

# **SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### **Part 6 - Looked after and Accommodated Children**

##### ***Section 119 - Use of accommodation for restricting liberty***

334. **Section 119 (1)** provides that a child looked after by a local authority (in Wales or England) may not be placed, and if placed may not be kept, in secure accommodation in Wales unless it appears that the child has a history of absconding and is likely to suffer significant harm or that the child is likely to injure himself or others if kept in any other form of accommodation.
335. Subsection (2) gives the Welsh Ministers power to make regulations to set out the maximum period in which a child can be held in secure accommodation without the court's authority, and also a maximum period for which the court may authorise a child to be kept in secure accommodation in Wales. The section also provides for determinations and orders by the court relating to the use of secure accommodation.
336. Subsection (7) contains a power for the Welsh Ministers to make regulations as to the application and modification of this section to a child of a description specified in the regulations, and as to determinations relating to the placing and keeping of children of specified descriptions in secure accommodation.
337. Subsection (10) provides this section is subject to section 76(5), which is concerned with the right of a person with parental responsibility for a child to remove the child from accommodation provided by or on behalf of a local authority.
338. This section is based on provision made in section 25 of the Children Act 1989.