Draft Order laid before Parliament under section 77(2) of the Deregulation and Contracting Out Act 1994, for approval by resolution of each House of Parliament.

DRAFT STATUTORY INSTRUMENTS

2014 No.

CONTRACTING OUT, ENGLAND

The Contracting Out (Local Authorities Social Services Functions) (England) Order 2014

Made - - - -	***
Coming into force - -	*1st April 2014*

The Secretary of State, in exercise of the powers conferred by sections 70(2) and (4) and 77(1) of the Deregulation and Contracting Out Act 1994(**1**), makes the following Order.

In accordance with section 70(3)(a) of the Deregulation and Contracting Out Act 1994, the Secretary of State for Health has consulted with such representatives of local government as the Secretary of State considers appropriate.

A draft of this Order was laid before Parliament in accordance with section 77(2) of the Deregulation and Contracting Out Act 1994 and approved by a resolution of each House.

Citation, commencement and application

1.—(1) This Order may be cited as the Contracting Out (Local Authorities Social Services Functions) (England) Order 2014 and shall come into force on 1st April 2014.

(2) This Order shall apply in relation to England only.

Interpretation

2. In this Order—

"registered social worker" means a person registered as a social worker—

(a) in Part 16(**2**) of the register established and maintained under article 5 of the Health and Social Work Professions Order 2001(**3**),

(**1**) 1994 c.40.

(**2**) The register is divided into parts specified in Schedule 1 to the Health Professions (Parts of and Entries in the Register) Order of Council 2003, S.I. 2003/1571. Part 16 was inserted by S.I. 2012/1479, article 3(3).

(**3**) S.I. 2002/254. Relevant amendments to the Order have been made by the Health and Social Care Act 2012 (c.7), section 213(1), (4); S.I. 2009/1182, article 3(2), Schedule 2, paragraph 2.

(b) in a register maintained by the Care Council for Wales under section 56 (the register) of the Care Standards Act 2000(**4**),

(c) in a register maintained by the Scottish Social Services Council under section 44 (register of social workers and of other social service workers) of the Regulation of Care (Scotland) Act 2001(**5**), or

(d) in a register maintained by the Northern Ireland Social Care Council under section 3 (the register) of the Health and Personal Social Services Act (Northern Ireland) 2001(**6**); and

"social services function" means any of the functions conferred by or under any of the provisions listed in the Schedule to this Order.

Contracting Out

3.—(1) Subject to paragraph (2), a social services function may be exercised by, or by employees of, such person (if any) as may be authorised in that behalf by a local authority(**7**) whose function it is.

(2) An authorisation given to a person by virtue of paragraph (1) may authorise the exercise of a social services function, and a person (or the employees of a person) to whom such an authorisation is given may exercise such a function, only where—

(a) the function is to be exercised only in relation to persons who are aged 18 or over;

(b) the function is to be exercised by, or under the supervision of, a registered social worker;

(c) when the function is not exercised by a registered social worker, the function is to be exercised by a person who has the qualifications or competencies which the local authority considers to be requisite for the exercise of the function; and

(d) the function is to be exercised in accordance with relevant directions and guidance given to local authorities by the Secretary of State about the exercise of social services functions.

Modification to Schedule 1 to the Local Authority Social Services Act 1970

4. Schedule 1 to the Local Authority Social Services Act 1970 (Social Services Functions)(**8**) shall be read as if at the end (after the entry relating to the Legal Aid Sentencing and Punishment of Offenders Act 2012) there were added—

"The Contracting Out (Local Authorities Social Services Functions) (England) Order 2014 Article 3	Contracting Out".

Revocation of the Contracting Out (Local Authorities Social Services Functions) (England) Order 2011

5. The Contracting Out (Local Authorities Social Services Functions) (England) Order 2011(**9**) is hereby revoked.

(**4**) 2000 c.14. Section 56 has been amended by S.I. 2007/3101 and the Health and Social Care Act 2012 (c.7), section 230, Schedule 15, Part 1, paragraph 1, 3.
(**5**) 2001 asp 8. Section 44 has been amended by S.I.2007/3101.
(**6**) 2001 c.3 (N.I.). Section 3 has been amended by S.I. 2007/3101.
(**7**) "Local authority" is defined in relation to England by section 79A of the Deregulation and Contracting Out Act 1994. Section 79A was inserted by the Local Government and Public Involvement in Health Act 2007 (c.28), section 239(3) and amended by the Local Democracy, Economic Development and Construction Act 2009 (c.20), Schedule 6, paragraph 87 and the Police Reform and Social Responsibility Act 2011 (c.13), section 99 and Sch 16, Pt 3, paras 214 and 215.
(**8**) 1970 c.42.
(**9**) S.I. 2011/1568 as amended by S.I. 2012/3003.

Signed by the authority of the Secretary of State for Health.

Name
Minister of State,
Date Department of Health