



*Guidance on the Statutory Chief
Officer Post of the Director of
Adult Social Services*

May 2006

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Description	Statutory guidance on the role and responsibilities of Directors of Adult Social Services.
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Action required	Councils with social services responsibilities are required to appoint a Director of Adult Social Services. Where a Director of Adult Social Services has been appointed ahead of the publication of this guidance the council should take any necessary steps to bring the roles and responsibilities of the postholder into line with this post.
Timing	Councils with social services responsibilities should ensure that a Director of Adult Social Services is appointed by 2008
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For recipient's use	

Summary

1. This statutory guidance instructs local authorities about arrangements for establishing a Director of Adult Social Services (DASS) post, pursuant to the Children Act 2004 (which amended the Local Authority Social Services Act 1970), with responsibility for local authority social services functions in respect of adults. This guidance, issued under section 7(1) of the Local Authority Social Services Act 1970 and follows consultation on 'Draft Best Practice Guidance on the Role of the Director of Adult Social Services', which closed in July 2005. Separate 'Best Practice Guidance on the Role of the Director of Adult Social Services' has also been published alongside this statutory guidance which builds on the minimum guidance set out in this document and is designed to support Directors of Adult Social Services in delivering the Government's Vision for Adult Social Care.
2. The intention of this guidance is to create, within each council responsible for providing social services, a post with strategic responsibility and accountability for the planning, commissioning and delivery of social services for all adult client groups and with a leading role in delivering the wider vision for social care and combating social exclusion. The local authority shall take steps to ensure that the postholder is given the necessary authority to pursue this agenda, is enabled/given the necessary resources to provide professional leadership (including delivering workforce planning) in social care and deliver the cultural change necessary to implement person-centred services and to promote partnership working, and such other responsibilities as the Authority determines.
3. The creation of the 'Director of Adult Social Services' post, alongside the Director of Children's Services, will ensure that all the social care needs of local communities are given equal emphasis and are managed in a co-ordinated way through joint strategic needs assessment and joint planning.
4. The DASS will provide a key professional leadership role for staff working in adult social care services. He or she will also have a key role in ensuring accountability of services to local communities through consultation with local people and, in particular, users of services.

Duty to Appoint

5. The Children Act 2004 requires every children's services authority in England to:
 - a. appoint a Director of Children's Services (DCS) (section 18(1) of the Act); and
 - b. designate a Lead Member for Children's Services (Section 19(1)).

6. The Children Act 2004 also makes an amendment to Section 6 of the Local Authority Social Services Act 1970 ("the 1970 Act"). This amendment requires a local authority with social services responsibility in England to appoint an officer as the Director of Adult Social Services, once a local authority exercises its power to appoint a DCS and, in any case once the duty to appoint a DCS is commenced¹. There will no longer be a requirement to appoint a Director of Social Services. The relevant provisions of Schedule 2 to the Children Act 2004 are reproduced at Annex A. This guidance applies only to local authorities with social services responsibilities in England. Arrangements for the administration of adult social services within local Government in Wales, Scotland and Northern Ireland are a matter for the relevant devolved administration.

7. The local authority shall ensure that the Director of Adult Social Services is made accountable for the delivery of local authority social services functions listed in Schedule 1 of the Local Authority Social Services Act 1970 (as amended), other than those for which the Director of Children's services is responsible, in respect of adults.

8. The Director of Adult Social Services is a politically restricted statutory chief officer post under Section 2 of the Local Government and Housing Act 1989 (as amended). This means that he or she may not be a Member of the local authority. As is the case with former Directors of Social Services, the appointment of the Director of Adult Social Services is not a function of the executive. This means that the full council can take the decision, or may choose to delegate the decision².

9. Local authorities shall ensure that the DASS is directly accountable to the Chief Executive of the local authority and comparable, in terms of seniority, with the Director of Children's Services.

1 See paragraph 9.

2 See the table in Schedule 1 of the Local Authorities (Functions and Responsibilities) Regulations 2000 as amended.

10. The Local Authority Social Services Act 1970 (as amended), allows local authorities to jointly appoint a single Director of Adult Social Services to cover their local authority areas. The partnership arrangements provided for by the Health Act 1999 also enable joint funding of posts between a local authority and an NHS body. A joint appointment of a person to a DASS post and a post in the NHS is therefore possible. Where such a joint appointment occurs the DASS must remain an employee of the local authority for the full range of social services responsibilities. In addition, local authorities may extend the DASS's responsibilities to cover other local authority services and responsibilities (such as leisure, housing, transport and adult education). It is for authorities themselves to determine whether to utilise/make use of these provisions given their particular circumstances.

Timetable

11. From the day that an authority appoints a DCS under Section 18 of the Children Act 2004 the amendments in Schedule 2 come into effect (see paragraph 5 and 6 above), including the duty to appoint a DASS. The Secretary of State has the power to make an order appointing the date by which all local authorities should have made DCS appointments (i.e. when the duty to appoint comes into force), and consequentially DASS appointments. We expect that all local authorities will have appointed a DASS by 2008.

Status of this Guidance

12. This guidance, is issued by the Secretary of State for Health pursuant to section 7(1) of the Local Authority Social Services Act 1970. Where a local authority has designated a DASS in advance of this guidance being issued, the authority shall take the necessary steps to bring the functions of the post in line with this guidance.

