



Children Act 1989

1989 CHAPTER 41

PART VIII

REGISTERED CHILDREN'S HOMES

65 2 Persons disqualified from carrying on, or being employed in children's homes.

[^{F1}(A1) A person ("P") who is disqualified (under section 68) from fostering a child privately must not carry on, or be otherwise concerned in the management of, or have any financial interest in, a children's home in England unless—

- (a) P has, within the period of 28 days beginning with the day on which P became aware of P's disqualification, disclosed to the appropriate authority the fact that P is so disqualified, and
- (b) P has obtained the appropriate authority's written consent.

(A2) A person ("E") must not employ a person ("P") who is so disqualified in a children's home in England unless—

- (a) E has, within the period of 28 days beginning with the day on which E became aware of P's disqualification, disclosed to the appropriate authority the fact that P is so disqualified, and
- (b) E has obtained the appropriate authority's written consent.]

(1) A person who is disqualified (under section 68) from fostering a child privately shall not carry on, or be otherwise concerned in the management of, or have any financial interest in a children's home [^{F2}in Wales] unless he has—

- (a) disclosed to [^{F3}the appropriate authority] the fact that he is so disqualified; and
- (b) obtained [^{F3}its] written consent.

(2) No person shall employ a person who is so disqualified in a children's home [^{F4}in Wales] unless he has—

- (a) disclosed to [^{F3}the appropriate authority] the fact that that person is so disqualified; and
- (b) obtained [^{F3}its] written consent.

Changes to legislation: Children Act 1989, Section 65 is up to date with all changes known to be in force on or before 19 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

- (3) Where [^{F5}the appropriate authority refuses to give its consent under this section, it] shall inform the applicant by a written notice which states—
- (a) the reason for the refusal;
 - [^{F6}(b) the applicant’s right to appeal under section 65A against the refusal to the [^{F7}First-tier Tribunal]]
 - (c) the time within which he may do so.
- (4) Any person who contravenes subsection [^{F8}(A1), (A2),] (1) or (2) shall be guilty of an offence and liable on summary conviction to imprisonment for a term not exceeding six months or to a fine not exceeding level 5 on the standard scale or to both.
- (5) Where a person contravenes subsection [^{F9}(A2) or] (2) he shall not be guilty of an offence if he proves that he did not know, and had no reasonable grounds for believing, that the person whom he was employing was disqualified under section 68.
- [^{F10}(6) In this section and section 65A “appropriate authority” means—
- (a) in relation to England, the [^{F11}Her Majesty’s Chief Inspector of Education, Children’s Services and Skills]; and
 - (b) in relation to Wales, the National Assembly for Wales.]

Textual Amendments

- F1** S. 65(A1)(A2) inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 105(2)**, 139(6); S.I. 2015/375, art. 2(d)
- F2** Words in s. 65(1) inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 105(3)**, 139(6); S.I. 2015/375, art. 2(d)
- F3** Words in s. 65(1)(a)(b)(2)(a)(b) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(13)(a)**; S.I. 2002/1493, **art. 3(2)(b)** (subject to transitional provisions in art. 4); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F4** Words in s. 65(2) inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 105(4)**, 139(6); S.I. 2015/375, art. 2(d)
- F5** Words in s. 65(3) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(13)(b)**; S.I. 2002/1493, **art. 3(2)(b)** (subject to transitional provisions in art. 4); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F6** S. 65(3)(b) substituted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(13)(c)**; S.I. 2002/1493, **art. 3(2)(b)** (subject to transitional provisions in art. 4); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F7** Words in s. 65(3)(b) substituted (3.11.2008) by [The Transfer of Tribunal Functions Order 2008 \(S.I. 2008/2833\)](#), art. 6, **Sch. 3 para. 72**
- F8** Words in s. 65(4) inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 105(5)**, 139(6); S.I. 2015/375, art. 2(d)
- F9** Words in s. 65(5) inserted (1.4.2015) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 105(6)**, 139(6); S.I. 2015/375, art. 2(d)
- F10** S. 65(6) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(13)(d)**; S.I. 2002/1493, **art. 3(2)(b)** (subject to transitional provisions in art. 4); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F11** Words in s. 65(6)(a) substituted (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), ss. 157, 188, **Sch. 14 para. 12**; S.I. 2007/935, **art. 5(gg)**

Modifications etc. (not altering text)

- C1** S. 65: transfer of functions (1.4.2007) by [Education and Inspections Act 2006 \(c. 40\)](#), **ss. 148(3)**, 188; S.I. 2007/935, **art. 5(u)**

Changes to legislation: Children Act 1989, Section 65 is up to date with all changes known to be in force on or before 19 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](#)

Commencement Information

II S. 65 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, [art. 3\(2\)](#)

Changes to legislation:

Children Act 1989, Section 65 is up to date with all changes known to be in force on or before 19 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.

[View outstanding changes](#)

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)