



Children Act 1989

1989 CHAPTER 41

PART XI

SECRETARY OF STATE'S SUPERVISORY FUNCTIONS AND RESPONSIBILITIES

80 Inspection of children's homes etc. by persons authorised by Secretary of State

- (1) The Secretary of State may cause to be inspected from time to time any—
- (a) children's home;
 - (b) premises in which a child who is being looked after by a local authority is living;
 - (c) premises in which a child who is being accommodated by or on behalf of a local education authority or voluntary organisation is living;
 - (d) premises in which a child who is being accommodated by or on behalf of a health authority is living;
 - (e) premises in which a child is living with a person with whom he has been placed by an adoption agency;
 - (f) premises in which a child who is a protected child is, or will be, living;
 - (g) premises in which a privately fostered child, or child who is treated as a foster child by virtue of paragraph 9 of Schedule 8, is living or in which it is proposed that he will live;
 - (h) premises on which any person is acting as a child minder;
 - (i) premises with respect to which a person is registered under section 71(1)(b);
 - (j) residential care home, nursing home or mental nursing home required to be registered under the Registered Homes Act 1984 and used to accommodate children;
 - (k) premises which are provided by a local authority and in which any service is provided by that authority under Part III;
 - (l) independent school providing accommodation for any child;

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- (2) An inspection under this section shall be conducted by a person authorised to do so by the Secretary of State.
- (3) An officer of a local authority shall not be so authorised except with the consent of that authority.
- (4) The Secretary of State may require any person of a kind mentioned in subsection (5) to furnish him with such information, or allow him to inspect such records (in whatever form they are held), relating to—
 - (a) any premises to which subsection (1) or, in relation to Scotland, subsection (1) (h) or (i) applies;
 - (b) any child who is living in any such premises;
 - (c) the discharge by the Secretary of State of any of his functions under this Act; or
 - (d) the discharge by any local authority of any of their functions under this Act, as the Secretary of State may at any time direct.
- (5) The persons are any—
 - (a) local authority;
 - (b) voluntary organisation;
 - (c) person carrying on a children’s home;
 - (d) proprietor of an independent school;
 - (e) person fostering any privately fostered child or providing accommodation for a child on behalf of a local authority, local education authority, health authority or voluntary organisation;
 - (f) local education authority providing accommodation for any child;
 - (g) person employed in a teaching or administrative capacity at any educational establishment (whether or not maintained by a local education authority) at which a child is accommodated on behalf of a local authority or local education authority;
 - (h) person who is the occupier of any premises in which any person acts as a child minder (within the meaning of Part X) or provides day care for young children (within the meaning of that Part);
 - (i) person carrying on any home of a kind mentioned in subsection (1)(j).
- (6) Any person inspecting any home or other premises under this section may—
 - (a) inspect the children there; and
 - (b) make such examination into the state and management of the home or premises and the treatment of the children there as he thinks fit.
- (7) Any person authorised by the Secretary of State to exercise the power to inspect records conferred by subsection (4)—
 - (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used; or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material, to afford him such reasonable assistance as he may require.

- (8) A person authorised to inspect any premises under this section shall have a right to enter the premises for that purpose, and for any purpose specified in subsection (4), at any reasonable time.
- (9) Any person exercising that power shall, if so required, produce some duly authenticated document showing his authority to do so.
- (10) Any person who intentionally obstructs another in the exercise of that power shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) The Secretary of State may by order provide for subsections (1), (4) and (6) not to apply in relation to such homes, or other premises, as may be specified in the order.
- (12) Without prejudice to section 104, any such order may make different provision with respect to each of those subsections.

81 Inquiries

- (1) The Secretary of State may cause an inquiry to be held into any matter connected with—
 - (a) the functions of the social services committee of a local authority, in so far as those functions relate to children;
 - (b) the functions of an adoption agency;
 - (c) the functions of a voluntary organisation, in so far as those functions relate to children;
 - (d) a registered children’s home or voluntary home;
 - (e) a residential care home, nursing home or mental nursing home, so far as it provides accommodation for children;
 - (f) a home provided by the Secretary of State under section 82(5);
 - (g) the detention of a child under section 53 of the Children and Young Persons Act 1933.
- (2) Before an inquiry is begun, the Secretary of State may direct that it shall be held in private.
- (3) Where no direction has been given, the person holding the inquiry may if he thinks fit hold it, or any part of it, in private.
- (4) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section.
- (5) In this section “functions” includes powers and duties which a person has otherwise than by virtue of any enactment.

