



# Children Act 1989

## 1989 CHAPTER 41

### PART XI

#### SECRETARY OF STATE'S SUPERVISORY FUNCTIONS AND RESPONSIBILITIES

#### **[<sup>F1</sup> 80** Inspection of children's homes etc. by persons authorised by Secretary of State.

- (1) The Secretary of State may cause to be inspected from time to time any—
- (a) [<sup>F2</sup>private] children's home;
  - (b) premises in which a child who is being looked after by a local authority is living;
  - (c) premises in which a child who is being accommodated by or on behalf of a [<sup>F3</sup>local authority in the exercise of education functions or a] voluntary organisation is living;
  - (d) premises in which a child who is being accommodated by or on behalf of a [<sup>F4</sup>[<sup>F5</sup> Local Health Board ], Special Health Authority ]<sup>F6</sup>...[<sup>F7</sup> , National Health Service trust or NHS foundation trust [<sup>F8</sup>or pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006]] is living;
  - (e) <sup>F9</sup> .....
  - (f) <sup>F9</sup> .....
  - (g) premises in which a privately fostered child, or child who is treated as a foster child by virtue of paragraph 9 of Schedule 8, is living or in which it is proposed that he will live;
  - (h) premises on which any person is acting as a child minder;  
<sup>F10</sup>(i) .....
  - <sup>F11</sup>(j) [ care home or independent hospital used to accommodate children;]
  - (k) premises which are provided by a local authority and in which any service is provided by that authority under Part III;
  - (l) [<sup>F12</sup>school or college] providing accommodation for any child;

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- (2) An inspection under this section shall be conducted by a person authorised to do so by the Secretary of State.
- (3) An officer of a local authority shall not be so authorised except with the consent of that authority.
- (4) The Secretary of State may require any person of a kind mentioned in subsection (5) to furnish him with such information, or allow him to inspect such records (in whatever form they are held), relating to—
  - (a) any premises to which subsection (1) or, in relation to Scotland, subsection (1) (h) or (i) applies;
  - (b) any child who is living in any such premises;
  - (c) the discharge by the Secretary of State of any of his functions under this Act; <sup>[F13]</sup>or]
  - (d) the discharge by any local authority of any of their functions under this Act, as the Secretary of State may at any time direct.
- (5) The persons are any—
  - (a) local authority;
  - (b) voluntary organisation;
  - (c) person carrying on a <sup>[F2]</sup>private] children’s home;
  - (d) proprietor of an independent school <sup>[F14]</sup>or governing body of any other school];
  - <sup>F15</sup>(da) [ governing body of an institution designated under section 28 of the <sup>M1</sup> Further and Higher Education Act 1992;
  - (db) further education corporation;]
  - <sup>F16</sup>(dc) [ sixth form college corporation;]
  - <sup>F17</sup>(dd) [ proprietor of a 16 to 19 Academy;]
  - (e) person fostering any privately fostered child or providing accommodation for a child on behalf of a local authority, <sup>F18</sup> . . . <sup>[F19]</sup><sup>[F5</sup> Local Health Board ] , Special Health Authority <sup>F20</sup>...<sup>[F21</sup> National Health Service trust ]<sup>[F22</sup> , NHS foundation trust ] or voluntary organisation;
  - <sup>F23</sup>(ea) [ person providing accommodation for a child pursuant to arrangements made by the Secretary of State, the National Health Service Commissioning Board or a clinical commissioning group under the National Health Service Act 2006;]
  - (f) <sup>F24</sup> . . . . .
  - (g) person employed in a teaching or administrative capacity at any educational establishment (whether or not maintained by <sup>[F25</sup> a local authority ] ) at which a child is accommodated on behalf of a local authority <sup>F26</sup> . . . ;
  - <sup>F27</sup>(h) . . . . .
  - <sup>F27</sup>[ . . . . .
  - <sup>F28</sup>(hh)]]
  - (i) person carrying on any home of a kind mentioned in subsection (1)(j).
  - <sup>[F29</sup>(j) person carrying on a fostering agency.]
- (6) Any person inspecting any home or other premises under this section may—
  - (a) inspect the children there; and