Role of the Director of Adult Social Services

13. Local authorities shall ensure that the responsibilities of the DASS, as set out below, properly relate to the local authority's functions in respect of adult social services. These responsibilities include:
 - (i) Accountability for assessing local needs and ensuring availability and delivery of a full range of adult social services;
 - (ii) Professional leadership, including workforce planning;
 - (iii) Leading the implementation of standards;
 - (iv) Managing cultural change;
 - (v) Promoting local access and ownership and driving partnership working;

- (vi) Delivering an integrated whole systems approach to supporting communities;
and
- (vii) Promoting social inclusion and wellbeing;

Each of these aspects is detailed below.

Accountability

14. Local Authorities shall ensure that there are clear and appropriate accountability arrangements in place to scrutinise the work of the DASS in relation to the local authority's adult social services functions, including appropriate arrangements at Member level. They shall also take steps to ensure that the DASS has appropriate access to Members of the local authority with responsibility for political leadership in respect of adult social care and other services for adults which promote well-being, as well as relevant non-executive Members.
15. Local authorities shall take steps to ensure that the DASS delivers the local authority's responsibilities for assessing, planning and commissioning adult social care and well-being services to meet the needs of all adults with social care needs in the authority's area (including the specific needs of carers, people from ethnic minority backgrounds and people living in rural communities). This responsibility shall include ensuring that services comply with statutory requirements, including requirements in respect of carers and equality and anti-discrimination legislation. The local authority shall ensure that the DASS is responsible for the efficiency, effectiveness and value for money of the services provided or commissioned by the local authority. The local authority's responsibilities, to be delivered by the DASS extend to residents receiving services out of the council area.
16. Local authorities shall ensure that the DASS draws up clear lines of responsibility, within his or her staff team for managing the needs of all adult client groups. Further details of responsibilities that local authorities are recommended to include within the DASS's remit in respect of drawing up clear lines of accountability are set out in more detail at paragraphs 15 to 19 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.

Professional Leadership

17. The local authority shall make the DASS responsible for providing professional leadership for all local authority staff involved in delivering the council's social services functions for adults and across local networks and partnerships involved in the provision of adult social care services. The local authority should make the DASS

accountable for ensuring that relevant professional and occupational standards and standards of conduct are maintained across adult social care services provided by, or commissioned by the local authority.

18. The local authority should also make the DASS responsible for the management, welfare and professional development of all local authority staff involved in planning, commissioning and/or providing social services. This includes shared responsibility for staff appointed to jointly funded posts between the local authority and other agencies/organisations involved in adult social care or healthcare.
19. Local authorities shall make the DASS responsible for undertaking a strategic needs assessment for adults and families with actual or potential social care needs across the local authority area. The process will involve responsibility and authority for assessing the needs of all client groups, the range of services required and the balance between different services to be provided by the local authority, now and in the future. Among other things, the DASS shall be enabled by the Local Authority to use the results of this exercise to improve the council's performance in strategic commissioning and market development. The local authority shall direct the DASS to undertake this strategic needs assessment in partnership with the Director of Children's Services, the Director of Public Health and other statutory agencies/organisations and in consultation with the wider community, including independent and voluntary sector organisations involved in social care for adults and families. The responsibilities that local authorities are recommended to place on the DASS in respect of a strategic needs assessment exercise are set out in more detail at paragraphs 23 to 25 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.
20. Local authorities shall ensure that the DASS is given responsibility for strategic planning (in relation to the local authority's social services functions) for the adult social care workforce. These responsibilities shall include working in partnership with the Director of Children's Services to jointly plan the social care workforce needed to meet the needs of families and the community as a whole. This responsibility for strategic workforce planning shall not be limited to consideration of social services staff in isolation from the wider social care workforce and shall include consideration of workforce capacity within the private, independent and voluntary sectors. The responsibilities that local authorities are recommended to place on the DASS in respect of a workforce planning are set out in more detail at paragraphs 27 and 28 of the accompanying Best Practice Guidance on the Role of the Director of Adult Social Services.

21. Local authorities shall ensure that the DASS is made responsible for delivering services to relevant national and local standards, including monitoring the resource levels for adults social services needed to maintain standards. The Local Authority shall ensure that the DASS has the responsibility and means to facilitate the achievement of national targets by the local authority, such as those set in the Public Service Agreement.

Leading the Implementation of Standards

22. Local authorities shall ensure that the DASS implements national standards in respect of corporate governance, probity, workforce and all aspects of the business of adult social services. This includes ensuring that the DASS acts as the principal point of contact within the local authority, below the chief executive, for the conduct of adult social services' business with national organisations, including the Commission for Social Care Inspection.
23. Local authorities shall ensure that the DASS has responsibility and authority for ensuring that the local authority maintains a clear organisational and operational focus on safeguarding vulnerable adults and that relevant statutory requirements and other national standards are met, including Protection of Vulnerable Adult (POVA) requirements. The local authority shall take steps to ensure that the DASS has the powers/resources necessary to encourage a culture of vigilance against the possibility of adult abuse.

