



# Children Act 1989

## 1989 CHAPTER 41

### PART III

#### [<sup>F1</sup>SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

#### [<sup>F1</sup>Visiting

##### Textual Amendments

- F1** S. 23ZA and cross-heading inserted (1.9.2009 and 15.11.2010 for certain purposes for E., 26.4.2010 for certain purposes for W., 28.3.2011 for W. otherwise, 1.4.2011 for E. otherwise) by [Children and Young Persons Act 2008 \(c. 23\)](#), [ss. 15, 44](#); [S.I. 2009/2273](#), [art. 2\(2\)\(d\)](#); [S.I. 2010/1326](#), [art. 2\(d\)](#); [S.I. 2010/2714](#), [art. 2\(d\)](#); [S.I. 2010/2981](#), [art. 4\(d\)](#) (with [art. 5](#)); [S.I. 2011/949](#), [art. 3\(1\)\(a\)](#)

#### **23ZA Duty of local authority to ensure visits to, and contact with, looked after children and others**

- (1) This section applies to—
  - (a) a child looked after by a local authority;
  - (b) a child who was looked after by a local authority but who has ceased to be looked after by them as a result of prescribed circumstances.
- (2) It is the duty of the local authority—
  - (a) to ensure that a person to whom this section applies is visited by a representative of the authority (“a representative”);
  - (b) to arrange for appropriate advice, support and assistance to be available to a person to whom this section applies who seeks it from them.
- (3) The duties imposed by subsection (2)—
  - (a) are to be discharged in accordance with any regulations made for the purposes of this section by the [<sup>F2</sup>Secretary of State];

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**Changes to legislation:** Children Act 1989, Cross Heading: Visiting is up to date with all changes known to be in force on or before 27 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

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- (b) are subject to any requirement imposed by or under an enactment applicable to the place in which the person to whom this section applies is accommodated.
- (4) Regulations under this section for the purposes of subsection (3)(a) may make provision about—
  - (a) the frequency of visits;
  - (b) circumstances in which a person to whom this section applies must be visited by a representative; and
  - (c) the functions of a representative.
- (5) In choosing a representative a local authority must satisfy themselves that the person chosen has the necessary skills and experience to perform the functions of a representative.

#### Textual Amendments

**F2** Words in s. 23ZA(3)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [72](#)

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

**F3** **23ZB**

- (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 <sup>F4</sup>Secretary of State; 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.
- (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

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- (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 [<sup>F5</sup>Secretary of State] 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.]]

#### Textual Amendments

- F3** S. 23ZB inserted (1.9.2009 for E. for specified purposes, 26.4.2010 for W. for specified purposes, 1.4.2011 for E. so far as not already in force, 6.4.2016 for W. in so far as not already in force) by [Children and Young Persons Act 2008 \(c. 23\)](#), **ss. 16(1)**, 44(4); S.I. 2009/2273, art. 2(2)(e); S.I. 2010/1329, art. 2(e); S.I. 2010/2981, art. 4(e); S.I. 2016/452, art. 2(d)
- F4** Words in s. 23ZB(1)(a) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **73(a)**
- F5** Words in s. 23ZB(9) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **73(b)**

**Changes to legislation:**

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)