

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Looked after and Accommodated Children

Section 120 - Assessment of children accommodated by health authorities and education authorities

339. **Section 120** requires an “accommodating authority” (that is a local health board, an NHS Trust or a local authority in the exercise of education functions) that accommodates a child in Wales for a consecutive period of 3 months or more, or intends to do so, to notify an appropriate officer of the Welsh or English local authority where the child was ordinarily resident. If the child has no settled place of residence, an appropriate officer of the Welsh or English local authority where the accommodation in which the child is placed, must be notified instead. A similar duty arises when the accommodating authority ceases to accommodate the child. “appropriate officer” is defined in subsection (4).
340. The appropriate officer of a local authority so notified then has a duty to assess whether the child has needs for care and support (in accordance with section 21) and must also consider whether the local authority should exercise any other functions under this Act or the Children Act 1989.
341. Subsection (6) disapplies the obligation to undertake an assessment of children who are children looked after by a local authority in Wales, Scotland or England or (in relation to Northern Ireland) by a Health and Social Care Trust. Any needs of such children for care and support will be met by the local authority or Health and Social Care Trust that is responsible for them.
342. This section is based on provision made in section 85 of the Children Act 1989.