Managing Cultural Change

24. The local authority shall ensure that the DASS is made responsible for managing the necessary cultural change to deliver the council's responsibility to promote well-being and for delivering pro-active services with an appropriate focus on prevention. Local authorities shall ensure that the DASS is responsible for taking account of the cultural needs of communities in planning and commissioning services in line with relevant national guidelines.

Promoting Local Access and Ownership and Driving Partnership Working

25. Local authorities shall ensure that the DASS is made responsible for effectively communicating information about the services available in the local authority area, eligibility criteria and charging policies to service users, including young people with long-term care needs and other potential users of adult social services, their families and carers in the most appropriate format. The DASS shall also be made responsible for ensuring appropriate involvement of, and consultation with, service users, their

families, carers and the wider community in the planning, design and provision of adult social care services and for considering how accessible services are to services users, their families, carers and the wider community. In taking forward such communication the local authority shall ensure that the DASS takes account of any national and local guidelines.

26. Local authorities shall also ensure that the DASS is responsible for maintaining clear and effective arrangements to support the joint planning, monitoring and delivery of local authority social services with the NHS, housing authorities, Supporting People programme and other statutory agencies. This is essential for ensuring well-being is being promoted effectively.

Delivering an Integrated Whole Systems Approach to Supporting Communities

27. Local authorities shall take steps to satisfy themselves that:
- (i) The DASS and the Director of Children's Services have adequate partnership working arrangements in place to enable a whole systems approach to social care to be taken;
 - (ii) Arrangements are in place to ensure that the contribution of all local authority services to meeting the needs of adults with social care needs is maximised;
 - (iii) The DASS and the Director of Children's Services have put adequate arrangements in place to ensure that all young people with long-term social care needs have been assessed and, where eligible, receive a service which meets their needs throughout their transition to becoming adults; and
 - (iv) All services falling within the DASS's remit remain focused appropriately on safeguarding both adults and children.

Promoting Social Inclusion and Wellbeing

28. Local authorities shall ensure that the remit of the DASS includes promotion of social inclusion and wellbeing, with a view to developing sustainable services that promote independence and minimise the need for intensive home care and residential services. They shall also be satisfied that arrangements are in place to promote social inclusion and wellbeing, including consideration of the needs of families and carers in the planning and delivery of the full range of services provided by the local authority. The Local Authority shall take the necessary steps to enable the DASS to provide a specific focus on the wellbeing of adults and this should involve a role in championing the needs of adults that goes beyond the organisational boundaries of adult social care.

29. Local authorities shall ensure that the DASS is made responsible for promoting equality of opportunity and eliminating discrimination in respect of adult social care services.

Discretion to Combine the DASS Function with Additional Functions

30. The DASS function is a statutory function and a local authority is required to appoint a statutory chief officer with responsibility for delivering that function. However, there is nothing to prevent local authorities from expanding the remit of the post held by the DASS to include other aspects of local authority business if they so choose, e.g. housing and leisure services. In some cases expanding the role may contribute to the DASS's capacity to deliver his or her responsibilities.
31. In certain circumstances responsibility for partner organisations, for example NHS organisations, might also be combined with the DASS role.

Providing a Political Focus on Adult Social Services

32. Local authorities shall ensure that effective political accountability arrangements for adult social care exist at member level. It is the Department of Health's intention to introduce legislation to require local authorities to appoint a Lead Member for Adult Services with responsibility at Member level for ensuring a strategic approach to services for adults provided by the local authority and, in particular, promoting wellbeing, preventing social exclusion and protection of vulnerable adults.
33. Until such time as any further guidance about political arrangements for overseeing adult social services are introduced local authorities shall ensure that there is:
 - Clear political accountability for the effectiveness, availability and value for money of all local authority adult social services (and preventing unnecessary use of healthcare resources);
 - The necessary political leadership to engage with local communities and ensure that adult social services are effective in meeting the needs of adults with social care needs, their families and carers; and
 - A political focus on safeguarding vulnerable adults and promoting a high standard of services for adults with social care needs across all agencies.
34. Local authorities shall ensure that there are effective and transparent relationships between the DASS and the political leadership of the local authority including arrangements to scrutinise the effectiveness of adult social care.

35. There shall also be clear political arrangements in place to ensure effective partnership working between children's social services and adults social services and that a holistic approach to meeting the needs of communities is taken.

Annex A – Schedule 2 of the Children’s Act 2004

Children Bill [HL]

Schedule 2 — Director of children’s services: consequential amendments

SCHEDULE 2

DIRECTOR OF CHILDREN’S SERVICES: CONSEQUENTIAL AMENDMENTS SECTION 2 AND 3

Local Authority Social Services Act 1970 (c. 42)

2 (1) The Local Authority Social Services Act 1970 is amended as follows.

(2) In section 6 (director of social services)—

(a) before subsection (1) insert—

“(A1) A local authority in England shall appoint an officer, to be known as the director of adult social services, for the purposes of their social services functions, other than those for which the authority’s director of children’s services is responsible under section 18 of the Children Act 2004.”;

(b) in subsection (1), after “local authority” insert “in Wales”;

(c) in subsection (2), after “director of”, in both places, insert “adult social services or (as the case may be)”;

(d) in subsection (6), for “a director of social services” substitute “a person under this section”.

