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;

(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.