



Children and Young Persons Act 2008

CHAPTER 23

CHILDREN AND YOUNG PERSONS ACT 2008

PART 1

DELIVERY OF SOCIAL WORK SERVICES FOR CHILDREN AND YOUNG PERSONS

- 1 Power to enter into arrangements for discharge of care functions
- 2 Restrictions on arrangements under section 1
- 3 Effect of arrangements under section 1
- 4 Regulation of providers of social work services
- 5 Functions under this Part to be social services functions
- 6 Piloting and expiry of arrangements under this Part

PART 2

FUNCTIONS IN RELATION TO CHILDREN AND YOUNG PERSONS

Well-being

- 7 Well-being of children and young persons

Accommodation

- 8 Provision of accommodation and maintenance for children who are looked after by a local authority
- 9 General duty of local authority to secure sufficient accommodation

Independent reviewing officers

- 10 Independent reviewing officers
- 11 Power to make further provision concerning independent reviewing officers: England

Changes to legislation: Children and Young Persons Act 2008 is up to date with all changes known to be in force on or before 28 April 2023. 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

- 12 Power to make further provision concerning independent reviewing officers: Wales
- 13 Orders under sections 11 and 12: supplementary provisions
- 14 Expiry of powers conferred by sections 11 and 12

Visiting

- 15 Duty of local authority to ensure visits to looked after children and others
- 16 Independent visitors for children looked after by a local authority
- 17 Children in long-term care: notification to appropriate officer etc
- 18 Visits to children in long-term care

Provision of support services for certain children

- 19 Support for accommodated children

Education and training

- 20 Designated member of staff at school for pupils looked after by a local authority
- 20A Designated staff member for previously looked after pupils
- 21 Entitlement to payment in respect of higher education
- 22 Assistance to pursue education or training
- 23 Extension of entitlements to personal adviser and to assistance in connection with education or training

Cash payments

- 24 Extension of power to make payments in cash

Care breaks

- 25 Breaks from caring for disabled children

Enforcement of care standards

- 26 Power of Chief Inspector where person is failing to comply with requirement relating to children's home etc.
- 27 Notice restricting accommodation at certain establishments
- 28 Appeals etc. in relation to notices under section 22B of the 2000 Act
- 29 Notification of matters relating to persons carrying on or managing children's homes etc.

Emergency protection orders

- 30 Removal of restriction on hearing of application for discharge of emergency protection order

Information and research

- 31 Supply of information concerning the death of children to Local Safeguarding Children Boards in England and Safeguarding Children Boards in Wales
- 32 Power of Registrar General to supply information to national authorities
- 33 Research etc. into matters connected with certain statutory functions

Changes to legislation: Children and Young Persons Act 2008 is up to date with all changes known to be in force on or before 28 April 2023. 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

PART 3

ADOPTION AND FOSTERING

- 34 Independent review of determinations relating to adoption
- 35 Extension of period allowed for making regulations under section 45 or 46 of the Children Act 2004

PART 4

ORDERS UNDER PART 2 OF THE 1989 ACT

Residence orders

- 36 Entitlement of relative to apply for a residence order
- 37 Duration of residence orders

Special guardianship orders

- 38 Entitlement of relative to apply for a special guardianship order

PART 5

SUPPLEMENTARY, GENERAL AND FINAL PROVISIONS

Supplementary

- 39 Minor and supplementary amendments to the 1989 Act

General

- 40 Orders, regulations and guidance
- 41 Interpretation
- 42 Repeals

Final

- 43 Extent
- 44 Commencement
- 45 Short title

SCHEDULES

SCHEDULE 1 — Children looked after by local authorities: supplementary and consequential provisions

The 1989 Act

- 1 In section 17(5)(a) of the 1989 Act (facilitation of provision...
- 2 (1) Section 59 of that Act (accommodation by voluntary organisations)...
- 3 (1) Section 105(1) of that Act (interpretation of certain expressions)...
- 4 In Part 2 of Schedule 2 to that Act (children...
- 5 In paragraph 21(5) of that Schedule (liability to contribute towards...
- 6 In paragraph 9 of Schedule 8 (accommodation of children during...
- 7 In paragraph 2(1) of Schedule 9A (exemption of certain establishments...

Changes to legislation: Children and Young Persons Act 2008 is up to date with all changes known to be in force on or before 28 April 2023. 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

Criminal Justice Act 1991 (c. 53)

- 8 (1) Section 61 of the Criminal Justice Act 1991 (provision...

Children (Scotland) Act 1995 (c. 36)

- 9 In section 26 of the Children (Scotland) Act 1995 (manner...

Powers of Criminal Courts (Sentencing) Act 2000 (c. 6)

- 10 In paragraph 5A(3) of Schedule 6 to the Powers of...

