



Children and Young Persons Act 2008

2008 CHAPTER 23

PART 2

FUNCTIONS IN RELATION TO CHILDREN AND YOUNG PERSONS

Independent reviewing officers

10 Independent reviewing officers

(1) After section 25 of the 1989 Act insert—

“Independent reviewing officers

25A Appointment of independent reviewing officer

- (1) If a local authority are looking after a child, they must appoint an individual as the independent reviewing officer for that child's case.
- (2) The initial appointment under subsection (1) must be made before the child's case is first reviewed in accordance with regulations made under section 26.
- (3) If a vacancy arises in respect of a child's case, the local authority must make another appointment under subsection (1) as soon as is practicable.
- (4) An appointee must be of a description prescribed in regulations made by the appropriate national authority.

25B Functions of the independent reviewing officer

- (1) The independent reviewing officer must—
 - (a) monitor the performance by the local authority of their functions in relation to the child's case;

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 2008, Section 10. (See end of Document for details)

- (b) participate, in accordance with regulations made by the appropriate national authority, in any review of the child's case;
 - (c) ensure that any ascertained wishes and feelings of the child concerning the case are given due consideration by the local authority;
 - (d) perform any other function which is prescribed in regulations made by the appropriate national authority.
- (2) An independent reviewing officer's functions must be performed—
- (a) in such manner (if any) as may be prescribed in regulations made by the appropriate national authority; and
 - (b) having regard to such guidance as that authority may issue in relation to the discharge of those functions.
- (3) If the independent reviewing officer considers it appropriate to do so, the child's case may be referred by that officer to—
- (a) an officer of the Children and Family Court Advisory and Support Service; or
 - (b) a Welsh family proceedings officer.
- (4) If the independent reviewing officer is not an officer of the local authority, it is the duty of the authority—
- (a) to co-operate with that individual; and
 - (b) to take all such reasonable steps as that individual may require of them to enable that individual's functions under this section to be performed satisfactorily.”
- (2) After section 25B of that Act (which is inserted by subsection (1)) insert—

“25C Referred cases

- (1) In relation to children whose cases are referred to officers under section 25B(3), the Lord Chancellor may by regulations—
- (a) extend any functions of the officers in respect of family proceedings (within the meaning of section 12 of the Criminal Justice and Court Services Act 2000) to other proceedings;
 - (b) require any functions of the officers to be performed in the manner prescribed by the regulations.
- (2) The power to make regulations in this section is exercisable in relation to functions of Welsh family proceedings officers only with the consent of the Welsh Ministers.”
- (3) In section 26 of that Act omit—
- (a) subsection (2)(k);
 - (b) subsections (2A) to (2D).

Commencement Information

- I1** S. 10(1) in force at 1.9.2009 for specified purposes for E. by S.I. 2009/2273, art. 2(2)(c)
- I2** S. 10(1) in force at 26.4.2010 for specified purposes for W. by S.I. 2010/1329, art. 2(c)
- I3** S. 10(1) in force at 1.4.2011 for E. so far as not already in force by S.I. 2010/2981, art. 4(c) (with art. 5)

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- 14** S. 10(1) in force at 6.4.2016 for W. in so far as not already in force by S.I. 2016/452, **art. 2(c)**
- 15** S. 10(2)(3) in force at 1.4.2011 for E. by S.I. 2010/2981, **art. 4(c)** (with art. 5)
- 16** S. 10(2) in force at 1.12.2017 for W. by S.I. 2017/948, **art. 2(b)**
- 17** S. 10(3) in force at 6.4.2016 for W. by S.I. 2016/452, **art. 2(c)** (with art. 3)

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons Act 2008, Section 10.