



# Education and Inspections Act 2006

## 2006 CHAPTER 40

### PART 8

#### INSPECTIONS

#### CHAPTER 5

##### INSPECTION OF CAFCASS FUNCTIONS

#### **143 Inspection of CAFCASS functions**

- (1) The Chief Inspector must inspect the performance of CAFCASS functions.
- (2) On completing an inspection under this section, the Chief Inspector must make a written report on it.
- (3) The Chief Inspector must send copies of the report to—
  - (a) the Secretary of State, and
  - (b) CAFCASS.
- (4) The Chief Inspector must arrange for the report to be published in such manner as he considers appropriate.
- (5) In this Chapter—
  - (a) “CAFCASS” means the Children and Family Court Advisory and Support Service, and
  - (b) “CAFCASS functions” means the functions of CAFCASS and its officers.

#### **144 Power of entry**

- (1) This section applies to an inspection conducted by the Chief Inspector under section 143.

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- (2) The Chief Inspector may, at any reasonable time, enter for the purposes of the inspection—
  - (a) any premises occupied by CAF/CASS,
  - (b) any premises occupied by any organisation with whom arrangements have been made under section 13 of the 2000 Act (other powers of CAF/CASS) in respect of the performance of any CAF/CASS functions, and so occupied in connection with the performance of any such functions, or
  - (c) any premises occupied by any individual in connection with the performance of functions of an officer of the Service in accordance with arrangements under that section.
- (3) Subsection (2) does not confer a power of entry to any part of any domestic premises.
- (4) In this section and section 145 “officer of the Service” is to be construed in accordance with section 11(3) of the 2000 Act (establishment of CAF/CASS).
- (5) In this section “the 2000 Act” means the Criminal Justice and Court Services Act 2000 (c. 43).

#### **145 Power to inspect documents, etc.**

- (1) This section applies to any inspection conducted by the Chief Inspector under section 143.
- (2) If the Chief Inspector considers it necessary or expedient for the purposes of the inspection, he may inspect, take copies of, or take away any documents kept by CAF/CASS, or otherwise relating to the performance of CAF/CASS functions, which—
  - (a) are on any premises in relation to which he exercises his power of entry under section 144, or
  - (b) are kept by an officer of the Service on domestic premises.
- (3) The power in subsection (2) includes—
  - (a) power to require any person holding or accountable for any documents kept on the premises to produce them, and
  - (b) in relation to documents kept by means of a computer, power to require them to be produced in a form in which they are legible and can be taken away.
- (4) In connection with inspecting any such documents the Chief Inspector—
  - (a) may obtain access to, and inspect and check the operation of, any computer and associated apparatus or material which he considers is or has been in use in connection with the documents; and
  - (b) may require a person within subsection (6) to afford him such reasonable assistance as he may require for that purpose.
- (5) Where any such computer, apparatus or material is kept on domestic premises—
  - (a) subsection (4) does not apply, but
  - (b) the Chief Inspector may require a person within subsection (6) to give him possession of it for the purpose of inspecting it and checking its operation.
- (6) A person is within this subsection if he is—
  - (a) the person by whom or on whose behalf the computer is or has been used, or

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- (b) a person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material.
- (7) Where the Chief Inspector takes possession of anything under subsection (5)—
- (a) he may retain it for as long as he considers that it is necessary to retain it for the purposes of the inspection under section 143, but
  - (b) once he considers that it is no longer necessary to retain it for those purposes, he must arrange for it to be returned to the person from whose possession it was taken.
- (8) The powers conferred by this section may be exercised by the Chief Inspector at reasonable times only; and a person may not be required to do anything in pursuance of any provision of this section otherwise than at a reasonable time.