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- (b) make such examination into the state and management of the home or premises and the treatment of the children there as he thinks fit.
- (7) Any person authorised by the Secretary of State to exercise the power to inspect records conferred by subsection (4)—
- (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 reasonable assistance as he may require.
- (8) A person authorised to inspect any premises under this section shall have a right to enter the premises for that purpose, and for any purpose specified in subsection (4), at any reasonable time.
- (9) Any person exercising that power shall, if so required, produce some duly authenticated document showing his authority to do so.
- (10) Any person who intentionally obstructs another in the exercise of that power shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- (11) The Secretary of State may by order provide for subsections (1), (4) and (6) not to apply in relation to such homes, or other premises, as may be specified in the order.
- (12) Without prejudice to section 104, any such order may make different provision with respect to each of those subsections.

[<sup>F30</sup>(13) In this section—

“ college ” means an institution within the further education sector as defined in section 91 of the <sup>M2</sup> Further and Higher Education Act 1992 [<sup>F31</sup> or a 16 to 19 Academy ] ;

“ fostering agency ” has the same meaning as in the Care Standards Act 2000;

“ further education corporation ” has the same meaning as in the <sup>M3</sup> Further and Higher Education Act 1992.

[<sup>F32</sup> “ sixth form college corporation ” has the same meaning as in that Act.

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[<sup>F33</sup> “ proprietor ” has the same meaning as in the Education Act 1996. ]

#### Textual Amendments

**F1** S. 80 repealed (S.) (1.4.2002) by 2001 asp 8, ss. 80(1), 81(2), Sch. 4; S.S.I. 2002/162, art. 2(g)(i) (subject to arts. 3-13)

**F2** Word in s. 80(1)(a)(5)(c) inserted (1.4.2002) by 2000 c. 14, s. 116, Sch. 4 para. 14(16)(a); S.I. 2001/4150, art. 3(3)(a) (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, art. 6); S.I. 2002/920, art. 3(3)(d) (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)

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- F3** Words in s. 80(1)(c) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 37(9)(a)**
- F4** Words in s. 80(1)(d), substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III**, para. 118(8)(a)(with Sch. 2 para. 6)
- F5** Words in s. 80(1)(d)(5)(e) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), **arts. 2, 3** {Sch. para. 20(2)(g)}
- F6** Words in s. 80(1)(d) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 54(a)(i)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F7** Words in s. 80(1)(d) substituted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 34, **Sch. 4 para. 80(a)**; S.I. 2004/759, **art. 2**
- F8** Words in s. 80(1)(d) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 54(a)(ii)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F9** S. 80(1)(e)(f) repealed (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 65, Sch. 5 (with Sch. 4 paras. 6-8); S.I. 2005/2213, **art. 3(l)**; S.I. 2005/3112, **art. 2(g)**
- F10** S. 80(1)(i) repealed (W.) (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), ss. 72, 75, Sch. 1 para. 6(a), Sch. 2; S.I. 2010/2582, **art. 2**, Sch. 1 (subject to arts. 3, 4, 5) (as amended by S.I. 2011/577, art. 2)
- F11** S. 80(1)(j) substituted (1.4.2002) by 2000 c. 14, ss. 116, 122, **Sch. 4 para. 14(16)(c)**; S.I. 2001/4150, **art. 3(3)(a)** (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, **art. 6**; S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F12** Words in s. 80(1)(l) substituted (1.4.2002 (E.) otherwise prosp.) by 2000 c. 14, ss. **109(2)**, 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**)
- F13** Word in s. 80(4)(c) repealed (1.4.2002) by 2000 c. 14, s. 117(2), **Sch. 6**; S.I. 2001/4150, **art. 3(3)(c)(viii)** (subject to transitional provision in art. 4 of the commencing S.I. and to the amendment of art. 3 by S.I. 2002/1493, **art. 6**; S.I. 2002/920, **art. 3(3)(g)** (with art. 3(5)-(10) and transitional provisions in Schs. 1-3)
- F14** Words in s. 80(5)(d) inserted (1.4.2002 (E.) otherwise prosp.) by 2000 c. 14, ss. **109(3)(a)**, 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**)
- F15** S. 80(5)(da)(db) inserted (1.4.2002 (E.) otherwise prosp.) by 2000 c. 14, ss. **109(3)(b)**, 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**)
- F16** S. 80(5)(dc) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), arts. 1, 2(1), **Sch. 1 para. 89(a)**
- F17** S. 80(5)(dd) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 6(3)(a)**; S.I. 2012/924, art. 2
- F18** Words in s. 80(5)(e) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 37(9)(b)(i), **Sch. 3 Pt. 2**
- F19** Words in s. 80(5)(e) substituted (1.4.1996) by 1995 c. 17, s. 2(1)(3), **Sch. 1 Pt. III**, para. 118(8)(b)(with Sch. 2, para. 6)
- F20** Words in s. 80(5)(e) omitted (1.4.2013) by virtue of Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 54(b)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F21** Words inserted by National Health Service and Community Care Act 1990 (c. 19, SIF 113:2), s. 66(1), **Sch. 9 para. 36(4)(b)**
- F22** Words in s. 80(5)(e) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 34, **Sch. 4 para. 80(b)**; S.I. 2004/759, **art. 2**

