



# Children and Young Persons Act 2008

## 2008 CHAPTER 23

### PART 1

#### DELIVERY OF SOCIAL WORK SERVICES FOR CHILDREN AND YOUNG PERSONS

#### **1 Power to enter into arrangements for discharge of care functions**

- (1) A local authority may enter into arrangements with a body corporate for the discharge by that body of some or all of the relevant care functions of that authority (but subject to section 2).
- (2) The relevant care functions of a local authority are—
  - (a) its social services functions in relation to individual children who are looked after by it; and
  - (b) its functions under sections 23B to 24D of the 1989 Act.
- (3) A party (other than the local authority concerned) to arrangements entered into under this section—
  - (a) may not include any other local authority; and
  - (b) is referred to in this Part as a provider of social work services.
- (4) Arrangements under this section may be framed by reference to—
  - (a) individuals of a particular description;
  - (b) particular localities within the area of the local authority concerned.
- (5) Where an individual child (A) ceases to be looked after by a local authority and a provider of social work services (P) was discharging under arrangements under this Part social services functions of the authority in relation to A at that time, the arrangements may also make provision for P to discharge all or any of the authority's social services functions in relation to A after A ceases to be looked after by the authority.
- (6) The appropriate national authority may by regulations specify—
  - (a) functions not falling within subsection (2) which are to be treated as being relevant care functions for the purposes of this section;

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*Changes to legislation: Children and Young Persons Act 2008, Section 1 is up to date with all changes known to be in force on or before 25 September 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

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- (b) functions otherwise falling within that subsection which are to be treated as not being relevant care functions for the purposes of this section.
- (7) The appropriate national authority may by regulations make provision about the bodies corporate which may, or may not, be parties to arrangements under this section.
- (8) The appropriate national authority may by regulations provide that arrangements under this section may not be entered into—
  - (a) for a period shorter than the prescribed minimum period; or
  - (b) for a period exceeding the prescribed maximum period.
- (9) References in this Part to a child looked after by a local authority have the same meaning as they have in the 1989 Act (by virtue of section 22 of that Act).
- (10) “ Social services functions ” has the meaning given by section 1A of the Local Authority Social Services Act 1970 (c. 42).
- (11) In this Part—
  - “ appropriate national authority ” means—
    - (a) in relation to England, the Secretary of State; and
    - (b) in relation to Wales, the Welsh Ministers;
  - “ function ” includes any power to do anything which is calculated to facilitate, or is conducive or incidental to, the exercise of a function;
  - “ local authority ” means—
    - (a) in relation to England, the council of a county, a metropolitan district or a London Borough or the Common Council of the City of London; and
    - (b) in relation to Wales, the council of a county or a county borough.

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**Commencement Information**

- I1** S. 1 in force at 16.2.2009 for specified purposes for E. by [S.I. 2009/323](#), **art. 2(a)**
- I2** S. 1 in force at 16.12.2010 for specified purposes for E. by [S.I. 2010/2981](#), **art. 3**
- I3** S. 1 in force at 14.11.2011 for specified purposes for E. by [S.I. 2011/2703](#), **art. 2**
- I4** S. 1 in force at 12.11.2013 for E. so far as not already in force by [S.I. 2013/2606](#), **art. 2(a)**

**Changes to legislation:**

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**Changes and effects yet to be applied to :**

- s. 1-5 cease to have effect (cond.) by [2008 c. 23 s. 6\(3\)-\(5\)Sch. 4](#)