



Social Work (Scotland) Act 1968

1968 CHAPTER 49

PART I

ADMINISTRATION

Central Authority

5 Powers of Secretary of State

- (1) Local authorities shall perform their functions under this Act under the general guidance of the Secretary of State.
- (2) The Secretary of State may make regulations in relation to the performance of the functions assigned to local authorities by this Act and in relation to the activities of voluntary organisations in so far as those activities are concerned with the like purposes.
- (3) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision for the boarding-out of persons by local authorities and voluntary organisations, whether under any enactment or otherwise, and may provide—
 - (a) for the recording by local authorities and voluntary organisations of information relating to persons with whom persons are boarded out as aforesaid, and to persons who are willing to have persons boarded out with them;
 - (b) for securing that persons shall not be boarded out in any household unless that household is for the time being approved by such local authority or voluntary organisation as may be prescribed by the regulations;
 - (c) in the case of a child, for securing that, where possible, the person with whom any child is to be boarded out is either of the same religious persuasion as the child or gives an undertaking that the child shall be brought up in that religious persuasion ;
 - (d) for securing that persons boarded out as aforesaid, and the places in which they are boarded out, shall be supervised and inspected by a local authority

or voluntary organisation, as the case may be, and that those persons shall be removed from those places if their welfare appears to require it.

6 Supervision of establishments providing accommodation for persons and inspection of records etc.

- (1) Any duly authorised officer of the Secretary of State may enter any of the following places for the purpose of making such examinations into the state and management of the place, and the condition and treatment of the persons in it, as he thinks necessary and for the purpose of inspecting any records or registers required to be kept therein by virtue of this Act, that is to say—
 - (a) any residential or other establishment provided by a local authority or a voluntary organisation or other person for the purposes of this Act;
 - (b) any place where there is being maintained—
 - (i) a foster child within the meaning of the Children Act 1958,
 - (ii) a protected child within the meaning of Part IV of the Adoption Act 1958 ;
 - (c) any place where any person is for the time being boarded out by a local authority or a voluntary organisation;
 - (d) any place registrable under the Nurseries and Child Minders Regulation Act 1948 or the home of any person so registrable.
- (2) Any such officer as aforesaid may at all reasonable times enter the offices of a local authority or of a voluntary organisation for the purpose of inspecting any records or registers relating to any establishment or place mentioned in the foregoing subsection or relating to any persons to whom the authority or organisation has made available advice, guidance or assistance in pursuance of this Act, or who may require such advice, guidance or assistance, and may carry out that inspection.
- (3) The power conferred by subsection (1) of this section may be exercised in respect of any place which an officer has reasonable cause to believe to be used as an establishment in respect of which the person carrying on the establishment is registrable under Part IV of this Act.
- (4) An officer who proposes to exercise any power of entry or inspection conferred by this section shall, if so required, produce a duly authenticated document showing his authority to exercise the power.
- (5) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds in the case of a first offence and fifty pounds in any other case.

7 Advisory Council on Social Work

- (1) There shall be an Advisory Council on Social Work (hereafter in this section referred to as the Council) to be appointed by the Secretary of State, for the purpose of advising him on matters connected with the performance of his functions and those of local authorities in relation to social welfare, and with the activities of voluntary organisations connected with those functions.
- (2) The Council shall consist of such persons, to be appointed by the Secretary of State, as he may think fit, being persons specially qualified to deal with the aforesaid matters and other persons having experience which the Secretary of State considers valuable;

and among the persons appointed under this subsection there shall be persons having experience in local government.

- (3) The Secretary of State shall appoint a chairman, and a secretary, of the Council.
- (4) It shall be the duty of the Council to advise the Secretary of State on any matter which he may refer to them, being such a matter as is mentioned in subsection (1) of this section, and they may also, of their own motion, make representations to the Secretary of State on any such matter as is mentioned in that subsection.
- (5) The Secretary of State may require the Council to appoint, and the Council, with the approval of the Secretary of State, shall have power to appoint committees to deal with any matter mentioned in the said subsection (1), and any committee appointed under this subsection shall include such persons as may be nominated by the Secretary of State.
- (6) The Secretary of State may make such payments to the members of the Council and to the members of any committees appointed under the provisions of this section, in respect of travelling, subsistence and other expenses as he may with the consent of the Treasury determine.
- (7) On the establishment of the Council, the Advisory Council on Child Care for Scotland and the After Care Council shall cease to exist and the records of those bodies shall pass to and vest in the Council.
- (8) Section 44 of the Children Act 1948 (Advisory Council on Child Care for Scotland) and section 18(1) to (3A) of the Prisons (Scotland) Act 1952 (After Care Council) shall cease to have effect.