



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.

Central Authority

5 Powers of Secretary of State

- (1) Local authorities shall perform their functions under this Act under the general guidance of the Secretary of State.
- (2) The Secretary of State may make regulations in relation to the performance of the functions assigned to local authorities by this Act and in relation to the activities of voluntary organisations in so far as those activities are concerned with the like purposes.
- (3) Without prejudice to the generality of the foregoing subsection, regulations under this section may make provision for the boarding-out of persons by local authorities and voluntary organisations, whether under any enactment or otherwise, and may provide—

Status: This is the original version (as it was originally enacted).

- (a) for the recording by local authorities and voluntary organisations of information relating to persons with whom persons are boarded out as aforesaid, and to persons who are willing to have persons boarded out with them;
- (b) for securing that persons shall not be boarded out in any household unless that household is for the time being approved by such local authority or voluntary organisation as may be prescribed by the regulations;
- (c) in the case of a child, for securing that, where possible, the person with whom any child is to be boarded out is either of the same religious persuasion as the child or gives an undertaking that the child shall be brought up in that religious persuasion ;
- (d) for securing that persons boarded out as aforesaid, and the places in which they are boarded out, shall be supervised and inspected by a local authority or voluntary organisation, as the case may be, and that those persons shall be removed from those places if their welfare appears to require it.

6 Supervision of establishments providing accommodation for persons and inspection of records etc.

- (1) Any duly authorised officer of the Secretary of State may enter any of the following places for the purpose of making such examinations into the state and management of the place, and the condition and treatment of the persons in it, as he thinks necessary and for the purpose of inspecting any records or registers required to be kept therein by virtue of this Act, that is to say—
 - (a) any residential or other establishment provided by a local authority or a voluntary organisation or other person for the purposes of this Act;
 - (b) any place where there is being maintained—
 - (i) a foster child within the meaning of the Children Act 1958,
 - (ii) a protected child within the meaning of Part IV of the Adoption Act 1958 ;
 - (c) any place where any person is for the time being boarded out by a local authority or a voluntary organisation;
 - (d) any place registrable under the Nurseries and Child Minders Regulation Act 1948 or the home of any person so registrable.
- (2) Any such officer as aforesaid may at all reasonable times enter the offices of a local authority or of a voluntary organisation for the purpose of inspecting any records or registers relating to any establishment or place mentioned in the foregoing subsection or relating to any persons to whom the authority or organisation has made available advice, guidance or assistance in pursuance of this Act, or who may require such advice, guidance or assistance, and may carry out that inspection.
- (3) The power conferred by subsection (1) of this section may be exercised in respect of any place which an officer has reasonable cause to believe to be used as an establishment in respect of which the person carrying on the establishment is registrable under Part IV of this Act.
- (4) An officer who proposes to exercise any power of entry or inspection conferred by this section shall, if so required, produce a duly authenticated document showing his authority to exercise the power.

- (5) Any person who obstructs the exercise of any such power as aforesaid shall be guilty of an offence and liable on summary conviction to a fine not exceeding ten pounds in the case of a first offence and fifty pounds in any other case.

7 Advisory Council on Social Work

- (1) There shall be an Advisory Council on Social Work (hereafter in this section referred to as the Council) to be appointed by the Secretary of State, for the purpose of advising him on matters connected with the performance of his functions and those of local authorities in relation to social welfare, and with the activities of voluntary organisations connected with those functions.
- (2) The Council shall consist of such persons, to be appointed by the Secretary of State, as he may think fit, being persons specially qualified to deal with the aforesaid matters and other persons having experience which the Secretary of State considers valuable; and among the persons appointed under this subsection there shall be persons having experience in local government.
- (3) The Secretary of State shall appoint a chairman, and a secretary, of the Council.
- (4) It shall be the duty of the Council to advise the Secretary of State on any matter which he may refer to them, being such a matter as is mentioned in subsection (1) of this section, and they may also, of their own motion, make representations to the Secretary of State on any such matter as is mentioned in that subsection.
- (5) The Secretary of State may require the Council to appoint, and the Council, with the approval of the Secretary of State, shall have power to appoint committees to deal with any matter mentioned in the said subsection (1), and any committee appointed under this subsection shall include such persons as may be nominated by the Secretary of State.
- (6) The Secretary of State may make such payments to the members of the Council and to the members of any committees appointed under the provisions of this section, in respect of travelling, subsistence and other expenses as he may with the consent of the Treasury determine.
- (7) On the establishment of the Council, the Advisory Council on Child Care for Scotland and the After Care Council shall cease to exist and the records of those bodies shall pass to and vest in the Council.
- (8) Section 44 of the Children Act 1948 (Advisory Council on Child Care for Scotland) and section 18(1) to (3A) of the Prisons (Scotland) Act 1952 (After Care Council) shall cease to have effect.

Research, training courses and financial and other assistance

8 Research

- (1) The Secretary of State may conduct or assist other persons in conducting research into any matter connected with his functions or the functions of local authorities in relation to social welfare, and with the activities of voluntary organisations connected with those functions.

- (2) Any local authority may conduct or assist other persons in conducting research into any matter connected with their functions in relation to social welfare.
- (3) The Secretary of State and any local authority may make financial assistance available in connection with any research which they may conduct or which they may assist other persons in conducting under the provisions of this section.

9 Training courses and grants for training in social work

- (1) The Secretary of State may provide courses of training for persons with a view to, or in the course of, their employment or the use of their services for the purposes of this Act.
- (2) The Secretary of State may make grants of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards any fees or expenses incurred by persons undergoing training for any of the purposes of this Act in circumstances such that it appears to the Secretary of State requisite that the grants should be made, and may defray or contribute towards the cost of maintenance of persons undergoing such training.
- (3) The Secretary of State may make grants of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards expenses incurred by any body of persons in providing training as aforesaid.

10 Financial and other assistance to voluntary organisations etc., for social work

- (1) The Secretary of State may make grants and loans of such amounts, and subject to such conditions, as he may with the consent of the Treasury determine towards expenses incurred by voluntary organisations or other persons engaged in any activity connected with his functions or the functions of local authorities under this Act, in circumstances where it appears to the Secretary of State that such grants or loans should be made.
- (2) The conditions on which any grants are paid under the foregoing subsection may include conditions for securing the repayment in whole or in part of such grants.
- (3) A local authority may make contributions by way of grant or loan to any voluntary organisation the sole or primary object of which is to promote social welfare.
- (4) A local authority may also make available to such a voluntary organisation as aforesaid the use of premises belonging to the authority on such terms as may be agreed, and furniture, vehicles or equipment (whether by way of gift, loan or otherwise) and the services of any staff employed by the authority in connection with the premises or other things belonging to the local authority which the voluntary organisation is permitted to use.
- (5) On the commencement of this Act, the power of the Secretary of State to give financial assistance and of local authorities to give financial and other assistance under sections 64 and 65 of the Health Services and Public Health Act 1968 shall cease in so far as any such assistance may be given under this section.

Acquisition of land

11 Acquisition of land

- (1) A local authority may be authorised by the Secretary of State to purchase compulsorily any land, whether situated in or outside their area for the purposes of any of their functions under this Act.
- (2) The Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 shall apply in relation to the compulsory purchase of land under this section as if the last foregoing subsection had been in force immediately before the commencement of that Act.