for a child under this section, the appointment shall not be made if—
    - (a) the child objects to it; and
    - (b) the authority are satisfied that the child has sufficient understanding to make an informed decision.
  - (7) Where a visitor has been appointed for a child under this section, the local authority shall terminate the appointment if—
    - (a) the child objects to its continuing; and
    - (b) the authority are satisfied that the child has sufficient understanding to make an informed decision.
  - (8) If the local authority give effect to a child’s objection under subsection (6) or (7) and the objection is to having anyone as the child’s visitor, the authority does not have to propose to appoint another person under subsection (1) until the objection is withdrawn.
  - (9) The appropriate national authority may make regulations as to the circumstances in which a person is to be regarded for the purposes of this section as independent of the appointing authority.”
- (2) Omit paragraph 17 of Schedule 2 to the 1989 Act.