

*These notes refer to the Children and Young Persons Act 2008  
(c.23) which received Royal Assent on 13 November 2008*

# CHILDREN AND YOUNG PERSONS ACT 2008

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## EXPLANATORY NOTES

### COMMENTARY ON SECTIONS

#### **Part 1 – Delivery of Social Work Services for Children and Young Persons (sections 1 to 6)**

##### ***Section 3: Effect of arrangements under section 1***

23. *Section 3(1)* provides that any acts or omissions of a provider of social work services or their employees are to be treated as the acts and omissions of the local authority. *Subsection (2)* provides that this does not affect the rights and liabilities of the local authority and the provider as between one another; does not apply to criminal offences; does not make the local authority liable under section 6 of the Human Rights Act 1998 in respect of acts of the provider which are private in nature; and does not prevent any civil proceedings being brought against the provider. The liability of the provider to third parties is unaffected by this provision, which means that the local authority will in addition be equally and jointly liable for the acts of the provider. For example, in tort the provider is liable under the common law and the local authority is deemed liable under section 3.