

*Status: Point in time view as at 04/04/2005.*

*Changes to legislation: Children Act 1989, Part II is up to date with all changes known to be in force on or before 11 July 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 4

#### MANAGEMENT AND CONDUCT OF COMMUNITY HOMES

##### PART II

###### MANAGEMENT OF CONTROLLED AND ASSISTED COMMUNITY HOMES

- 3 (1) The management, equipment and maintenance of a controlled community home shall be the responsibility of the local authority specified in its instrument of management.
- (2) The management, equipment and maintenance of an assisted community home shall be the responsibility of the voluntary organisation by which the home is provided.
- (3) In this paragraph—  
“home” means a controlled community home or (as the case may be) assisted community home; and  
“the managers”, in relation to a home, means the managers constituted by its instrument of management; and  
“the responsible body”, in relation to a home, means the local authority or (as the case may be) voluntary organisation responsible for its management, equipment and maintenance.
- (4) The functions of a home’s responsible body shall be exercised through the managers [<sup>F1</sup>, except in so far as, under section 53(3B), any of the accommodation is to be managed by another person.].
- (5) Anything done, liability incurred or property acquired by a home’s managers shall be done, incurred or acquired by them as agents of the responsible body [<sup>F2</sup>; and similarly, to the extent that a contract so provides, as respects anything done, liability incurred or property acquired by a person by whom, under section 53(3B), any of the accommodation is to be managed].
- (6) In so far as any matter is reserved for the decision of a home’s responsible body by—  
(a) sub-paragraph (8);  
(b) the instrument of management;  
(c) the service by the body on the managers, or any of them, of a notice reserving any matter,  
that matter shall be dealt with by the body and not by the managers.
- (7) In dealing with any matter so reserved, the responsible body shall have regard to any representations made to the body by the managers.
- (8) The employment of persons at a home shall be a matter reserved for the decision of the responsible body.

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- (9) Where the instrument of management of a controlled community home so provides, the responsible body may enter into arrangements with the voluntary organisation by which that home is provided whereby, in accordance with such terms as may be agreed between them and the voluntary organisation, persons who are not in the employment of the responsible body shall undertake duties at that home.
- (10) Subject to sub-paragraph (11)—
- (a) where the responsible body for an assisted community home proposes to engage any person to work at that home or to terminate without notice the employment of any person at that home, it shall consult the local authority specified in the instrument of management and, if that authority so direct, the responsible body shall not carry out its proposal without their consent; and
  - (b) that local authority may, after consultation with the responsible body, require that body to terminate the employment of any person at that home.
- (11) Paragraphs (a) and (b) of sub-paragraph (10) shall not apply—
- (a) in such cases or circumstances as may be specified by notice in writing given by the local authority to the responsible body; and
  - (b) in relation to the employment of any persons or class of persons specified in the home’s instrument of management.
- (12) The accounting year of the managers of a home shall be such as may be specified by the responsible body.
- (13) Before such date in each accounting year as may be so specified, the managers of a home shall submit to the responsible body estimates, in such form as the body may require, of expenditure and receipts in respect of the next accounting year.
- (14) Any expenses incurred by the managers of a home with the approval of the responsible body shall be defrayed by that body.
- (15) The managers of a home shall keep—
- (a) proper accounts with respect to the home; and
  - (b) proper records in relation to the accounts.
- (16) Where an instrument of management relates to more than one home, one set of accounts and records may be kept in respect of all the homes to which it relates.

#### Textual Amendments

- F1** Words in Sch. 4 Pt. II para. 3(4) inserted (8.3.1996) by 1994 c. 33, s. 22(3)(a); S.I. 1996/625, art. 2
- F2** Words in Sch. 4 Pt. II para. 3(5) inserted (8.3.1996) by 1994 c. 33, s. 22(3)(b); S.I. 1996/625, art. 2

#### Commencement Information

- I1** Sch. 4 Pt. II para. 3 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, art. 3(2)

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