



Children Act 1989

1989 CHAPTER 41

PART XII

MISCELLANEOUS AND GENERAL

Notification of children accommodated in certain establishments

87 [F¹Welfare of children in boarding schools and colleges.]

[F²(1) Where a school or college provides accommodation for any child, it shall be the duty of the relevant person to safeguard and promote the child's welfare.

[For the purposes of this section and sections 87A to 87D, a school or college provides F³(1A) accommodation for a child if—

- (a) it provides accommodation for the child on its own premises, or
- (b) it arranges for accommodation for the child to be provided elsewhere (other than in connection with a residential trip away from the school).]

(2) Subsection (1) does not apply in relation to a school or college which is a children's home or care home.

(3) Where accommodation is provided for a child by any school or college the appropriate authority shall take such steps as are reasonably practicable to enable them to determine whether the child's welfare is adequately safeguarded and promoted while [F⁴accommodation for the child is provided] by the school or college.

[Where accommodation is provided for a child by a school or college in England, the F⁵(3A) Secretary of State may at any time (including a time when the duty under subsection (3) is suspended by virtue of section 87A) direct the Chief Inspector for England to take the steps referred to in subsection (3).

(3B) Where accommodation is provided for a child by a school or college in Wales, the Welsh Ministers may, at any time when the duty under subsection (3) is suspended by virtue of section 87A, take the steps referred to in subsection (3).]

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- (4) Where [^{F6}the Chief Inspector for England is] of the opinion that there has been a failure to comply with subsection (1) in relation to a child provided with accommodation by a school or [^{F7}college in England, he shall]—
- (a) in the case of a school other than an independent school [^{F8}, an alternative provision Academy that is not an independent school] or a special school, notify the [^{F9}local authority] for the area in which the school is situated;
 - (b) in the case of a special school which is maintained by a [^{F9}local authority], notify that authority;
 - (c) in any other case, notify the Secretary of State.
- (4A) Where the National Assembly for Wales are of the opinion that there has been a failure to comply with subsection (1) in relation to a child provided with accommodation by a school or college [^{F10}in Wales], they shall—
- (a) in the case of a school other than an independent school or a special school, notify the [^{F9}local authority] for the area in which the school is situated;
 - (b) in the case of a special school which is maintained by a [^{F9}local authority], notify that authority.
- (5) Where accommodation is, or is to be, provided for a child by any school or college, a person authorised by the appropriate authority may, for the purpose of enabling that authority to discharge [^{F11}any of its functions] under this section, enter at any time premises which are, or are to be, premises of the school or college.]
- (6) Any person [^{F12}exercising] the power conferred by subsection (5) may carry out such inspection of premises, children and records as is prescribed by regulations made by the Secretary of State for the purposes of this section.
- (7) Any person exercising that power shall, if asked to do so, produce some duly authenticated document showing his authority to do so.
- (8) Any person authorised by the regulations to inspect records—
- (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 this section or the regulations shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale.
- [^{F13}(9A) Where [^{F14}the Chief Inspector for England] or the National Assembly for Wales exercises the power conferred by subsection (5) in relation to a child, [^{F15}that authority must] publish a report on whether the child's welfare is adequately safeguarded and promoted while [^{F16}accommodation for the child is provided] by the school or college.
- (9B) Where [^{F17}the Chief Inspector for England] or the National Assembly for Wales publishes a report under this section, it must—
- (a) send a copy of the report to the school or college concerned; and

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(b) make copies of the report available for inspection at its offices by any person at any reasonable time.

(9C) Any person who requests a copy of a report published under this section is entitled to have one on payment of such reasonable fee (if any) as [^{F18}the Chief Inspector for England] or the National Assembly for Wales (as the case may be) considers appropriate.]

[^{F19}(10) In this section and sections 87A to 87D—

“ the 1992 Act ” means the ^{M1} Further and Higher Education Act 1992;

“ appropriate authority ” means—

(a) in relation to England, [^{F20}the Chief Inspector for England];

(b) in relation to Wales, the National Assembly for Wales;

[^{F21}“ the Chief Inspector for England ” means Her Majesty's Chief Inspector of Education, Children's Services and Skills;]

“ college ” means an institution within the further education sector as defined in section 91 of the 1992 Act [^{F22} or a 16 to 19 Academy] ;

^{F23}

“ further education corporation ” has the same meaning as in the 1992 Act;

[^{F9}local authority] and “proprietor” have the same meanings as in the ^{M2} Education Act 1996

[^{F24}“sixth form college corporation” has the same meaning as in the 1992 Act.]

(11) In this section and sections 87A and 87D “ relevant person ” means—

(a) in relation to an independent school [^{F25}or an alternative provision Academy that is not an independent school], the proprietor of the school;

(b) in relation to any other school, or an institution designated under section 28 of the 1992 Act, the governing body of the school or institution;

(c) in relation to an institution conducted by a further education corporation [^{F26}or sixth form college corporation], the corporation.

[^{F27}(d) in relation to a 16 to 19 Academy, the proprietor of the Academy.]

(12) Where a person other than the proprietor of an independent school [^{F28} or an alternative provision Academy that is not an independent school] is responsible for conducting the school, references in this section to the relevant person include references to the person so responsible.]