Care Standards Act 2000 (c. 14)

- 11 In section 22 of the Care Standards Act 2000 (regulation...
 12 In section 31 of that Act (inspection of establishments and...
 13 In section 43(1) (local authority services: meaning of “relevant adoption...

Adoption and Children Act 2002 (c. 38)

- 14 In Schedule 6 to the Adoption and Children Act 2002...

Sexual Offences Act 2003 (c. 42)

- 15 In section 21 of the Sexual Offences Act 2003 (positions...
 16 In section 27 of that Act (family relationships) in subsection...

Children Act 2004 (c. 31)

- 17 In section 49(1)(a) of the Children Act 2004 (payments to...

Income Tax (Trading and Other Income) Act 2005 (c. 5)

- 18 (1) Section 806 of the Income Tax (Trading and Other...

Childcare Act 2006 (c. 21)

- 19 (1) Section 18 of the Childcare Act 2006 (meaning of...

Safeguarding Vulnerable Groups Act 2006 (c. 47)

- 20 In section 53(7)(a) of the Safeguarding Vulnerable Groups Act 2006...

Criminal Justice and Immigration Act 2008

- 21 In paragraph 18(3) of Schedule 1 to the Criminal Justice...

SCHEDULE 2 — Transitory modifications of Schedule 2 to the 1989 Act

- 1 Paragraph 12 of Schedule 2 to the 1989 Act (regulations...
 2 That Schedule has effect as if, after paragraph 12, there...

SCHEDULE 3 — Minor and supplementary amendments to the 1989 Act

- 1 The 1989 Act is amended in accordance with this Schedule...
 2 In section 17(4) for “Secretary of State” substitute “appropriate national...
 3 In section 17A(1) for “Secretary of State” substitute “appropriate national...

Changes to legislation: Children and Young Persons Act 2008 is up to date with all changes known to be in force on or before 28 April 2023. 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

- 4 In section 17B(1) for “Secretary of State” substitute “appropriate national...
- 5 In section 21(3), after “Secretary of State” insert “, the...
- 6 In section 22(7)— (a) for “Secretary of State” substitute “appropriate...
- 7 (1) Section 23 is amended as follows.
- 8 (1) Section 23A is amended as follows.
- 9 (1) Section 23B is amended as follows.
- 10 In section 23D, in subsections (1) and (2), for “Secretary...
- 11 In section 23E(2) for “Secretary of State” substitute “appropriate national...
- 12 In section 24(5)(za) for “Secretary of State” substitute “appropriate national...
- 13 In section 24B(6) for “Secretary of State” substitute “appropriate national...
- 14 In section 24D, in subsections (1A) and (2), for “Secretary...
- 15 In section 25, in subsections (2) and (7), for “Secretary...
- 16 (1) Section 26 is amended as follows.
- 17 In section 26ZB(1) for “Secretary of State” substitute “Welsh Ministers...
- 18 In section 26A, in each of subsections (3)(a) and (4),...
- 19 In section 27(3)(e) for “Secretary of State” substitute “appropriate national...
- 20 In section 29(8)(c) after “Secretary of State” insert “, the...
- 21 (1) Section 30 is amended as follows.
- 22 After section 30 insert— Meaning of appropriate national authority In this Part “ the appropriate national authority ” means—...
- 23 (1) Section 59 is amended as follows.
- 24 In section 62(3) for “Secretary of State” substitute “ appropriate...
- 25 (1) Section 104 is amended as follows.
- 26 After section 104 insert— Regulations and orders made by the...
- 27 (1) Schedule 2 is amended as follows.
- 28 In paragraph 7 of Schedule 5 for “Secretary of State”...

SCHEDULE 4 — Repeals

Changes to legislation:

Children and Young Persons Act 2008 is up to date with all changes known to be in force on or before 28 April 2023. 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 :

- Pt. 1 repealed by [2008 c. 23 Sch. 4](#)
- s. 1-5 cease to have effect (cond.) by [2008 c. 23 s. 6\(3\)-\(5\)Sch. 4](#)
- s. 11 repealed (cond.) by [2008 c. 23 s. 14\(1\)\(3\)Sch. 4](#) (This amendment not applied to legislation.gov.uk. Ss. 11-14 were never brought into force within the 7 year period from the date of Royal Assent)
- s. 12 repealed (cond.) by [2008 c. 23 s. 14\(2\)\(3\)Sch. 4](#) (This amendment not applied to legislation.gov.uk. Ss. 11-14 were never brought into force within the 7 year period from the date of Royal Assent)
- s. 13 repealed in part (cond.) by [2008 c. 23 s. 14Sch. 4](#) (This amendment not applied to legislation.gov.uk. Ss. 11-14 were never brought into force within the 7 year period from the date of Royal Assent)