



# Social Work (Scotland) Act 1968

## CHAPTER 49

### SOCIAL WORK (SCOTLAND) ACT 1968

#### PART I

##### ADMINISTRATION

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

- 1 Local authorities for the administration of the Act.
- 2 The social work committee .
- 3 Chief social work officer.
- 4 Provisions relating to performance of functions by local authorities.

###### *Central Authority*

- 5 Powers of Secretary of State.
- 5A Local authority plans for community care services.
- 5B Complaints procedure.
- 6 Supervision of establishments providing accommodation for persons and inspection of records etc.
- 6A Inquiries.
- 6B Local authority inquiries into matters affecting children.
- 7 .....

###### *Research, training courses and financial and other assistance*

- 8 Research.
- 9 Training courses and grants for training in social work.
- 10 Financial and other assistance to voluntary organisations etc., for social work.

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### *Acquisition of land*

- 11 Acquisition of land.

#### **PART II**

#### PROMOTION OF SOCIAL WELFARE BY LOCAL AUTHORITIES

##### *General*

- 12 General social welfare services of local authorities.  
 12A Duty of local authority to assess needs.  
 12AA Assessment of ability to provide care  
 12AB Duty of local authority to provide information to carer  
 12B Direct payments in respect of community care services.  
 12C Further provisions relating to direct payments.  
 13 Power of local authorities to assist persons in need in disposal of produce of their work.  
 13ZA Provision of services to incapable adults

##### *Residential accommodation with nursing.*

- 13A Residential accommodation with nursing.

##### *Provision of care and after-care*

- 13B Provision of care and after-care

##### *Home help*

- 14 Home help and laundry facilities.

##### *Special provisions as to the care of children in need*

- 15 Promotion of Social Welfare by Local Authorities  
 16 Promotion of Social Welfare by Local Authorities  
 16A Promotion of Social Welfare by Local Authorities  
 17 Promotion of Social Welfare by Local Authorities  
 17A Promotion of Social Welfare by Local Authorities  
 17B Promotion of Social Welfare by Local Authorities  
 17C Promotion of Social Welfare by Local Authorities  
 17D Promotion of Social Welfare by Local Authorities  
 17E Promotion of Social Welfare by Local Authorities  
 18 Promotion of Social Welfare by Local Authorities  
 18A Promotion of Social Welfare by Local Authorities  
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 25A Promotion of Social Welfare by Local Authorities  
 26 Promotion of Social Welfare by Local Authorities

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*Supervision and care of persons put on probation or released from prisons etc.*

- 27 Supervision and care of persons put on probation or released from prisons etc.
- 27ZA Advice, guidance and assistance to persons arrested or on whom sentence deferred
- 27A Grants in respect of community service facilities
- 27B Grants in respect of hostel accommodation for persons under supervision.

*Ancillary*

- 28 Burial or cremation of the dead.
- 29 Power of local authority to defray expenses of parent, etc., visiting persons or attending funerals.

**PART III**

CHILDREN IN NEED OF COMPULSORY MEASURES OF CARE

- 30 Definition of child and parent for Part III.
- 31 Restriction on prosecution of children for offences.
- 32 Children in need of compulsory measures of care.
- 33 Formation of children's panels.
- 34 Children's hearings.
- 34A Safeguarding of interests of children before children's hearings etc.
- 35 Provisions as to time, place, privacy and notification of children's hearings.
- 36 The reporter and deputies.
- 36A Power of reporters to conduct proceedings before a sheriff.
- 37 Reports of cases of children who may require compulsory measures of care and the interim detention of such children in places of safety.
- 38 Initial investigation of cases by reporter.
- 39 Action on initial investigation by reporter.
- 40 Attendance of child at children's hearing.
- 41 Attendance of parent at children's hearing.
- 42 Conduct of children's hearing and application to sheriff for findings.
- 43 Discharge of referral and power of children's hearing to order further investigation after consideration of the facts.
- 44 Disposal of case by children's hearing other than by discharge of referral.
- 45 Rules as respects transmission of information and conveyance of children to residential establishments etc.
- 46 Children to whom Part IV of the Mental Health (Scotland) Act 1960 may apply.
- 47 Duration of supervision requirements and their variation.
- 48 Review of requirement of children's hearing.
- 49 Appeal against decision of a children's hearing.
- 50 Appeal to Court of Session.
- 51 Reconsideration by hearing after appeal, and subsequent appeal.
- 52 Power of Secretary of State to terminate a supervision requirement.
- 53 .....
- 54 Transfer of case to another children's hearing.
- 55 Presumption and determination of age.
- 56 Reference and remit of children's cases by courts to children's hearings.