Textual Amendments

F1 S. 87: sidenote substituted (1.4.2002 for E.) by 2000 c. 14, s. 116, **Sch. 4 para. 14(21)**; 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**)

F2 S. 87(1)-(5) substituted (20.11.2001 (E.) for specified purposes and 1.4.2002 (E.) in so far as not already in force and 1.2.2003 (W.)) by 2000 c. 14, **ss. 105(2), 122**; S.I. 2001/3852, **art. 3(3)(a)(iii)(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)**)

F3 S. 87(1A) inserted (1.2.2012) by Education Act 2011 (c. 21), **ss. 43(2)(a), 82(3)**; S.I. 2012/84, **art. 3**

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- F4** Words in s. 87(3) substituted (1.2.2012) by Education Act 2011 (c. 21), **ss. 43(2)(b)**, 82(3); S.I. 2012/84, art. 3
- F5** S. 87(3A)(3B) inserted (1.2.2012) by Education Act 2011 (c. 21), **ss. 43(2)(c)**, 82(3); S.I. 2012/84, art. 3
- F6** Words in s. 87(4) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(2)(a)**; S.I. 2007/935, **art. 5(gg)**
- F7** Words in s. 87(4) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(2)(b)**; S.I. 2007/935, **art. 5(gg)**
- F8** Words in s. 87(4)(a) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, **Sch. para. 2(a)** (with art. 3)
- F9** Words in s. 87(4)(4A)(10) 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(11)**
- F10** Words in s. 87(4A) inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(3)**; S.I. 2007/935, **art. 5(gg)**
- F11** Words in s. 87(5) substituted (1.2.2012) by Education Act 2011 (c. 21), **ss. 43(2)(d)**, 82(3); S.I. 2012/84, art. 3
- F12** Words in s. 87(6) substituted (20.11.2001 (E.) for specified purposes and 1.4.2002 (E.) in so far as not already in force and 1.2.2003 (W.)) by 2000 c. 14, ss. 105(3), 122; S.I. 2001/3852, art. 3(3)(a)(iii)(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)**
- F13** S. 87(9A)-(9C) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **s. 111**; S.I. 2004/759, **art. 7**; S.I. 2004/873, **art. 2(e)**
- F14** Words in s. 87(9A) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(4)**; S.I. 2007/935, **art. 5(gg)**
- F15** Words in s. 87(9A) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(4)**; S.I. 2007/935, **art. 5(gg)**
- F16** Words in s. 87(9A) substituted (1.2.2012) by Education Act 2011 (c. 21), **ss. 43(2)(e)**, 82(3); S.I. 2012/84, art. 3
- F17** Words in s. 87(9B) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(4)**; S.I. 2007/935, **art. 5(gg)**
- F18** Words in s. 87(9C) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(4)**; S.I. 2007/935, **art. 5(gg)**
- F19** S. 87(10)(11)(12) substituted for s. 87(10) (20.11.2001 (E.) for specified purposes and 1.4.2002 (E.) in so far as not already in force and 1.2.2003 (W.)) by 2000 c. 14, ss. 105(4), 122; S.I. 2001/3852, art. 3(3)(a)(iii)(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)**
- F20** Words in s. 87(10) substituted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(5)(a)**; S.I. 2007/935, **art. 5(gg)**
- F21** S. 87(10): definition of "the Chief Inspector for England" inserted (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 188, **Sch. 14 para. 16(5)(b)**; S.I. 2007/935, **art. 5(gg)**
- F22** Words in s. 87(10) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 6(4)(a)**; S.I. 2012/924, art. 2
- F23** S. 87(10): definition of "the Commission" repealed (1.4.2007) by Education and Inspections Act 2006 (c. 40), ss. 157, 184, 188, **Sch. 14 para. 16(5)(c)**, **Sch. 18 Pt. 5**; S.I. 2007/935, **art. 5(gg)(ii)**
- F24** Words in s. 87(10) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), **art. 2(1)** {Sch. 1 para. 90(a)}
- F25** Words in s. 87(11)(a) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), art. 1, **Sch. para. 2(b)** (with art. 3)

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- F26** Words in s. 87(11)(c) inserted (1.4.2010) by The Apprenticeships, Skills, Children and Learning Act 2009 (Consequential Amendments) (England and Wales) Order 2010 (S.I. 2010/1080), **art. 2(1)** {Sch. 1 para. 90(b)}
- F27** S. 87(11)(d) inserted (1.4.2012) by Education Act 2011 (c. 21), s. 82(3), **Sch. 13 para. 6(4)(b)**; S.I. 2012/924, **art. 2**
- F28** Words in s. 87(12) inserted (1.4.2012) by The Alternative Provision Academies (Consequential Amendments to Acts) (England) Order 2012 (S.I. 2012/976), **art. 1, Sch. para. 2(c)** (with **art. 3**)

Modifications etc. (not altering text)

- C1** S. 87: transfer of functions (1.4.2004 for E.) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), **s. 110**; S.I. 2004/759, **art. 4(2)(a)**
- S. 87: transfer of functions (1.4.2007) by Education and Inspections Act 2006 (c. 40), **ss. 148(3), 188**; S.I. 2007/935, **art. 5(u)**

Commencement Information

- I1** S. 87 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.
M2 1996 c. 56.

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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. 9(8) inserted by 2024 c. 21 s. 18(4)(c)
- s. 10A10B inserted by 2024 c. 21 s. 18(3)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)
- s. 33(3A) inserted by 2024 c. 21 s. 18(5)
- s. 91(5B)(5C) inserted by 2024 c. 21 s. 18(6)(b)
- s. 104(3AZA) inserted by 2024 c. 21 s. 18(7)(b)