(3) In Schedule 1, in the entry for “Sections 6 and 7B of this Act”, after the words “Appointment of” insert “director of adult social services or”.

Local Government and Housing Act 1989 (c. 42)

3 In section 2 of the Local Government and Housing Act 1989 (politically restricted posts), in subsection (6)—

(a) after “means—” insert—

“(za) the director of children’s services appointed under section 18 of the Children Act 2004 and the director of adult social services appointed under section 6(A1) of the Local Authority Social Services Act 1970 (in the case of a local authority in England);”;

(b) in paragraph (a), at the end insert “(in the case of a local authority in Wales)”;

(c) in paragraph (c) after “director of social services” insert “(in the case of a local authority in Wales)”.

Annex B – The Legislative Framework for the Delivery of Adult Social Services

[As taken from Butterworths Legislation online]

The Statutory Basis for the Provision of Adult Social Services by a Local Authority

1. Section 6 of the Social Services Act 1970 (as amended) provides that:
 - A Local Authority is required to appoint a person to the post of Director of Adult Social Services, for the purposes of their social services functions, other than those for which the local authority's Director of Children's Services is responsible under section 18 of the Children's Act 2004.
 - A joint appointment may be made across two or more authorities.
 - The Secretary of State may make regulations setting out the requirements for appointment to the post.
 - The local authority should provide adequate resources in order to enable the Director of Adult Social Services to carry out his or her responsibilities.
 - The local authority is responsible for the remuneration and other terms and conditions of service for the Director of Adult Social Services.

The Local Government and Housing Act 1989 sections 1 and 2 provide that a Director of Adult Social Services is a politically restricted post and, consequently, the post-holder may not be a member of the local authority.

Local Authority Social Services Act 1970

1970 CHAPTER 42

An Act to make further provision with respect to the organisation, management and administration of local authority social services; to amend the Health Visiting and Social Work (Training) Act 1962; and for connected purposes

[29th May 1970]

BE IT ENACTED by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

SCHEDULE 1

ENACTMENTS CONFERRING FUNCTIONS ASSIGNED TO SOCIAL SERVICE COMMITTEE

Section 2

Enactment	Nature of functions
Children and Young Persons Act 1933 (c 12)	Protection of the young in relation to criminal and summary proceedings; children appearing before court as in need of care, protection or control; committal of children to approved school or care of fit person, etc.
Part III	
Part IV	Remand homes, approved schools and children in care of fit persons.
...	...
National Assistance Act 1948 (c 29)	Provision of residential accommodation for the aged, infirm, needy, etc.
Sections 21 to 27	
Sections 29 and 30	Welfare of persons who are blind, deaf, dumb or otherwise handicapped or are suffering from mental disorder; use of voluntary organisations for administration of welfare schemes.
...	...
Sections 43 to 45	Recovery of costs of providing certain services.
Section 48	Temporary protection of property belonging to persons in hospital or accommodation provided under Part III of the Act, etc.
Section 49	Defraying expenses of local authority officer applying for appointment as receiver for certain patients.
...	...
Section 56(3) except so far as it relates to an offence under section 47(11)	Prosecution of offences.
...	...
...	...

Disabled Persons (Employment) Act 1958 (c 33)	
Section 3	Provision of facilities for enabling disabled persons to be employed or work under special conditions.
...	...
...	...
Mental Health Act 1959 (c 72)	
[section 8]	[Welfare and accommodation of mentally disordered persons.]
...	...
[Mental Health (Scotland) Act 1984]	
Section 10	Welfare of certain person while in hospital in Scotland.
Health Visiting and Social Work (Training) Act 1962 (c 33)	
Section 5(1)(b), and as extended by section 45(9) of the Health Services and Public Health Act 1968 (c 46).	Research into matters relating to local authority welfare services.
[Section 5(1)(c)	Research into matters relating to functions of local authorities.]
Children and Young Persons Act 1963 (c 37)	
Part I	...; powers relating to young persons in need of care, protection or control; further provisions for protection of the young in relation to criminal proceedings; ...
...	...
...	...
Health Services and Public Health Act 1968 (c. 46)	
...	...
Section 45	Promotion of welfare of old people.
[Section 65	Financial and other assistance to voluntary organisations.]

<p>Social Work (Scotland) Act 1968 (c 49)</p>	<p>Sections 75(2) and 76(4)</p>	<p>Reference for consideration, etc. of case of child in care whose parent moves to Scotland and transfer of child.</p>
<p>...</p>	<p>Children and Young Persons Act 1969 (c. 54)</p>	<p>...</p>
<p>The whole Act except [section 9] in so far as they assign functions to a local authority in their capacity of a local education authority.</p>	<p>Chronically Sick and Disabled Persons Act 1970 (c 44)</p>	<p>Care and other treatment of children and young persons through court proceedings; ...</p>
<p>Section 1</p>	<p>Section 2</p>	<p>Obtaining information as to need for, and publishing information as to existence of, certain welfare services.</p>
<p>Section 18</p>	<p>[Sections 6 and 7B of this Act</p>	<p>Provision of certain welfare services.</p>
<p>[...]</p>	<p>[Children Act 1975 (c 72)</p>	<p>Provision of certain information required by Secretary of State.</p>
<p>...</p>	<p>Part II</p>	<p>Appointment of director of social services, etc; provision and conduct of complaints procedure.]</p>
<p>...</p>	<p>[<i>Adoption Act 1976 (c 36)</i></p>	<p>...]</p>
<p>...</p>	<p>Part II</p>	<p>...</p>
<p>[<i>Adoption Act 1976 (c 36)</i></p>	<p>Application by local authority for revocation of custodianship order; inquiries carried out by local authority in custodianship cases.]</p>	<p><i>Maintenance of Adoption Service; functions of local authority as adoption agency; applications for orders freeing children for adoption; inquiries carried out by local authorities in adoption cases; care, possession and supervision of children awaiting adoption.</i>]</p>

