



Care Standards Act 2000

2000 CHAPTER 14

PART III

LOCAL AUTHORITY SERVICES

43 Introductory

- (1) This section has effect for the purposes of this Part.
- (2) “Relevant functions”, in relation to a local authority, means relevant adoption functions and relevant fostering functions.
- (3) In relation to a local authority—
 - (a) “relevant adoption functions” means functions under the Adoption Act 1976 of making or participating in arrangements for the adoption of children; and
 - (b) “relevant fostering functions” means functions under section 23(2)(a) of the 1989 Act or regulations under any of paragraphs (a), (b) or (d) to (f) of paragraph 12 of Schedule 2 to that Act.

44 General powers of the Commission

The Commission may at any time give advice to the Secretary of State on—

- (a) any changes which the Commission thinks should be made, for the purpose of securing improvement in the quality of services provided by local authorities in England in the exercise of relevant functions, in the standards set out in statements under section 49; and
- (b) any other matter connected with the exercise by local authorities in England of relevant functions.

45 Inspection by registration authority of adoption and fostering services

- (1) Subject to section 47(6)—
 - (a) the registration authority may at any time require a local authority to provide it with any information relating to the discharge by the local authority of relevant

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functions which the registration authority considers it necessary or expedient to have for the purposes of its functions under this Part;

- (b) a person authorised to do so by the registration authority may at any time enter and inspect premises which are used, or which he has reasonable cause to believe to be used, by a local authority in its discharge of relevant functions.
- (2) A person authorised by virtue of this section to enter and inspect premises may—
- (a) inspect and take copies of any documents or records relating to the discharge by the local authority of relevant functions;
 - (b) interview in private any employee of the local authority.
- (3) The powers under subsection (2)(a) include—
- (a) power to require the local authority to produce any documents or records, wherever kept, for inspection on the premises; and
 - (b) in relation to records which are kept by means of a computer, power to require the records to be produced in a form in which they are legible and can be taken away.
- (4) Subject to section 47(6), the Secretary of State may by regulations require the Commission to arrange for premises which are used by a local authority in its discharge of relevant functions to be inspected on such occasions or at such intervals as may be prescribed.
- (5) Subsections (8) and (9) of section 31 shall have effect as if any reference in them to section 31 included a reference to this section and section 46.

46 Inspections: supplementary

- (1) A person authorised by virtue of section 45 to enter and inspect any premises may seize and remove any document or other material or thing found there which he has reasonable grounds to believe may be evidence of a failure to comply with the regulatory requirements.
- (2) A person so authorised—
- (a) may require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under section 45 or this section;
 - (b) may take such measurements and photographs and make such recordings as he considers necessary to enable him to exercise those powers.
- (3) A person authorised by virtue of section 45 to inspect any records shall be entitled to have access to, and to check the operation of, any computer and any associated apparatus or material which is or has been in use in connection with the records in question.
- (4) Where any premises which are used by a local authority in its discharge of relevant functions have been inspected under section 45, the registration authority—
- (a) shall prepare a report on the discharge by the local authority of relevant functions; and
 - (b) shall without delay send a copy of the report to the local authority.
- (5) The registration authority shall make copies of any report prepared under subsection (4) available for inspection at its offices by any person at any reasonable

time; and may take any other steps for publicising a report which it considers appropriate.

- (6) Any person who asks the registration authority for a copy of the report shall be entitled to have one on payment of a reasonable fee determined by the registration authority; but nothing in this subsection prevents the registration authority from providing a copy free of charge when it considers it appropriate to do so.
- (7) In this section and section 47 “the regulatory requirements” means the requirements of regulations under—
 - (a) section 48;
 - (b) section 23(2)(a) of the 1989 Act (regulations about the placing of children with foster parents);
 - (c) section 9(3) of the Adoption Act 1976 (regulation of adoption agencies); and
 - (d) section 1(1) of the Adoption (Intercountry Aspects) Act 1999 (regulations giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption).
- (8) Where the Secretary of State has specified regions in a direction made under paragraph 9 of Schedule 1, the reference in subsection (5) to offices is, in relation to premises in England which are used by a local authority in its discharge of relevant functions, a reference to the Commission’s offices for the region in which the premises are situated.

47 Action following inspection

- (1) If the Commission considers at any time—
 - (a) that the discharge by a local authority of relevant functions fails to satisfy the regulatory requirements; and
 - (b) that the failure is substantial,it shall report that fact to the Secretary of State.
- (2) Subsections (3) and (4) apply in relation to a local authority where—
 - (a) a person authorised by the Commission has exercised in relation to the authority any power conferred by section 45(1)(b); or
 - (b) the Commission has given the authority a notice under subsection (5) and the time specified (in accordance with paragraph (b) of that subsection) in the notice has expired.
- (3) If the Commission considers that the discharge by the authority of relevant functions satisfies the regulatory requirements, it shall report that fact to the Secretary of State.
- (4) If the Commission considers that the discharge by the authority of relevant functions fails to satisfy the regulatory requirements, but that the failure is not substantial, the Commission shall—
 - (a) report that fact to the Secretary of State; or
 - (b) if it considers that it is not appropriate to make a report under paragraph (a), give the authority a notice under subsection (5) and inform the Secretary of State that it has done so.
- (5) A notice under this subsection is a notice which—
 - (a) specifies the respects in which the Commission considers that the discharge by the authority of relevant functions fails to satisfy the regulatory requirements

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and any action which the Commission considers the authority should take to remedy the failure; and

(b) specifies the time by which the failure should be remedied.

(6) Where the Commission has made a report to the Secretary of State under subsection (1) or (4)(a), the powers conferred by section 45(1) shall not be exercisable in relation to the authority concerned at any time unless the Secretary of State has notified the Commission that this subsection has ceased to apply.

48 Regulation of the exercise of relevant fostering functions

(1) Regulations may make provision about the exercise by local authorities of relevant fostering functions, and may in particular make provision—

- (a) as to the persons who are fit to work for local authorities in connection with the exercise of such functions;
- (b) as to the fitness of premises to be used by local authorities in their exercise of such functions;
- (c) as to the management and control of the operations of local authorities in their exercise of such functions;
- (d) as to the numbers of persons, or persons of any particular type, working for local authorities in connection with the exercise of such functions;
- (e) as to the management and training of such persons.

(2) Regulations under subsection (1)(a) may, in particular, make provision for prohibiting persons from working for local authorities in such positions as may be prescribed unless they are registered in, or in a particular part of, one of the registers maintained under section 56(1).

49 National minimum standards

- (1) Subsections (1), (2) and (3) of section 23 shall apply to local authorities in their exercise of relevant functions as they apply to establishments and agencies.
- (2) The standards shall be taken into account in the making of any decision under section 47.

50 Annual returns

- (1) Regulations may require a local authority to make to the registration authority an annual return containing such information with respect to the exercise by the local authority of relevant functions as may be prescribed.
- (2) Provision may be made by the regulations as to the period in respect of which and date by which the return is to be made.

51 Annual fee

- (1) Regulations may require any local authority in relation to which powers conferred by section 45(1) may be exercised to pay to the registration authority an annual fee of such amount, and at such a time, as may be prescribed.
- (2) A fee payable by virtue of this section may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

52 Contravention of regulations

- (1) Regulations under this Part may provide that a contravention of or failure to comply with any specified provision of the regulations shall be an offence.
- (2) A person guilty of an offence under the regulations shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.

53 Offences: general provisions

Sections 29 and 30 apply in relation to this Part as they apply in relation to Part II.