



Children Act 1989

1989 CHAPTER 41

PART VII

VOLUNTARY HOMES AND VOLUNTARY ORGANISATIONS

62 Duties of local authorities.

- (1) Every local authority shall satisfy themselves that any voluntary organisation providing accommodation—
 - (a) within the authority's area for any child; or
 - (b) outside that area for any child on behalf of the authority,are satisfactorily safeguarding and promoting the welfare of the children so provided with accommodation.
- (2) Every local authority shall arrange for children who are accommodated within their area by or on behalf of voluntary organisations to be visited, from time to time, in the interests of their welfare.
- (3) The [^{F1}appropriate national authority] may make regulations—
 - (a) requiring every child who is accommodated within a local authority's area, by or on behalf of a voluntary organisation, to be visited by an officer of the authority—
 - (i) in prescribed circumstances; and
 - (ii) on specified occasions or within specified periods; and
 - (b) imposing requirements which must be met by any local authority, or officer of a local authority, carrying out functions under this section.
- (4) Subsection (2) does not apply in relation to community homes.
- (5) Where a local authority are not satisfied that the welfare of any child who is accommodated by or on behalf of a voluntary organisation is being satisfactorily safeguarded or promoted they shall—

Changes to legislation: Children Act 1989, Section 62 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

- (a) unless they consider that it would not be in the best interests of the child, take such steps as are reasonably practicable to secure that the care and accommodation of the child is undertaken by—
 - (i) a parent of his;
 - (ii) any person who is not a parent of his but who has parental responsibility for him; or
 - (iii) a relative of his; and
 - (b) consider the extent to which (if at all) they should exercise any of their functions with respect to the child.
- (6) Any person authorised by a local authority may, for the purpose of enabling the authority to discharge their duties under this section—
- (a) enter, at any reasonable time, and inspect any premises in which children are being accommodated as mentioned in subsection (1) or (2);
 - (b) inspect any children there;
 - (c) require any person to furnish him with such records of a kind required to be kept by regulations made under [F2section 22 of the Care Standards Act 2000][F3or section 20 of the Health and Social Care Act 2008][F4, or section 27 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)] (in whatever form they are held), or allow him to inspect such records, as he may at any time direct.
- (7) Any person exercising the power conferred by subsection (6) shall, if asked to do so, produce some duly authenticated document showing his authority to do so.
- (8) Any person authorised to exercise the power to inspect records conferred by subsection (6)—
- (a) shall be entitled at any reasonable time to have access to, and inspect and check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question; and
 - (b) may require—
 - (i) the person by whom or on whose behalf the computer is or has been so used; or
 - (ii) any person having charge of, or otherwise concerned with the operation of, the computer, apparatus or material,
 to afford him such assistance as he may reasonably require.
- (9) Any person who intentionally obstructs another in the exercise of any power conferred by subsection (6) or (8) shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- [F5(10) This section does not apply in relation to any voluntary organisation which is an institution within the further education sector, as defined in section 91 of the^{MI} Further and Higher Education Act 1992, [F6a 16 to 19 Academy] or a school.]

Textual Amendments

- F1** Words in s. 62(3) substituted (13.11.2008) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 39, 44, [Sch. 3 para. 24](#)
- F2** Words in s. 62(6)(c) substituted (1.4.2002) by [2000 c. 14, s. 116, Sch. 4 para. 14\(10\)\(a\)](#); S.I. [2001/4150, art. 3\(3\)\(a\)](#) (subject to transitional provision in [art. 4](#) of the commencing S.I. and to

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the amendment of [art. 3](#) by [S.I. 2002/1493](#), [art. 6](#); 2002/920, art. 3(3)(d) (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)

F3 Words in s. 62(6)(c) inserted (1.10.2010) by [The Health and Social Care Act 2008 \(Consequential Amendments No.2\) Order 2010 \(S.I. 2010/813\)](#), [art. 7\(2\)](#)

F4 Words in s. 62(6)(c) inserted (29.4.2019) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019 \(S.I. 2019/772\)](#), regs. 1(2), [3](#)

F5 S. 62(10) inserted (1.4.2002 for E. and 1.2.2003 for W.) by 2000 c. 14, ss. 105(5), 122; [S.I. 2001/3852](#), art. 3(7)(h) (subject to transitional provision in [Sch. 1](#) of the commencing S.I. (as amended by [S.I. 2001/4150](#), art. 5; [S.I. 2002/1493](#), art. 5; [S.I. 2002/1790](#), art. 2; [S.I. 2002/2001](#), arts. 2, 3; [S.I. 2002/3210](#), art. 2 (with art. 4); [S.I. 2005/3397](#), art. 2)); [S.I. 2003/152](#), [art. 2\(2\)](#)

F6 Words in s. 62(10) inserted (1.4.2012) by [Education Act 2011 \(c. 21\)](#), s. 82(3), [Sch. 13 para. 6\(2\)](#); [S.I. 2012/924](#), art. 2

Commencement Information

I1 S. 62 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), [art. 3\(2\)](#)

Marginal Citations

M1 1992 c. 13.

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Changes and effects yet to be applied to :

- s. 62(10) by 2000 c. 14 Sch. 4 para. 14(10)(b)

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)