[Supplementary Benefits Act 1976

Schedule 5 Provision and maintenance of [resettlement units] for persons without a settled way of living.]

[... ...]

[National Health Service Act 1977

Schedule 8 Care of Mothers and young children; prevention, care and after-care; home help and laundry facilities.]

[... ...]

[... ...]

[... ...]

[Residential Homes Act 1980

Sections 1 to 7 Registration of disabled or old persons' homes and residential homes for mentally disordered persons.]

[... ...]

[Mental Health Act 1983 (c 20)

Parts II, III and VI Welfare of the mentally disordered; guardianship of persons suffering from mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative of person so suffering.

Sections 66, 67, 69(1) Exercise of functions of nearest relative in relation to applications and references to Mental Health Review Tribunals.

Section 114 Appointment of approved social workers.

Section 115 Entry and inspection.

Section 116 Welfare of certain hospital patients.

Section 117 After-care of detained patients.

Section 130 Prosecutions.]

<p>[Health and Social Services and Social Security Adjudications Act 1983 (c 41)</p>	<p>Charges for local authority welfare services]</p>
<p>Section 17, so far as relating to services provided under the enactments mentioned in subsection (2)(a) to (c)</p>	<p>...]</p>
<p>[... [Public Health (Control of Disease) Act 1984 (c 22)</p>	
<p>Section 46(2) and (5)</p>	<p>Burial or cremation of person dying in accommodation provided under Part III of the National Assistance Act 1948, and recovery of expenses from his estate.]</p>
<p>[Housing Act 1996 Section 213(1)(b)</p>	<p>Co-operation in relation to homeless persons and persons threatened with homelessness.]</p>
<p>[Disabled Persons (Services, Consultation and Representation) Act 1986 (c 33)</p>	
<p>Sections 1 to 5, 7 and 8 except in so far as they assign functions to a local authority in their capacity as a local education authority.</p>	<p>Representation and assessment of disabled persons.]</p>
<p>[Housing (Scotland) Act 1987 (c 26)</p>	
<p>Section 38(b).</p>	<p>Co-operation in relation to homeless persons and persons threatened with homelessness.]</p>
<p>[Children Act 1989 The whole Act, in so far as it confers functions on a local authority within the meaning of that Act.</p>	<p>Welfare reports. Consent to application for residence order in respect of child in care. [Functions relating to special guardianship orders.] Family assistance orders. Functions under Part III of the Act (local authority support for children and families).</p>

Care and supervision.

Protection of children.

Functions in relation to community homes, voluntary homes and voluntary organisations, [private] children's homes, private arrangements for fostering children, child minding and day care for young children.

Inspection of children's homes on behalf of Secretary of State.

Research and returns of information.

Functions in relation to children accommodated by health authorities[, Primary Care Trusts,] [National Health Service trusts] and local education authorities or [care homes, independent hospitals or schools].]

[National Health Service and
Community Care Act 1990 (c 19)

Section 46 Preparation of plans for community care services.

Section 47 Assessment of needs for community care services.]

[Education Act 1993

Section 166 Help for local education authority in exercising functions under Part III of the Act.]

[Carers (Recognition and Services) Act 1995 (c 12)

Section 1 Assessment of ability of carers to provide care.]

[Community Care (Direct
Payments) Act 1996

Functions in connection with the making of payments to persons in respect of their securing the provision of community care services [or services under the Carers and Disabled Children Act 2000].]

[Adoption (Intercountry
Aspects) Act 1999 (c 18)

Section [Sections 1 and] 2(4) Functions under *Article 9(a) to (c) of* [regulations made under section 1 giving effect to] the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993 [and functions under Article 9(a) to (c) of the Convention].]

[Carers and Disabled Children Act 2000 (c 16)

The whole Act, in so far as it confers functions on a local authority within the meaning of that Act.

Assessment of carers' needs.
Provision of services to carers.
Provision of vouchers.]

[Health and Social Care Act 2001

Part 4 in so far as it confers functions on a local authority in England or Wales within the meaning of that Part.

Functions in relation to the provision of residential accommodation.

Making of direct payments to person in respect of his securing provision of community care services or services to carers.]

[Adoption and Children Act 2002

Maintenance of Adoption Service; functions of local authority as adoption agency.]

[Community Care (Delayed Discharges etc) Act 2003

Part 1

Functions relating to hospital patients likely to need community care services to be made available in order to be discharged safely.]

[Health and Social Care (Community Health and Standards) Act 2003

Section 114

Consideration of complaints.]

