



# Social Work (Scotland) Act 1968

## 1968 CHAPTER 49

### PART I

#### ADMINISTRATION

##### *Performance of their duties by local authorities*

#### **1 Local authorities for the administration of the Act**

- (1) It shall be the duty of a local authority to enforce and execute within their area the provisions of this Act with respect to which the duty is not expressly, or by necessary implication, imposed on some other authority.
- (2) The local authorities for the purposes of this Act shall be county councils and the councils of large burghs within the meaning of the Local Government (Scotland) Act 1947; and any small burgh within the meaning of that Act shall, for the purposes of this Act, be deemed to be included in the county in which it is situated.
- (3) Any reference in this Act to a county or to the council thereof shall be construed, in relation to counties combined for the purposes mentioned in section 118(1) of the said Act of 1947, as a reference to the combined county or the joint county council.
- (4) The functions of local health authorities in respect of their areas under the following enactments—
  - (a) the Nurseries and Child-Minders Regulation Act 1948;
  - (b) the Mental Health (Scotland) Act 1960 (other than their functions under section 7(1) thereof so far as relating to the ascertainment of mental deficiency); and
  - (c) section 27 of the National Health Service (Scotland) Act 1947 (care and after-care of persons who are or have been suffering from illness), other than functions relating to medical, dental or nursing care, or to health visiting,are hereby transferred to the local authorities of those areas.

- (5) On the date of the commencement of Part III of this Act the functions of education authorities in relation to the establishments which immediately before that date were approved schools and the children resident therein shall be transferred to the local authorities in whose areas the said children are ordinarily resident or, in the case of children who have no ordinary residence in Scotland, such local authorities as the Secretary of State may determine.
- (6) Before any two or more local authorities exercise their power to combine by virtue of section 119 of the Local Government (Scotland) Act 1947 for any of the purposes of this Act they shall consult with the Secretary of State.

## **2 The social work committee**

- (1) Every local authority shall establish a social work committee for the purposes of their functions under this Act.
- (2) Except as otherwise expressly provided, all matters relating to the performance of their functions under the following enactments—
  - (a) this Act,
  - (b) Part IV of the Children and Young Persons (Scotland) Act 1937,
  - (c) sections 10 to 12 of the Matrimonial Proceedings (Children) Act 1958,
  - (d) Part I of the Children Act 1958,
  - (e) the Adoption Act 1958,
  - (f) section 101(1) of the Housing Act 1964, and
  - (g) the enactments mentioned in subsection (4) of the foregoing section,shall stand referred to the social work committee, and before exercising any of the said functions the authority shall, unless the matter is urgent, consider a report of the social work committee with respect thereto.
- (3) The social work committee, or any sub-committee thereof, may include persons specially qualified by reason of experience or training in matters relating to the functions of the committee, notwithstanding that they are not members of the local authority:

Provided that at least two-thirds of the members of the committee, and a majority of the members of any sub-committee thereof, shall be members of the authority.
- (4) Sections 39 and 40 of the Children Act 1948 (provisions relating to establishment of children's committee) shall cease to have effect.

## **3 The director of social work**

- (1) For the purposes of their functions under the enactments referred to in section 2(2) of this Act, a local authority shall, in accordance with the provisions of this section, appoint an officer, to be known as the director of social work.
- (2) The qualifications of the director of social work shall be such as the Secretary of State may prescribe.
- (3) Any vacancy in the appointment of director of social work shall be advertised by the local authority and, unless and until the Secretary of State prescribes qualifications under the last foregoing subsection, copies of all the applications received for the vacancy shall be forwarded by the local authority to the Secretary of State who shall

compile a list of those applicants whom he considers qualified for the appointment, and if he considers none of the applicants to be qualified for the appointment he shall require the local authority to re-advertise the vacancy, and the local authority shall comply with the requirement with or without any change in the terms and conditions of service offered.

- (4) The Secretary of State shall send a copy of any such list as aforesaid to the local authority who submitted the applications from which the list was compiled, and the local authority shall appoint a person from among those named on that list, or, if they do not wish to appoint a person so nominated, a person nominated on a subsequent list compiled as aforesaid after re-advertisement of the vacancy.
- (5) The director of social work shall hold his office during the pleasure of the local authority, but he shall not be removed therefrom, or be required to resign as an alternative thereto, except by a resolution of that authority passed by not less than two-thirds of the members present at a meeting of the authority, notice of which specifies as an item of business the consideration of the removal from office of the director of social work or his being required to resign.
- (6) The director of social work of a local authority shall not, except with the consent of the Secretary of State, be employed by that authority in any other capacity.
- (7) A local authority shall secure the provision of adequate staff for assisting the director of social work in the performance of his functions.
- (8) The provisions as to remuneration and tenure of office contained in sections 82 and 92 of the Local Government (Scotland) Act 1947, so far as these provisions are not inconsistent with any of the foregoing provisions of this section, shall apply to directors of social work and their staffs.
- (9) Section 41 of the Children Act 1948 (children's officer) shall cease to have effect.

#### **4 Provisions relating to performance of functions by local authorities**

Where a function is assigned to a local authority under this Act and a voluntary organisation or other person, including another local authority, is able to assist in the performance of that function, the local authority may make arrangements with such an organisation or other person for the provision of such assistance as aforesaid.