



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;

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- (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)

PROSPECTIVE

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

- (1) The Secretary of State may by order—
 - (a) establish a body corporate to discharge such functions as may be conferred on it by the order; or
 - (b) confer functions on the Service.
- (2) An order under this section may confer functions in relation to England in connection with any or all of the following matters (but no others)—
 - (a) the provision of training for persons appointed or to be appointed as independent reviewing officers;
 - (b) the accreditation of persons as independent reviewing officers;
 - (c) the appointment of persons as independent reviewing officers;
 - (d) the management of persons appointed or accredited as independent reviewing officers.
- (3) An order under this section may, in consequence of the conferral of a function by the order, modify any provision made by or under an enactment—
 - (a) relating to independent reviewing officers;
 - (b) where the function is conferred on the Service, relating to the Service.
- (4) An order under this section which establishes a body corporate may provide—
 - (a) that the body is to be subject to inspection by the Chief Inspector and may, for that purpose apply, with or without modification, any provision of the Education and Inspections Act 2006 (c. 41);
 - (b) that the functions of the body must be performed in accordance with directions given by the Secretary of State.
- (5) In this section—
 - “accreditation” means the process by which a person qualifies for, and remains qualified for, appointment as an independent reviewing officer;
 - “the Chief Inspector” means Her Majesty's Chief Inspector of Education, Children's Services and Skills;
 - “the Service” means the Children and Family Court Advisory Support Service.

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PROSPECTIVE

12 Power to make further provision concerning independent reviewing officers: Wales

- (1) The Welsh Ministers may by order—
 - (a) establish a body corporate to discharge such functions as may be conferred on it by the order; or
 - (b) provide for the discharge by them of such functions as may be conferred on them by the order.
- (2) An order under this section may confer functions in relation to Wales in connection with any or all of the following matters (but no others)—
 - (a) the provision of training for persons appointed or to be appointed as independent reviewing officers;
 - (b) the accreditation of persons as independent reviewing officers;
 - (c) the appointment of persons as independent reviewing officers;
 - (d) the management of persons appointed or accredited as independent reviewing officers.
- (3) An order under this section may, in consequence of the conferral of a function by the order, modify any provision made by or under an enactment—
 - (a) relating to independent reviewing officers;
 - (b) where the function is conferred on the Welsh Ministers, relating to those Ministers.
- (4) An order under this section which establishes a body corporate may provide—
 - (a) that the body is to be subject to inspection by an independent inspector specified in or established by the order, and may for that purpose apply, with or without modifications, any enactment relating to the carrying out of inspections;
 - (b) that the functions of the body must be performed in accordance with directions given by the Welsh Ministers.
- (5) In this section “accreditation” has the same meaning as in section 11.

PROSPECTIVE

13 Orders under sections 11 and 12: supplementary provisions

- (1) The conferral of any function by an order under section 11 or 12(1)(a) also confers on the recipient power to do anything which is incidental or conducive to, or designed to facilitate, the discharge of that function.
- (2) An order under section 11 or 12 may authorise the recipient to charge fees for the discharge by it of any function conferred by the order.
- (3) An order under section 11 or 12 may transfer property, rights and liabilities to the recipient (and may also provide that anything which might otherwise prevent, penalise or restrict such a transfer is not to do so).

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- (4) Where an order makes provision by virtue of subsection (3) in relation to rights and liabilities relating to an employee it must make provision for the Transfer of Undertakings (Protection of Employment) Regulations 2006 to apply to that transfer.
- (5) An order under section 11 or 12 may require the recipient to establish a procedure for dealing with complaints relating to the discharge by it of its functions.
- (6) In this section “recipient” means, in relation to a function, the body on which the function is conferred by the order in question, and for this purpose “body” includes the Welsh Ministers.

PROSPECTIVE

14 Expiry of powers conferred by sections 11 and 12

- (1) If no order has been made under section 11 by the relevant time, that section, and section 13 so far as it applies for the purposes of that section, cease to have effect.
- (2) If no order has been made under section 12 by the relevant time, that section, and section 13 so far as it applies for the purposes of that section, cease to have effect.
- (3) “The relevant time” is the end of the period of 7 years beginning with the day on which this Act is passed.

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Changes to legislation:

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