



# Children and Families (Wales) Measure 2010

## 2010 nawm 1

### PART 4

#### MISCELLANEOUS AND GENERAL

##### *Family social work standards officers*

#### **66 Family social work standards officers**

A local authority must designate an officer of the authority (to be known as the “family social work standards officer”) as having responsibility for the following matters in relation to social work conducted by or on behalf of the authority in connection with children and persons who care for children—

- (a) raising standards in social work practice;
- (b) raising awareness of relevant research evidence amongst persons engaged in social work;
- (c) promoting adaptation of social work practice in the light of relevant research evidence.

##### *Children’s needs arising from community care and health needs of their parents*

#### **67 Children’s needs arising from community care needs of their parents**

- (1) This section applies to a child where it appears to a local authority that the child’s parent—
- (a) is a person for whom it may provide or arrange for the provision of community care services, and
  - (b) may be in need of any such services.

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*Status: This is the original version (as it was originally enacted).*

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- (2) A local authority must consider whether the child appears to the authority to be a child in need as a result of the needs of the parent.
- (3) A local authority must take account of the results of its consideration under subsection (2) in deciding—
  - (a) whether or not to assess the needs of the child for the purposes of section 17 of the Children Act 1989 (c. 41) (provision of services for children in need), and
  - (b) what, if any, services to provide under that section for the child or the child’s family.
- (4) A local authority must take account of the results of its consideration under subsection (2) in making any decision in respect of the parent under section 47(1)(b) of the National Health Service and Community Care Act 1990 (c. 19) (assessment of needs for community care services).
- (5) In this section—
  - “child in need” (“plentyn mewn angen”) means a child taken to be in need for the purposes of Part 3 of the Children Act 1989;
  - “community care services” (“gwasanaethau gofal cymunedol”) has the same meaning as in section 46 of the National Health Service and Community Care Act 1990.
- (6) In this section and in section 68 “parent”, in relation to a child, includes any individual—
  - (a) who is not a parent of the child but who has parental responsibility for the child, or
  - (b) who has care of the child.
- (7) For the purposes of subsection (6)—
  - (a) “parental responsibility” has the same meaning as in the Children Act 1989 (c. 41);
  - (b) in determining whether an individual has care of a child, any absence of the child at a hospital, children’s home or foster placement and any other temporary absence is to be disregarded.

## **68 Children’s needs arising from the health conditions of their parents**

- (1) This section applies to the provision of specified health services to a child’s parent where the services are provided by, or secured by, a specified National Health Service body.
- (2) A specified National Health Service body must make such arrangements as it thinks fit—
  - (a) for consideration to be given to the effect of any health condition of the parent on the needs of the child and whether that effect may call for the provision of services by a local authority in the exercise of its social services functions;
  - (b) for referral of appropriate cases to the relevant local authority, subject to any duty owed by the National Health Service body to the child or the parent in respect of the disclosure of information relating to the child or the parent.
- (3) In this section—
  - “health” (“iechyd”) means physical or mental health;

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“National Health Service body” (“corff Gwasanaeth Iechyd Gwladol”) means any one of the following—

- (a) a Local Health Board;
- (b) a National Health Service trust;

“specified” (“penodedig”) means specified by order of the Welsh Ministers.

### *Social services functions*

## **69 Social services functions**

In Schedule 1 to the Local Authority Social Services Act 1970 (c. 42) (functions which are social services functions), at the end insert—

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“Children and Families (Wales) Measure 2010	
Sections 57 to 65	Functions relating to integrated family support teams and boards.
Section 66	Family social work standards officers.
Section 67	Assessing the needs of children arising from community care needs of their family members.”

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### *General*

## **70 Guidance**

- (1) This section has effect in relation to any guidance issued by the Welsh Ministers under this Measure to bodies that must have regard to it.
- (2) The Welsh Ministers—
  - (a) may give guidance to bodies generally or to one or more particular bodies;
  - (b) may issue different guidance to or in respect of different bodies;
  - (c) must, before they issue guidance, consult the bodies that must have regard to the guidance;
  - (d) must publish the guidance.

## **71 General interpretation**

In this Measure—

“child” (“plentyn”) means a person who has not attained the age of 18;

“child minding” (“gwarchod plant”) is to be interpreted in accordance with section 19 for the purposes of Part 2;

“day care for children” (“gofal dydd i blant”) (and “day care” (“gofal dydd”)) is to be interpreted in accordance with section 19 for the purposes of Part 2;

“local authority” (“awdurdod lleol”) means a county council or a county borough council in Wales;

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“Local Health Board” (“*Bwrdd Iechyd Lleol*”) means a Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42);

“premises” (“*mangre*”) includes any area and any vehicle;

“prescribed” (“*rhagnodi*”) means prescribed in regulations;

“regulations” (“*rheoliadau*”) means regulations made by the Welsh Ministers;

“Welsh authority” (“*awdurdod Cymreig*”) means a person specified in section 6(1).

## 72 Minor and consequential amendments

Schedule 1 contains minor and consequential amendments.

## 73 Repeals

Schedule 2 contains repeals.

## 74 Orders and regulations

- (1) Any power of the Welsh Ministers to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) Any power of the Welsh Ministers to make an order or regulations under this Measure includes power—
  - (a) to make different provision for different cases or classes of case, different areas or different purposes;
  - (b) to make provision generally or subject to specified exemptions or exceptions or only in relation to specific cases or classes of case;
  - (c) to make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) Any statutory instrument containing regulations made under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) Subsection (3) does not apply to orders to which subsection (5) applies.
- (5) A statutory instrument containing regulations under section 2(5) or an order under section 1(8), 6(2), or 19(4) may not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

## 75 Commencement

- (1) The following provisions come into force at the end of a period of two months beginning on the day on which this Measure is approved by Her Majesty in Council—
  - section 1;
  - section 2 (in so far as it applies the Welsh Ministers);
  - section 3;
  - section 74;
  - this section;
  - section 76.

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- (2) Paragraphs 19 to 20 of Schedule 1 come into force on the day on which this Measure is approved by Her Majesty in Council.
- (3) The remaining provisions of this Measure come into force in accordance with provision made by the Welsh Ministers by order.

**76 Short title**

This Measure may be cited as the Children and Families (Wales) Measure 2010.