

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - the Children's Commissioner

Section 115 and Schedule 5: Minor and consequential amendments

Interim Appointments

464. *Paragraph 8* inserts a new paragraph 3A into Schedule 1 to the 2004 Act, which makes provision for appointing an interim Children's Commissioner and sets out the process that should be followed. This provision is introduced as a consequence of removing the requirement on the Commissioner to appoint a Deputy Children's Commissioner and will apply where the current Children's Commissioner resigns, is dismissed (in line with the provisions set out in paragraph 3(7) of Schedule 1 to the 2004 Act), or is otherwise unable to continue in post.
465. Where such a situation arises, a recruitment exercise to appoint a new substantive Children's Commissioner should begin at the earliest opportunity. However, it is possible that recruiting a new substantive Children's Commissioner could take some time and *paragraph 8* therefore provides for the Secretary of State to appoint an interim Children's Commissioner to provide continuity and stability in the intervening period. *Sub-paragraph (2)* provides that the terms and conditions of any interim appointment will be determined by the Secretary of State.
466. *Paragraph 3(3)* provides that the interim appointment should cease either:
- At the point that a new substantive Commissioner is appointed; or,
 - If sooner, 6 months after the date that the interim appointment is made.
467. If, for any reason, the recruitment of a new substantive Commissioner cannot be completed within 6 months, *sub-paragraph (4)* enables the Secretary of State to renew the interim appointment for up to a further 6 months. *Sub-paragraph (4)* also provides that a person who has been appointed as the interim Children's Commissioner can subsequently be appointed as the new substantive Commissioner (following the process required under *paragraph 3* of Schedule 1).
468. *Paragraph 3(5)* and *(6)* make provision in relation to resignation and removal from office of the interim Children's Commissioner which is equivalent to the provision for the Children's Commissioner.