

*Status: Point in time view as at 01/04/2007.*

*Changes to legislation: Education and Inspections Act 2006, Cross Heading: Health and Social Care (Community Health and Standards) Act 2003 (c. 43) is up to date with all changes known to be in force on or before 24 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*

## SCHEDULES

### SCHEDULE 14

#### MINOR AND CONSEQUENTIAL AMENDMENTS RELATING TO PART 8

##### *Health and Social Care (Community Health and Standards) Act 2003 (c. 43)*

- 82 The Health and Social Care (Community Health and Standards) Act 2003 has effect subject to the following amendments.

##### **Commencement Information**

- I1** Sch. 14 para. 82 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 83 In section 76(2) (matters to which the CSCI is to have particular regard in the exercise of certain functions)—
- (a) in paragraph (d) at the end insert “ and ”, and
  - (b) omit paragraphs (f) and (g).

##### **Commencement Information**

- I2** Sch. 14 para. 83 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 84 Omit section 77(3) (advice as to standards prepared and published under section 23 of the Care Standards Act 2000 (c. 14)).

##### **Commencement Information**

- I3** Sch. 14 para. 84 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 85 (1) Section 79 (annual reviews) is amended as follows.
- (2) For subsection (2) substitute—
- “(2) After conducting a review under subsection (1) in respect of a local authority the CSCI must award a performance rating to that authority in respect of all the English local authority social services provided by, or pursuant to arrangements made by, that authority.”
- (3) Omit subsection (7).

##### **Commencement Information**

- I4** Sch. 14 para. 85 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

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- 86 Omit section 80(5) (duty to take into account standards prepared and published under section 23 of the Care Standards Act 2000).

**Commencement Information**

**I5** Sch. 14 para. 86 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 87 In section 81(2) (duties of the CSCI on awarding lowest performance rating) for “section 79(2)(a) or (b)” substitute “ section 79(2) ”.

**Commencement Information**

**I6** Sch. 14 para. 87 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 88 For section 96 substitute—

**“96 Additional functions**

- (1) The Assembly shall have such additional functions in relation to the provision of Welsh local authority social services as—
  - (a) correspond to functions within subsection (2), and
  - (b) are specified by the Assembly in regulations.
- (2) The functions within this subsection are—
  - (a) functions conferred on the CSCI by or under this Act, and
  - (b) functions relating to the provision of relevant services and assigned to Her Majesty's Chief Inspector of Education, Children's Services and Skills under section 118(4) of the Education and Inspections Act 2006.
- (3) In subsection (2)(b) “relevant services” means services which immediately before the coming into force of Chapter 4 of Part 8 of the Education and Inspections Act 2006 were English local authority social services for the purposes of this Part of this Act.”

**Commencement Information**

**I7** Sch. 14 para. 88 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 89 Omit section 110 (transfer to the CSCI of functions under section 87 of the Children Act 1989).

**Commencement Information**

**I8** Sch. 14 para. 89 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 90 Omit section 112 (inspection of secure training centres by the CSCI).

**Commencement Information**

**I9** Sch. 14 para. 90 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

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- 91 (1) Section 120 (co-operation etc.) is amended as follows.
- (2) After subsection (1) insert—
- “(1A) The CHAI and the CSCI must each co-operate with the CIECSS where it seems to the CHAI or the CSCI (as the case may be) appropriate to do so for the efficient and effective discharge of—
- (a) its functions; and
- (b) the functions of the CIECSS under Chapter 4 of Part 8 of the Education and Inspections Act 2006.”
- (3) In subsection (2) after “each other” insert “ or the CIECSS ”.
- (4) For subsection (3) substitute—
- “(3) The CHAI may delegate to the CSCI or the CIECSS any of its functions to be exercised by the CSCI or the CIECSS (as the case may be) on its behalf.
- (3A) The CSCI may delegate to the CHAI or the CIECSS any of its functions to be exercised by the CHAI or the CIECSS (as the case may be) on its behalf.”
- (5) In subsection (4) for “whenever they consider” substitute “ with the other or with the CIECSS whenever the CHAI or the CSCI (as the case may be) considers ”.
- (6) After that subsection add—
- “(5) In this section “the CIECSS” means Her Majesty's Chief Inspector of Education, Children's Services and Skills.”

**Commencement Information**

**I10** Sch. 14 para. 91 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 92 In section 133(1)(a) (failure in discharge of functions: CSCI) omit “or the Children Act 1989 (c. 41)”.

**Commencement Information**

**I11** Sch. 14 para. 92 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

- 93 (1) Section 148 (interpretation of Part 2) is amended as follows.
- (2) At the end of the definition of “English local authority social service” add— “ but does not include anything which may be inspected by Her Majesty's Chief Inspector of Education, Children's Services and Skills under Chapter 4 of Part 8 of the Education and Inspections Act 2006. ”
- (3) At the end of the definition of “social services functions” add “but (in relation to a local authority in England) does not include—
- (a) functions within section 135(1)(d) or (e) of the Education and Inspections Act 2006, or
- (b) functions prescribed by regulations under section 135(1)(f) of that Act.”

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**Commencement Information**

**I12** Sch. 14 para. 93 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

94 In Schedule 7 (CSCI: supplementary) omit paragraph 5(2).

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**Commencement Information**

**I13** Sch. 14 para. 94 in force at 1.4.2007 by S.I. 2007/935, art. 5(gg)

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