[Carers (Equal Opportunities) Act 2004

Section 3, in so far as it confers functions on a local authority within the meaning of that section.

Co-operation between authorities.]

NOTES

Initial Commencement

To be appointed

To be appointed: see s 15(4).

Appointment

Appointment (in respect of all local authorities in England and Wales except Herfordshire County Council, Manchester County Borough Council and Lancashire County Council): 1 January 1971: see SI 1970/1813, art 2, Schs 1, 2.

Appointment (in respect of Hertfordshire County Council) : 1 April 1971: see SI 1970/1813, art 2, Schs 1, 2.

Appointment (in respect of Manchester County Borough Council): 26 May 1971: see SI 1970/1813, art 2, Schs 1, 2.

Appointment (in respect of Lancashire County Council): 1 January 1971: see SI 1970/1813, art 2, Schs 1, 2.

Amendment

First entry omitted (which related to the National Health Service Act 1946) replaced by later entry relating to the National Health Service Act 1977 by the National Health Service Act 1977, s 129, Sch 15, para 51.

In entry relating to the National Assistance Act 1948, first set of word omitted repealed by the Charities Act 1992, s 78(2), Sch 7, second set of words omitted repealed by the Public Health (Control of Disease) Act 1984, s 78, Sch 3, final set of words omitted repealed by the Statute Law (Repeals) Act 1978.

Entries omitted immediately preceding the entry relating to the Disabled Persons (Employment) Act 1958 repealed by the Child Care Act 1980, s 89(3), Sch 6 and the Statute Law (Repeals) Act 1993.

In entry relating to the Disabled Persons (Employment) Act 1958, first set of words omitted repealed by the Foster Children Act 1980, s 23(2), (3), Sch 2, Part I, Sch 3, second set of words omitted repealed by the Adoption Act 1976, s 73(3), Sch 4.

Entry relating to the Mental Health Act 1959 set out as amended by the Education (Handicapped Children) Act 1970, s 2(2), Schedule, the National Health Service Reorganisation Act 1973, s 57, Sch 5, the Mental Health Act 1983, s 148, Sch 4, para 27(a) and the Children Act 1989, s 108(5), Sch 13, para 26(1)(a).

In entry relating to the Mental Health Act 1959 words omitted repealed by the Care Standards Act 2000, s 117(2), Sch 6.

Date in force (in relation to England): 1 April 2002: see SI 2001/4150, art 3(3)(a); for transitional provisions see SI 2001/4150, arts 3(2), 4(1), (3), (4) and SI 2002/1493, art 4 (as amended by SI 2002/1493, art 6).

Date in force (in relation to Wales): 1 April 2002: see SI 2002/920, art 3(3)(g); for transitional provisions see arts 2, 3(2), (4), (6)–(10), Sch 1 thereto.

Entry omitted immediately preceding the entry relating to the Mental Health (Scotland) Act 1984 repealed by the Domestic Proceedings and Magistrates' Courts Act 1978, s 89(2), Sch 2, para 27, Sch 3.

In entry relating to the Mental Health (Scotland) Act 1984, words in square brackets substituted by the Mental Health (Scotland) Act 1984, s 127(1), Sch 3, para 18.

In entry relating to the Health Visiting and Social Work (Training) Act 1962, words in square brackets inserted by the National Health Service Reorganisation Act 1973, s 57, Sch 4, para 131(1).

In entry relating to the Children and Young Persons Act 1963, words omitted repealed by the Child Care Act 1980, s 89(3), Sch 6.

Entries omitted immediately preceding the entry relating to the Health Services and Public Health Act 1968 repealed by the Matrimonial Causes Act 1973, s 54, Sch 2, para 11, Sch 3 and the Supplementary Benefits Act 1976, s 35(2), (3), Sch 7, para 18, Sch 8, Part I.

In entry relating to the Health Services and Public Health Act 1968, words omitted repealed by the National Health Service Act 1977, s 129, Sch 16, and words in square brackets inserted by the National Health Service Reorganisation Act 1973, s 57, Sch 4, para 131(2).

Entry relating to the Family Law Reform Act 1969 (omitted) repealed by the Statute Law (Repeals) Act 2004.

Date in force: 22 July 2004: (no specific commencement provision).

In entry relating to the Children and Young Persons Act 1969, words in square brackets substituted by the Children Act 1989, s 108(5), Sch 13, para 26(1)(b), and words omitted repealed by the Child Care Act 1980, s 89(3), Sch 6 and the Children Act 1989, s 108(7), Sch 15.

Entry relating to sections 6 and 7B of this Act substituted by the National Health Service and Community Care Act 1990, s 66(1), Sch 9, para 11(b); words omitted immediately after that entry were inserted by the Matrimonial Causes Act 1973, s 54, Sch 2, para 11 and repealed by the Children Act 1989, s 108(7), Sch 15.

Entry relating to the Children Act 1975 inserted by the Children Act 1975, s 108(1)(a), Sch 3, para 74(b); words omitted repealed by the Adoption Act 1976, s 73(3), Sch 4.

Entry relating to the Adoption Act 1976 inserted by the Adoption Act 1976, s 73(2), Sch 3, para 15.

