



Children Act 1989

1989 CHAPTER 41

PART VI

COMMUNITY HOMES

55 Determination of disputes relating to controlled and assisted community homes

- (1) Where any dispute relating to a controlled community home arises between the local authority specified in the home's instrument of management and—
 - (a) the voluntary organisation by which the home is provided; or
 - (b) any other local authority who have placed, or desire or are required to place, in the home a child who is looked after by them,the dispute may be referred by either party to the Secretary of State for his determination.
- (2) Where any dispute relating to an assisted community home arises between the voluntary organisation by which the home is provided and any local authority who have placed, or desire to place, in the home a child who is looked after by them, the dispute may be referred by either party to the Secretary of State for his determination.
- (3) Where a dispute is referred to the Secretary of State under this section he may, in order to give effect to his determination of the dispute, give such directions as he thinks fit to the local authority or voluntary organisation concerned.
- (4) This section applies even though the matter in dispute may be one which, under or by virtue of Part II of Schedule 4, is reserved for the decision, or is the responsibility, of—
 - (a) the local authority specified in the home's instrument of management; or
 - (b) (as the case may be) the voluntary organisation by which the home is provided.
- (5) Where any trust deed relating to a controlled or assisted community home contains provision whereby a bishop or any other ecclesiastical or denominational authority has power to decide questions relating to religious instruction given in the home, no dispute which is capable of being dealt with in accordance with that provision shall be referred to the Secretary of State under this section.

Status: This is the original version (as it was originally enacted).

- (6) In this Part “trust deed”, in relation to a voluntary home, means any instrument (other than an instrument of management) regulating—
- (a) the maintenance, management or conduct of the home; or
 - (b) the constitution of a body of managers or trustees of the home.