



Children and Young Persons Act 2008

2008 CHAPTER 23

PART 2

FUNCTIONS IN RELATION TO CHILDREN AND YOUNG PERSONS

Enforcement of care standards

26 Power of Chief Inspector where person is failing to comply with requirement relating to children's home etc.

(1) In section 14(1) of the 2000 Act (cancellation of registration) after paragraph (c) insert—

“(ca) on the ground that—

(i) a notice under section 22A relating to the establishment or agency has been served on that person or any other person; and

(ii) the person on whom the notice was served has failed to take the steps specified in that notice within the period so specified;”.

(2) After section 22 of that Act insert—

“22A Power of CIECSS to serve notice where person is failing to comply with regulations

(1) This section applies if—

(a) a person (“P”) is registered in respect of a relevant establishment or agency; and

(b) the CIECSS is of the opinion that P is failing or has failed to comply with a requirement imposed on P in relation to that establishment or agency.

(2) The CIECSS may serve a compliance notice on P.

Changes to legislation: There are currently no known outstanding effects for the Children and Young Persons Act 2008, Section 26. (See end of Document for details)

- (3) A compliance notice is a notice which—
- (a) states that the CIECSS is of the opinion mentioned in subsection (1) (b);
 - (b) specifies the requirement with which the CIECSS considers P is failing or has failed to comply;
 - (c) specifies how the CIECSS considers that P is failing or has failed to comply with that requirement;
 - (d) specifies the establishment or agency in relation to which the CIECSS considers P is failing or has failed to comply with that requirement;
 - (e) specifies the steps the CIECSS considers need to be taken by P in relation to that establishment or agency to comply with that requirement or (as the case may be) to prevent a recurrence of the failure to comply with that requirement;
 - (f) specifies a period for the taking of those steps; and
 - (g) explains the effect of subsections (4) and (5).
- (4) Failing to take the steps specified in a compliance notice within the period so specified is an offence.
- (5) A person guilty of an offence under subsection (4) is liable on summary conviction to a fine not exceeding level 5 on the standard scale.
- (6) In this section—
- (a) a “relevant establishment or agency” means an establishment or agency in relation to which the functions of the registration authority under section 13 are exercisable by the CIECSS;
 - (b) references to a “requirement” are references to a requirement imposed by regulations under—
 - (i) section 22;
 - (ii) section 9 of the Adoption Act 1976; or
 - (iii) section 9 of the Adoption and Children Act 2002.”

Commencement Information

II S. 26 in force at 1.4.2010 for E. by S.I. 2009/3354, art. 3(2)(a)

Changes to legislation:

There are currently no known outstanding effects for the Children and Young Persons Act 2008, Section 26.