Entry relating to the Adoption Act 1976 repealed by the Adoption and Children Act 2002, s 139(1), (3), Sch 3, paras 12, 14(a), Sch 5.

Date in force: to be appointed: see the Adoption and Children Act 2002, s 148(1), (2).

Entry relating to the Supplementary Benefits Act 1976 inserted by the Supplementary Benefits Act 1976, s 35(2), Sch 7, para 18; words in square brackets therein substituted by the Social Security Act 1980, s 20(1), Sch 4, para 6.

Entry omitted immediately preceding the entry relating to the National Health Service Act 1977 was inserted by the Housing (Homeless Persons) Act 1977, s 20(2) and was repealed by the Housing (Consequential Provisions) Act 1985, s 3, Sch 1, Part I.

Entry relating to the National Health Service Act 1977 was substituted for the original entry relating to the National Health Service Act 1946 (ante) by the National Health Service Act 1977, s 129, Sch 15, para 51.

Entries omitted immediately preceding the entry relating to the Residential Homes Act 1980 were inserted, respectively, by the Domestic Proceedings and Magistrates' Courts Act 1978, s 89(2), Sch 2, para 27, the Child Care Act 1980, s 89(2), Sch 5, para 29 and the Foster Children Act 1980, s 3(2), Sch 2, Part I, and were repealed by the Children Act 1989, s 108(7), Sch 15.

Entry relating to the Residential Homes Act 1980 inserted by the Residential Homes Act 1980, s 11(4), Sch 1, para 4(2).

Entry omitted immediately preceding the entry relating to the Mental Health Act 1983 was inserted by the Mental Health (Amendment) Act 1982, s 65(1), Sch 3, para 45 and was repealed by the Mental Health Act 1983, s 148, Sch 4, para 27, Sch 6.

Entry relating to the Mental Health Act 1983 inserted by the Mental Health Act 1983, s 148, Sch 4, para 27.

Entry relating to the Health and Social Services and Social Security Adjudications Act 1983 inserted by the Care Standards Act 2000, s 112.

Date in force (in relation to Wales): 1 July 2001: see SI 2001/2190, art 2, Schedule.

Date in force (in relation to England): 4 October 2001: see SI 2001/3331, art 2(a).

Entry relating to the Registered Homes Act 1984 originally inserted by the Health and Social Services and Security Adjudications Act 1983, s 29(1), Sch 9, para 9.

Entry relating to the Registered Homes Act 1984 (omitted) repealed by the Care Standards Act 2000, s 117(2), Sch 6.

Date in force (in relation to England): 1 April 2002: see SI 2001/4150, art 3(3)(a); for transitional provisions see SI 2001/4150, arts 3(2), 4(1), (3), (4) and SI 2002/1493, art 4 (as amended by SI 2002/1493, art 6).

Date in force (in relation to Wales): 1 April 2002: see SI 2002/920, art 3(3)(g); for transitional provisions see arts 2, 3(2), (4), (6)–(10), Sch 1 thereto.

Entry relating to the Public Health (Control of Disease) Act 1984 inserted by the Public Health (Control of Disease) Act 1984, s 78, Sch 2, para 6.

Entry relating to the Housing Act 1996 originally inserted by the Housing (Consequential Provisions) Act 1985, s 4, Sch 2, para 19, substituted by the Housing Act 1996, s 216, Sch 17, para 1.

Entry relating to the Disabled Persons (Services, Consultation and Representation) Act 1986 inserted by the Local Government Act 2000, s 107, Sch 5, para 7.

Date in force (in relation to England): 26 October 2000: see SI 2000/2849, art 2(f).

Date in force (in relation to Wales): 28 July 2001 (unless the National Assembly for Wales by order provides for this amendment to come into force before that date): see the Local Government Act 2000, s 108(4), (6)(b).

Entry relating to the Housing (Scotland) Act 1987 inserted by the Housing (Scotland) Act 1987, s 339(2), Sch 23, para 16.

Entry relating to the Children Act 1989 inserted by the Children Act 1989, s 108(5), Sch 13, para 26(2).

In entry relating to the Children Act 1989 words “Functions relating to special guardianship orders.” in square brackets inserted by the Adoption and Children Act 2002, s 139(1), Sch 3, paras 12, 14(b).

Date in force: to be appointed: see the Adoption and Children Act 2002, s 148(1), (2).

In entry relating to the Children Act 1989 word “private” and words “care homes, independent hospitals or schools” in square brackets substituted by the Care Standards Act 2000, s 116, Sch 4, para 4.

Date in force (in relation to England): 1 April 2002: see SI 2001/4150, art 3(3)(a); for transitional provisions see SI 2001/4150, arts 3(2), 4(1), (3), (4) and SI 2002/1493, art 4 (as amended by SI 2002/1493, art 6).

Date in force (in relation to Wales): 1 April 2002: see SI 2002/920, art 3(3)(d); for transitional provisions see arts 2, 3(2), (4), (6)–(10), Sch 1 thereto.

In entry relating to the Children Act 1989 in column 2 words “, Primary Care Trusts,” in square brackets inserted by SI 2002/2469, reg 4, Sch 1, Pt 1, para 6.

Date in force: 1 October 2002: see SI 2002/2469, reg 1.