82 Financial support by Secretary of State

- (1) The Secretary of State may (with the consent of the Treasury) defray or contribute towards—
 - (a) any fees or expenses incurred by any person undergoing approved child care training;

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- (b) any fees charged, or expenses incurred, by any person providing approved child care training or preparing material for use in connection with such training; or
 - (c) the cost of maintaining any person undergoing such training.
- (2) The Secretary of State may make grants to local authorities in respect of expenditure incurred by them in providing secure accommodation in community homes other than assisted community homes.
- (3) Where—
- (a) a grant has been made under subsection (2) with respect to any secure accommodation; but
 - (b) the grant is not used for the purpose for which it was made or the accommodation is not used as, or ceases to be used as, secure accommodation,
- the Secretary of State may (with the consent of the Treasury) require the authority concerned to repay the grant, in whole or in part.
- (4) The Secretary of State may make grants to voluntary organisations towards—
- (a) expenditure incurred by them in connection with the establishment, maintenance or improvement of voluntary homes which, at the time when the expenditure was incurred—
 - (i) were assisted community homes; or
 - (ii) were designated as such; or
 - (b) expenses incurred in respect of the borrowing of money to defray any such expenditure.
- (5) The Secretary of State may arrange for the provision, equipment and maintenance of homes for the accommodation of children who are in need of particular facilities and services which—
- (a) are or will be provided in those homes; and
 - (b) in the opinion of the Secretary of State, are unlikely to be readily available in community homes.
- (6) In this Part—
- “child care training” means training undergone by any person with a view to, or in the course of—
- (a) his employment for the purposes of any of the functions mentioned in section 83(9) or in connection with the adoption of children or with the accommodation of children in a residential care home, nursing home or mental nursing home; or
 - (b) his employment by a voluntary organisation for similar purposes;
- “approved child care training” means child care training which is approved by the Secretary of State; and
- “secure accommodation” means accommodation provided for the purpose of restricting the liberty of children.
- (7) Any grant made under this section shall be of such amount, and shall be subject to such conditions, as the Secretary of State may (with the consent of the Treasury) determine.

83 Research and returns of information

- (1) The Secretary of State may conduct, or assist other persons in conducting, research into any matter connected with—
 - (a) his functions, or the functions of local authorities, under the enactments mentioned in subsection (9);
 - (b) the adoption of children; or
 - (c) the accommodation of children in a residential care home, nursing home or mental nursing home.
- (2) Any local authority may conduct, or assist other persons in conducting, research into any matter connected with—
 - (a) their functions under the enactments mentioned in subsection (9);
 - (b) the adoption of children; or
 - (c) the accommodation of children in a residential care home, nursing home or mental nursing home.
- (3) Every local authority shall, at such times and in such form as the Secretary of State may direct, transmit to him such particulars as he may require with respect to—
 - (a) the performance by the local authority of all or any of their functions—
 - (i) under the enactments mentioned in subsection (9); or
 - (ii) in connection with the accommodation of children in a residential care home, nursing home or mental nursing home; and
 - (b) the children in relation to whom the authority have exercised those functions.
- (4) Every voluntary organisation shall, at such times and in such form as the Secretary of State may direct, transmit to him such particulars as he may require with respect to children accommodated by them or on their behalf.
- (5) The Secretary of State may direct the clerk of each magistrates' court to which the direction is expressed to relate to transmit—
 - (a) to such person as may be specified in the direction; and
 - (b) at such times and in such form as he may direct,such particulars as he may require with respect to proceedings of the court which relate to children.
- (6) The Secretary of State shall in each year lay before Parliament a consolidated and classified abstract of the information transmitted to him under subsections (3) to (5).
- (7) The Secretary of State may institute research designed to provide information on which requests for information under this section may be based.
- (8) The Secretary of State shall keep under review the adequacy of the provision of child care training and for that purpose shall receive and consider any information from or representations made by—
 - (a) the Central Council for Education and Training in Social Work;
 - (b) such representatives of local authorities as appear to him to be appropriate; or
 - (c) such other persons or organisations as appear to him to be appropriate,concerning the provision of such training.
- (9) The enactments are—
 - (a) this Act;

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- (b) the Children and Young Persons Acts 1933 to 1969;
- (c) section 116 of the Mental Health Act 1983 (so far as it relates to children looked after by local authorities);
- (d) section 10 of the Mental Health (Scotland) Act 1984 (so far as it relates to children for whom local authorities have responsibility).

84 Local authority failure to comply with statutory duty: default power of Secretary of State

- (1) If the Secretary of State is satisfied that any local authority has failed, without reasonable excuse, to comply with any of the duties imposed on them by or under this Act he may make an order declaring that authority to be in default with respect to that duty.
- (2) An order under subsection (1) shall give the Secretary of State’s reasons for making it.
- (3) An order under subsection (1) may contain such directions for the purpose of ensuring that the duty is complied with, within such period as may be specified in the order, as appear to the Secretary of State to be necessary.
- (4) Any such direction shall, on the application of the Secretary of State, be enforceable by mandamus.