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- 57 Reference and remit of cases of certain young persons by courts to children's hearings.
- 58 Prohibition of publication of proceedings.
- 58A Residence in secure accommodation.
- 58B Time limits on keeping without reference to children's hearing.
- 58C Review of secure accommodation condition.
- 58D Sheriff's power to direct condition to cease to have effect.
- 58E Warrants to detain in secure accommodation.
- 58F Procedures for placing in secure accommodation.
- 58G Transitional provisions.

## PART IV

### RESIDENTIAL AND OTHER ESTABLISHMENTS

#### *Provision of residential and other establishments*

- 59 Provision of residential and other establishments by local authorities, and maximum period for repayment of sums borrowed for such provision.
- 59A Grants in respect of secure accommodation for children.
- 60 Control of residential and other establishments.

#### *Registration of certain residential and other establishments*

- 61 Restriction on carrying on of establishments.
- 61A Voluntary registration.
- 62 Registration.
- 62A Certificate of registration as respects grant-aided or independent school.
- 63 Special provisions for registration by Secretary of State.
- 63A Appeals against conditions imposed on registration or subsequently.
- 63B Special provisions for jointly registrable establishments.
- 64 Appeals against refusal or cancellation of registration.
- 64A Registration fees.
- 65 Removal of persons from establishments.
- 66 Duty to furnish particulars of establishments.
- 67 Entry to examine state and management of establishments etc.
- 68 Visiting of persons in establishments on behalf of local authorities.

## PART V

### *Absence without leave*

- 69 Abscondment from a place of safety, or from the control of a person imposed by a supervision requirement.
- 70 Abscondment from residential establishments.
- 71 Harboursing.

### *Transfer*

- 72 Supervision of children moving to England or Wales or Northern Ireland.
- 73 Supervision of children moving to Scotland.
- 74 Parent of a child in a residential establishment under a supervision requirement moving to England or Wales or Northern Ireland.

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- 75 Parent of a child subject to an approved school order or a committal order moving to Scotland.
- 76 Procedure.
- 77 Meaning of child for the purposes of this Part of this Act.

#### PART VI

##### CONTRIBUTIONS IN RESPECT OF CHILDREN IN CARE ETC.

- 78 Duty to make contributions in respect of children in care etc.
- 78A Recovery of contributions.
- 79 Recipients of contributions.
- 80 Enforcement of duty to make contributions.
- 81 Provisions as to decrees for aliment.
- 82 Recovery of arrears of contributions.
- 83 Variation of trusts.
- 83A References in this Part of this Act to child being looked after.

#### PART VII

##### MISCELLANEOUS AND GENERAL

###### *General*

- 84 Transfer of assets and liabilities.
- 85 .....
- 86 Adjustments between authority providing accommodation etc., and authority of area of residence.
- 86A Exclusion of powers to provide accommodation in certain cases.
- 87 Charges that may be made for services and accommodation.
- 88 Duty of parents to notify change of address.
- 89 .....
- 90 Orders, regulations etc.
- 91 Expenses.
- 92 Effect of Act on rate support grant.
- 92A Powers of the Secretary of State to make grants.

###### *Supplementary*

- 93 Transitional provisions.
- 94 Interpretation.
- 95 Minor and consequential amendments, repeals and savings.
- 96 .....
- 97 Extension of certain provisions of Act to England and Wales, Northern Ireland and the Channel Islands.
- 98 Commencement.
- 99 Short title.

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#### SCHEDULES

##### SCHEDULE 1 —

##### SCHEDULE 2 — Amendment of Part IV of the Children and Young Persons (Scotland) Act 1937

###### Part I

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### *General Adaptations*

- 1 Any reference to a child or to a young person...
- 2 Any reference to a court of summary jurisdiction or to...  
Part II — SPECIFIC ADAPTATIONS
- 3—6 .....
- 7 In section 46(1) for the words “child or young person”,...
- 8—15 .....
- 16 .....
- 17 .....
- 18 In section 62, for the words “an approved school” there...
- 19, 20 .....

### SCHEDULE 3 — Children’s Panels

#### *Appointment*

- 1 The Secretary of State shall appoint such number of members...
- 2 A member of a children’s panel shall hold office for...

