



# Children Act 1989

## 1989 CHAPTER 41

### PART III

#### LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

##### *Supplemental*

#### **26 Review of cases and enquiries into representations**

- (1) The Secretary of State may make regulations requiring the case of each child who is being looked after by a local authority to be reviewed in accordance with the provisions of the regulations.
- (2) The regulations may, in particular, make provision—
  - (a) as to the manner in which each case is to be reviewed;
  - (b) as to the considerations to which the local authority are to have regard in reviewing each case;
  - (c) as to the time when each case is first to be reviewed and the frequency of subsequent reviews;
  - (d) requiring the authority, before conducting any review, to seek the views of—
    - (i) the child;
    - (ii) his parents;
    - (iii) any person who is not a parent of his but who has parental responsibility for him; and
    - (iv) any other person whose views the authority consider to be relevant, including, in particular, the views of those persons in relation to any particular matter which is to be considered in the course of the review;
  - (e) requiring the authority to consider, in the case of a child who is in their care, whether an application should be made to discharge the care order;
  - (f) requiring the authority to consider, in the case of a child in accommodation provided by the authority, whether the accommodation accords with the requirements of this Part;

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- (g) requiring the authority to inform the child, so far as is reasonably practicable, of any steps he may take under this Act;
  - (h) requiring the authority to make arrangements, including arrangements with such other bodies providing services as it considers appropriate, to implement any decision which they propose to make in the course, or as a result, of the review;
  - (i) requiring the authority to notify details of the result of the review and of any decision taken by them in consequence of the review to—
    - (i) the child;
    - (ii) his parents;
    - (iii) any person who is not a parent of his but who has parental responsibility for him; and
    - (iv) any other person whom they consider ought to be notified;
  - (j) requiring the authority to monitor the arrangements which they have made with a view to ensuring that they comply with the regulations.
- (3) Every local authority shall establish a procedure for considering any representations (including any complaint) made to them by—
- (a) any child who is being looked after by them or who is not being looked after by them but is in need;
  - (b) a parent of his;
  - (c) any person who is not a parent of his but who has parental responsibility for him;
  - (d) any local authority foster parent;
  - (e) such other person as the authority consider has a sufficient interest in the child's welfare to warrant his representations being considered by them,
- about the discharge by the authority of any of their functions under this Part in relation to the child.
- (4) The procedure shall ensure that at least one person who is not a member or officer of the authority takes part in—
- (a) the consideration; and
  - (b) any discussions which are held by the authority about the action (if any) to be taken in relation to the child in the light of the consideration.
- (5) In carrying out any consideration of representations under this section a local authority shall comply with any regulations made by the Secretary of State for the purpose of regulating the procedure to be followed.
- (6) The Secretary of State may make regulations requiring local authorities to monitor the arrangements that they have made with a view to ensuring that they comply with any regulations made for the purposes of subsection (5).
- (7) Where any representation has been considered under the procedure established by a local authority under this section, the authority shall—
- (a) have due regard to the findings of those considering the representation; and
  - (b) take such steps as are reasonably practicable to notify (in writing)—
    - (i) the person making the representation;
    - (ii) the child (if the authority consider that he has sufficient understanding); and

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- (iii) such other persons (if any) as appear to the authority to be likely to be affected,  
of the authority's decision in the matter and their reasons for taking that decision and of any action which they have taken, or propose to take.
- (8) Every local authority shall give such publicity to their procedure for considering representations under this section as they consider appropriate.

## **27 Co-operation between authorities**

- (1) Where it appears to a local authority that any authority or other person mentioned in subsection (3) could, by taking any specified action, help in the exercise of any of their functions under this Part, they may request the help of that other authority or person, specifying the action in question.
- (2) An authority whose help is so requested shall comply with the request if it is compatible with their own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions.
- (3) The persons are—
- (a) any local authority,
  - (b) any local education authority;
  - (c) any local housing authority;
  - (d) any health authority; and
  - (e) any person authorised by the Secretary of State for the purposes of this section.
- (4) Every local authority shall assist any local education authority with the provision of services for any child within the local authority's area who has special educational needs.

## **28 Consultation with local education authorities**

- (1) Where—
- (a) a child is being looked after by a local authority; and
  - (b) the authority propose to provide accommodation for him in an establishment at which education is provided for children who are accommodated there,
- they shall, so far as is reasonably practicable, consult the appropriate local education authority before doing so.
- (2) Where any such proposal is carried out, the local authority shall, as soon as is reasonably practicable, inform the appropriate local education authority of the arrangements that have been made for the child's accommodation.
- (3) Where the child ceases to be accommodated as mentioned in subsection (1)(b), the local authority shall inform the appropriate local education authority.
- (4) In this section "the appropriate local education authority" means—
- (a) the local education authority within whose area the local authority's area falls; or,
  - (b) where the child has special educational needs and a statement of his needs is maintained under the Education Act 1981, the local education authority who maintain the statement.

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## **29 Recoupment of cost of providing services etc**

- (1) Where a local authority provide any service under section 17 or 18, other than advice, guidance or counselling, they may recover from a person specified in subsection (4) such charge for the service as they consider reasonable.
- (2) Where the authority are satisfied that that person's means are insufficient for it to be reasonably practicable for him to pay the charge, they shall not require him to pay more than he can reasonably be expected to pay.
- (3) No person shall be liable to pay any charge under section (1) at any time when he is in receipt of income support or family credit under the Social Security Act 1986.
- (4) The persons are—
  - (a) where the service is provided for a child under sixteen, each of his parents;
  - (b) where it is provided for a child who has reached the age of sixteen, the child himself; and
  - (c) where it is provided for a member of the child's family, that member.
- (5) Any charge under subsection (1) may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.
- (6) Part III of Schedule 2 makes provision in connection with contributions towards the maintenance of children who are being looked after by local authorities and consists of the re-enactment with modifications of provisions in Part V of the Child Care Act 1980.
- (7) Where a local authority provide any accommodation under section 20(1) for a child who was (immediately before they began to look after him) ordinarily resident within the area of another local authority, they may recover from that other authority any reasonable expenses incurred by them in providing the accommodation and maintaining him.
- (8) Where a local authority provide accommodation under section 21(1) or (2)(a) or (b) for a child who is ordinarily resident within the area of another local authority and they are not maintaining him in—
  - (a) a community home provided by them;
  - (b) a controlled community home; or
  - (c) a hospital vested in the Secretary of State,they may recover from that other authority any reasonable expenses incurred by them in providing the accommodation and maintaining him.
- (9) Where a local authority comply with any request under section 27(2) in relation to a child or other person who is not ordinarily resident within their area, they may recover from the local authority in whose area the child or person is ordinarily resident any expenses reasonably incurred by them in respect of that person.

## **30 Miscellaneous**

- (1) Nothing in this Part shall affect any duty imposed on a local authority by or under any other enactment.
- (2) Any question arising under section 20(2), 21(3) or 29(7) to (9) as to the ordinary residence of a child shall be determined by agreement between the local authorities concerned or, in default of agreement, by the Secretary of State.

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- (3) Where the functions conferred on a local authority by this Part and the functions of a local education authority are concurrent, the Secretary of State may by regulations provide by which authority the functions are to be exercised.
- (4) The Secretary of State may make regulations for determining, as respects any local education authority functions specified in the regulations, whether a child who is being looked after by a local authority is to be treated, for purposes so specified, as a child of parents of sufficient resources or as a child of parents without resources.