

Children in Care (Custody) Bill

CONTENTS

- 1 Responsibility for children in care who enter custody
 - 2 Duty of local authorities towards children in care
 - 3 Care of Children in Custody Advisory Panel
 - 4 Expenses
 - 5 Short title, commencement and extent
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Make provision about the services provided by local authorities in relation to the care of children in care in custody; and for connected purposes.

BE IT ENACTED by the Queen’s most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1 Responsibility for children in care who enter custody

- (1) The Children Act 1989 (c. 41) is amended as follows.
- (2) In section 20, after subsection (11) insert—
- “(12) Where a child was accommodated by the local authority under this section immediately before being detained, the child shall continue to be deemed a “looked after child” for the purposes of section 23(1)(b) and section 24 of this Act save for the provision of accommodation. 5
- (13) In this section “detained” means detained in a remand centre, a young offenders institution or a secure training centre, or any other institution pursuant to an order of a court.” 10
- (3) In section 22, after subsection (1)(b) insert—
- “(c) deemed to be looked after in accordance with section 20(12).”.

2 Duty of local authorities towards children in care

- (1) The Secretary of State shall within six months of the passing of this Act issue guidance setting out the standards he requires local authorities to meet when fulfilling their duties by virtue of section 20 (12) of the 1989 Act (as inserted by section 1 of this Act). 15
- (2) It shall be the duty of local authorities to comply with guidance issued under subsection (1).

3 Care of Children in Custody Advisory Panel

- (1) There shall be a body called the Care of Children in Custody Advisory Panel (“the Panel”).
- (2) The Panel must be established within three months of the passing of this Act.
- (3) The Panel shall consist of not fewer than five nor more than nine members to be appointed by the Secretary of State, and the Secretary of State shall appoint one member to be the chairman of the Panel. 5
- (4) At least one member of the Panel must be an elected member of a local authority.
- (5) At least one member of the Panel must be a member of the Youth Justice Board. 10
- (6) The Secretary of State may make payment to members of the Panel in respect of expenses incurred by them in the performance of their duties.
- (7) It shall be the duty of the Panel to make recommendations to the Secretary of State, in the form of written reports, as to how to allocate budgetary responsibility for the care of detained children under section 1 of this Act. 15
- (8) The reports of the Panel under subsection (7) shall be published.
- (9) In making their recommendations the Panel must take account of the guidance issued by the Secretary of State under section 2 of this Act.
- (10) The Panel must make its first report under subsection (7) to the Secretary of State within six months of its appointment. 20
- (11) The Secretary of State must –
 - (a) consider the recommendations of the Panel;
 - (b) co-operate with the Panel in taking decisions about their implementation; and
 - (c) take such steps as are necessary to implement those decisions. 25

4 Expenses

There shall be paid out of money provided by Parliament –

- (a) *any expenditure incurred under or by virtue of this Act by the Secretary of State, and*
- (b) *any increase attributable to this Act in the sums payable under any other Act out of money so provided.* 30

5 Short title, commencement and extent

- (1) This Act may be cited as the Children in Care (Custody) Act 2009.
- (2) This Act shall come into force on the day following the day on which the Act is passed. 35
- (3) This Act extends to England and Wales.

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To make provision about the services provided by local authorities in relation to the care of children in care in custody; and for connected purposes.

*Presented by Mr Stephen Crabb
supported by
Mr Iain Duncan Smith, Mr Graham Allen,
Mr Gary Streeter, Mr Edward Timpson,
Mrs Nadine Dorries, Julie Morgan,
Mr Douglas Carswell, Kate Hoey,
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