In entry relating to the Children Act 1989 words “National Health Service trusts” in square brackets inserted by the National Health Service and Community Care Act 1990, s 66(1), Sch 9, para 11(a).

Entry relating to the National Health Service and Community Care Act 1990 inserted by the National Health Service and Community Care Act 1990, s 66(1), Sch 9, para 11(c).

Entry relating to the Education Act 1993 inserted by the Education Act 1993, s 307(1), Sch 19, para 44.

Entry relating to the Carers (Recognition and Services) Act 1995 inserted by the Carers (Recognition and Services) Act 1995, s 1(7).

Entry relating to the Community Care (Direct Payments) Act 1996 inserted by the Community Care (Direct Payments) Act 1996, s 3(3).

Entry relating to the Community Care (Direct Payments) Act 1996 repealed by the Health and Social Care Act 2001, s 67(2), Sch 6, Pt 3.

Date in force: to be appointed: see the Health and Social Care Act 2001, s 70(2).

In entry relating to the Community Care (Direct Payments) Act 1996 words “or services under the Carers and Disabled Children Act 2000” in square brackets inserted by the Carers and Disabled Children Act 2000, s 9(a).

Date in force (in relation to England): 1 April 2001: see SI 2001/510, art 2, Schedule.

Date in force (in relation to Wales): 1 July 2001: see SI 2001/2196, art 2, Schedule.

Entry relating to the Adoption (Intercountry Aspects) Act 1999 inserted by the Adoption (Intercountry Aspects) Act 1999, s 15(1), Sch 2, para 1.

Date in force: 1 June 2003: see SI 2003/189, art 2(2)(h).

In entry relating to the Adoption (Intercountry Aspects) Act 1999 word “Section” in italics repealed and subsequent words in square brackets substituted by the Adoption and Children Act 2002, s 139(1), Sch 3, paras 12, 14(c)(i).

Date in force: to be appointed: see the Adoption and Children Act 2002, s 148(1), (2).

In entry relating to the Adoption (Intercountry Aspects) Act 1999 words “Article 9(a) to (c) of” in italics repealed and subsequent words in square brackets substituted by the Adoption and Children Act 2002, s 139(1), Sch 3, paras 12, 14(c)(ii).

Date in force: to be appointed: see the Adoption and Children Act 2002, s 148(1), (2).

Entry relating to the Carers and Disabled Children Act 2000 inserted by the Carers and Disabled Children Act 2000, s 9(b).

Date in force (in relation to England, except in so far as it relates to the provision of vouchers): 1 April 2001: see SI 2001/510, art 2, Schedule.

Date in force (in relation to Wales, except in so far as it relates to the provision of vouchers): 1 July 2001: see SI 2001/2196, art 2, Schedule.

Date in force (in relation to England in so far as relating to the provision of vouchers): 30 April 2003: see SI 2003/1183, art 2.

Date in force (in relation to Wales for remaining purposes): to be appointed: see the Carers and Disabled Children Act 2000, s 12(2).

Entry relating to the Health and Social Care Act 2001 inserted by the Health and Social Care Act 2001, s 67(1), Sch 5, Pt 2, para 15(1), (3).

Date in force (in relation to England, in so far as it relates to functions in relation to the provision of residential accommodation only): 22 October 2001: see SI 2001/3619, art 3(1).

Date in force (in relation to England, in so far as it relates to the reference to the making of direct payments to a person in respect of his securing provision of community care services or services to carers): 8 April 2003: see SI 2003/850, art 3(2)(c).

Date in force (in relation to Wales, in so far as it relates to the reference to the making of direct payments to a person in respect of his securing provision of community care services or services to carers and the related references to Part 4 of the Act): 1 November 2004: see SI 2004/1754, art 2(2)(d)(ii).

Date in force (in relation to Wales for remaining purposes): to be appointed: see the Health and Social Care Act 2001, s 70(2).

Entry relating to the Adoption and Children Act 2002 inserted by the Adoption and Children Act 2002, s 139(1), Sch 3, paras 12, 14.

Date in force: to be appointed: see the Adoption and Children Act 2002, s 148(1), (2).

Entry relating to the Community Care (Delayed Discharges etc) Act 2003 inserted by the Community Care (Delayed Discharges etc) Act 2003, s 13.

Date in force (in relation to England): 1 October 2003: see SI 2003/2280, art 2(2)(b).

Entry relating to the Health and Social Care (Community Health and Standards) Act 2003 inserted by the Health and Social Care (Community Health and Standards) Act 2003, s 147, Sch 9, para 4.

Date in force: to be appointed: see the Health and Social Care (Community Health and Standards) Act 2003, s 199(1)–(3).

Entry relating to the Carers (Equal Opportunities) Act 2004 inserted by the Carers (Equal Opportunities) Act 2004, s 4.

Date in force: to be appointed: see the Carers (Equal Opportunities) Act 2004, s 6(2).

See Further

See further, in relation to the disapplication of the entry relating to the National Health Service and Community Care Act 1990, s 46 above, in relation to local authorities in England to which the Community Care Plans (Disapplication) (England) Order 2003, SI 2003/1716 applies: the Community Care Plans (Disapplication) (England) Order 2003, SI 2003/1716, art 2(b).

Extent

This Act does not extend to Scotland: see s 15(6).



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