

*These notes refer to the Children Act 2004 (c.31)
which received Royal Assent on 15th November 2004*

CHILDREN ACT 2004

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 4 – Advisory and Support Services for Family Proceedings

Local authority services

Section 50: Intervention

217. This section allows the Secretary of State or National Assembly for Wales to intervene where local authorities are failing to discharge functions relating to children's services to an adequate standard. It does so by extending existing powers of intervention relating to education functions.
218. The section applies section 497A of the Education Act 1996 (power to secure proper performance of LEA's functions) to functions which are relevant functions for the purposes of the sections. The relevant functions are set out in *subsection (2)* and include social services functions relating to children, functions in relation to children leaving care and functions under sections 10 and 12 of the Act (sections 25 and 29 in relation to Wales).
219. The Secretary of State's power to give a direction under section 497A arises where he is satisfied that a local authority is failing in any respect to perform any relevant function of a local authority to an adequate standard (or at all). The same test will accordingly apply in relation to the power as extended by the section.
220. *Subsection (4)* makes clear that the ancillary provisions of sections 497AA and 497B apply where the power in section 497A is exercised pursuant to this section.
221. *Subsection (6)* ensures that, where a direction is given under section 497A in relation to education functions, it can also extend to the functions referred to in *subsection (2)* (so that it is not necessary to give two separate directions).
222. This section does not restrict the use of other powers of intervention.