#### *Children’s Panel Advisory Committee*

- 3 Subject to paragraph 5B below, each local authority shall form a...
- 3A The Secretary of State may, at the request of the...
- 4 The chairman of the Children’s Panel Advisory Committee shall be...
- 5 It shall be the duty of the Children’s Panel Advisory...
- 5A The Children’s Panel Advisory Committee shall have power—
- 5B (1) Two or more local authorities may, for the purpose...

#### *Recruitment and Training of Panel Members*

- 6 The Secretary of State may make such arrangements as he...
- 7 Each local authority shall make such arrangements as they consider...

#### *Expenses of Panel Members*

- 8 A local authority may pay— (a) to a member or...

### SCHEDULE 4 —

### SCHEDULE 5 —

### SCHEDULE 6 — Transfer of Assets and Liabilities

- 1 Every agreement to which the transferor was a party immediately...
- 2 Where the functions of the transferor are transferred to more...
- 3 Any legal or other proceedings to which the transferor is...
- 4 The Secretary of State may make regulations for facilitating the...
- 5 In this Schedule— (a) “transferor” means a body or person...

### SCHEDULE 7 — Transitional Provisions

#### *Registration of existing establishments*

- 1 (1) Until the expiration of a period of two years...

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*Approved schools*

- 2 (1) The following enactments shall, notwithstanding the repeal or exclusion...

*Contributions in respect of children taken into care*

- 3 After the commencement of Part II of this Act and...

*Approved school orders, fit person orders, and supervision orders*

- 4 (1) This paragraph applies to children who immediately before the...

*Jurisdiction of courts*

- 5 (1) Subject to the next following sub-paragraph, on the commencement...  
6 On the coming into operation of the said Part III...

*Remand Home Grant*

- 7 Until such time as the Secretary of State may direct,...

*Probation Grant*

- 8 Until such time as the Secretary of State may by...

*Interpretation*

- 9 In this Schedule the following expressions have the meanings assigned...

SCHEDULE 8 — Minor and Consequential Amendments

- 1 .....  
2—5 .....

*Children and Young Persons (Scotland) Act 1937*

- 6 In section 38(3), for the words “an approved school” there...  
7 (1) In section 87(1), for the words from “to an...  
8 After section 101(2) there shall be inserted the following subsection—...  
9 (1) In section 103(1), for the words “whether charged with...  
10 In section 110(1), in the definition of “Child”, for the...

*National Health Service (Scotland) Act 1947*

- 11 (1) In section 15(1), after paragraph (f) there shall be...  
12 In section 27, at the end there shall be added...  
13 In section 63, after the words “foregoing section” there shall...

*National Assistance Act 1948*

- 14 In section 32(1), at the end there shall be inserted...  
15 .....  
16 In section 65, at the end, there shall be added...  
17 .....  
18 .....  
19 .....

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*Nurseries and Child-Minders Regulation Act 1948*

20	.....
21	.....
22—31	.....

*Maintenance Orders Act 1950*

32	In section 8(1), after the words “the Children Act 1948”...
33	(1) In section 9, in subsection (1), after paragraph (a)...
34	In section 16(2)(b), after sub-paragraph (v) there shall be inserted...
35	.....

*Valuation and Rating (Scotland) Act 1956*

36	.....
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*Adoption Act 1958*

37	In section 4(3), paragraph (b) shall be omitted, and after...
38	In section 15(4), for the words “(which provides” there shall...
39	In section 36(2)(a), for the words “or section ninety” to...
40	In section 43(3), after the word “1948” there shall be...
41	In section 57, in the definition of “place of safety”,...

*Matrimonial Proceedings (Children) Act 1958*

42	In section 10, for subsection (4) there shall be substituted...
43	(1) In section 11(1), for the words “for the purpose”...
44—47	.....
48, 49	.....
50	.....
51—59	.....

*Health Visiting and Social Work (Training) Act 1962*

60	In section 3(5), after “1948”, insert “or under any re-enactment...
61, 62	.....
63, 64	.....
65—67	.....

*Children and Young Persons Act 1963*

68	In section 55, the words from “section 88(5)” to “Scottish...”
69—72	.....

*Registration of Births, Deaths and Marriages (Scotland) Act 1965*

73	(1) In section 15, in subsections (1) and (3), for...
74	.....

SCHEDULE 9 — Enactments Repealed

Part I — REPEALS EXTENDING TO SCOTLAND ONLY

Part II — REPEALS EXTENDING TO ENGLAND AND WALES



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