



Child Care Act 1980

1980 CHAPTER 5

PART VII

MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Inspection and Inquiries

74 Inspection of children's homes etc. by persons authorised by Secretary of State

- (1) Subject to subsection (2) below, the Secretary of State may cause to be inspected from time to time—
- (a) any community home provided by a local authority under section 34 of this Act;
 - (b) any voluntary home (whether a community home or not);
 - (c) any premises in which a child is living with a person (other than his parent, guardian, relative or custodian) with whom he has been placed by an adoption agency within the meaning of section 1 of the Adoption Act 1976;
 - (d) any other premises at which one or more children in the care of a local authority are being accommodated and maintained;
 - (e) any other premises at which one or more children are being boarded out by a voluntary organisation, and
 - (f) any other premises where a protected child within the meaning of Part III of the Adoption Act 1976 or a foster child within the meaning of the Foster Children Act 1980, or a child to whom any of the provisions of the said Act of 1980 are extended by section 17 or 18 thereof, is being accommodated or maintained.
- (2) Subsection (1) above does not apply to any home or other premises which is as a whole subject to inspection by or under the authority of a government department.
- (3) An inspection under this section shall be conducted by a person authorised in that behalf by the Secretary of State, but an officer of a local authority shall not be so authorised except with the consent of that authority.

Status: This is the original version (as it was originally enacted).

- (4) Any person inspecting a home or other premises under this section may inspect the children therein and make such examination into the state and management of the home or other premises and the treatment of children therein as he thinks fit.

75 Powers of entry supplemental to s. 74

- (1) A person authorised to inspect any home or other premises under section 74 of this Act shall have a right to enter the home or other premises for that purpose and for any other purpose specified in subsection (4) of that section, but shall if so required produce some duly authenticated document showing his authority to exercise the power of entry conferred by this subsection.
- (2) A person who obstructs the exercise by a person authorised as mentioned in subsection (1) above of a power of entry conferred thereby shall be guilty of an offence and liable on summary conviction to a fine not exceeding £5 or, in the case of a second or subsequent conviction, to a fine not exceeding £20.
- (3) A refusal to allow any such person as is mentioned in subsection (1) above to enter any such home or other premises as are mentioned in section 74(1) of this Act shall be deemed, for the purposes of section 40 of the Children and Young Persons Act 1933 (which relates to search warrants), to be a reasonable cause to suspect that a child in the home or other premises is being neglected in a manner likely to cause him unnecessary suffering or injury to health.

76 Inquiries

- (1) The Secretary of State may cause an inquiry to be held into any matter relating to—
- (a) the functions of the social services committee of a local authority, in so far as those functions relate to children;
 - (b) the functions of an adoption agency within the meaning of section 1 of the Adoption Act 1976;
 - (c) the functions of a voluntary organisation in so far as those functions relate to voluntary homes;
 - (d) a home maintained by the Secretary of State for the accommodation of children who are in the care of local authorities and are in need of the particular facilities and services provided in the home;
 - (e) the detention of a child under section 53 of the Children and Young Persons Act 1933.
- (2) The Secretary of State may, before an inquiry is commenced, direct that it shall be held in private, but where no such direction has been given, the person holding the inquiry may if he thinks fit hold it or any part of it in private.
- (3) Subsections (2) to (5) of section 250 of the Local Government Act 1972 (powers in relation to local inquiries) shall apply in relation to an inquiry under this section as they apply in relation to a local inquiry under that section.
- (4) In this section—
- " functions " includes powers and duties which a person has otherwise than by virtue of any enactment;
 - " voluntary home " means a home or other institution for the boarding, care and maintenance of poor children which is supported wholly or partly

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by voluntary contributions, but does not include a mental nursing home within the meaning of the Nursing Homes Act 1975 or a residential home for mentally disordered persons within the meaning of the Residential Homes Act 1980.