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- F23** S. 80(5)(ea) inserted (1.4.2013) by Health and Social Care Act 2012 (c. 7), s. 306(4), **Sch. 5 para. 54(c)**; S.I. 2013/160, art. 2(2) (with arts. 7-9)
- F24** S. 80(5)(f) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 37(9)(b)(ii), **Sch. 3 Pt. 2**
- F25** Words in s. 80(5)(g) substituted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 37(9)(b)(iii)**
- F26** Words in s. 80(5)(g) repealed (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1)(2), Sch. 2 para. 37(9)(b)(iii), **Sch. 3 Pt. 2**
- F27** S. 80(5)(h)(hh) repealed (W.) (1.4.2011) by Children and Families (Wales) Measure 2010 (nawm 1), ss. 72, 75, Sch. 1 para. 6(b), Sch. 2; S.I. 2010/2582, **art. 2**, Sch. 1 (subject to arts. 3, 4, 5) (as amended by S.I. 2011/577, art. 2)
- F28** S. 80(5)(hh) inserted (2.7.2001 (E.), 1.4.2002 (W.)) by 2000 c. 14, s. 116, **Sch. 4 para. 14(16)(d)**; S.I. 2001/2041, **art. 2(1)(a)(2)(3)** (with transitional provisions and savings in Sch); S.I. 2002/920, **art. 3(3)(d)** (with art. 3(4)-(10) and transitional provisions in Schs. 1-3)
- F29** S. 80(5)(j) inserted (1.4.2002 (E.) otherwise prosp.) by 2000 c. 14, **ss. 109(3)(c)**, 122; S.I. 2001/3852, **art. 3(7)(h)** (subject to transitional provision in Sch. 1 of the commencing S.I.(as amended by 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**))
- F30** S. 80(13) inserted (1.4.2002 (E.) otherwise prosp.) by 2000 c. 14, **ss. 109(4)**, 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**))
- F31** Words in s. 80(13) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 6(3)(b)**; S.I. 2012/924, art. 2
- F32** Words in s. 80(13) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), arts. 1, 2(1), **Sch. 1 para. 89(b)**
- F33** Words in s. 80(13) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 6(3)(c)**; S.I. 2012/924, art. 2

#### Commencement Information

- I1** S. 80 wholly in force at 14.10.1991 see s. 108(2)(3) see S.I. 1991/828, art. 3(2)

#### Marginal Citations

- M1** 1992 c. 13.  
**M2** 1992 c. 13.  
**M3** 1992 c. 13.

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