



Children and Young Persons Act 2008

2008 CHAPTER 23

PART 1

DELIVERY OF SOCIAL WORK SERVICES FOR CHILDREN AND YOUNG PERSONS

2 Restrictions on arrangements under section 1

- (1) A local authority must not enter into arrangements under section 1 for the discharge of an excluded function.
- (2) The excluded functions are—
 - (a) the local authority's functions in relation to independent reviewing officers; and
 - (b) its functions as an adoption agency (unless the other party to the arrangements is a registered adoption society).
- (3) The functions referred to in subsection (2)(a) are the local authority's functions under—
 - (a) regulations made under section 26 of the 1989 Act by virtue of subsection (2)(k) of that section (provision for appointment by local authority of a person to carry out certain functions in review of case of child looked after by the authority);
 - (b) section 25A of the 1989 Act (appointment of independent reviewing officer).
- (4) A restriction imposed on a local authority by reference to its area applies to a provider of social work services as if the provider has the same area as the authority.
- (5) A local authority must not enter into arrangements under section 1 unless it is satisfied that the functions to which the arrangements relate will be discharged by, or under the supervision of, registered social workers.
- (6) “Registered social worker” means a person registered as a social worker—
 - [^{F1}(a) in the register maintained by Social Work England under section 39(1) of the Children and Social Work Act 2017;]

Changes to legislation: Children and Young Persons Act 2008, Section 2 is up to date with all changes known to be in force on or before 27 June 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) View outstanding changes

- (b) in the register maintained by the Scottish Social Services Council under section 44 of the Regulation of Care (Scotland) Act 2001 (2001 asp 8); or
 - (c) in the register maintained by the Northern Ireland Social Care Council under section 3 of the Health and Personal Social Services Act (Northern Ireland) 2001 (c. 3).
- (7) “Registered adoption society” has the meaning given by section 2(2) of the Adoption and Children Act 2002 (c. 38).

Textual Amendments

- F1** S. 2(6)(a) substituted (2.12.2019) by Children and Social Work Act 2017 (c. 16), s. 70(2), **Sch. 5 para. 37(1)** (with Sch. 5 para. 37(2)); S.I. 2019/1436, reg. 2(s)
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Commencement Information

- I1** S. 2 in force at 16.2.2009 for E. by S.I. 2009/323, **art. 2(b)**

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Changes and effects yet to be applied to :

- s. 1-5 cease to have effect (cond.) by [2008 c. 23 s. 6\(3\)-\(5\)Sch. 4](#)