



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Accommodation duties

- 75 General duty of local authority to secure sufficient accommodation for looked after children**
- (1) A local authority must take steps that secure, so far as reasonably practicable, that the local authority is able to provide the children mentioned in subsection (2) with accommodation that—
 - (a) is within the authority's area, and
 - (b) meets the needs of those children.
 - (2) The children referred to in subsection (1) are those—
 - (a) that the local authority is looking after,
 - (b) in respect of whom the authority is unable to make arrangements under section 81(2), and
 - (c) whose circumstances are such that it would be consistent with their well-being for them to be provided with accommodation that is in the authority's area.
 - (3) In discharging its duty under subsection (1), the local authority must have regard to the benefit of having—
 - (a) a number of accommodation providers in its area that is, in the authority's opinion, sufficient to discharge its duty, and
 - (b) a range of accommodation in its area capable of meeting different needs that is, in its opinion, sufficient to discharge its duty.
 - (4) In this section “accommodation providers” means—

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Cross Heading: Accommodation duties is up to date with all changes known to be in force on or before 17 April 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

- (a) local authority foster parents, and
- (b) children's homes.

Commencement Information

II S. 75 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

76 Accommodation for children without parents or who are lost or abandoned etc

- (1) A local authority must provide accommodation for any child within its area who appears to the authority to require accommodation as a result of—
- (a) there being no person who has parental responsibility for the child,
 - (b) the child being lost or having been abandoned, or
 - (c) the person who has been caring for the child being prevented (whether or not permanently, and for whatever reason) from providing the child with suitable accommodation or care.

- (2) Where a local authority provides accommodation under subsection (1) for a child who is ordinarily resident in the area of another local authority, that other local authority may take over the provision of accommodation for the child within—
- (a) three months of being notified in writing that the child is being provided with accommodation, or
 - (b) such other longer period as may be specified.

- [^{F1}(2A) Where a local authority in England provides accommodation under section 20(1) of the Children Act 1989 (provision of accommodation for children: general) for a child who is ordinarily resident in the area of a local authority in Wales, that local authority in Wales may take over the provision of accommodation for the child within—
- (a) three months of being notified in writing that the child is being provided with accommodation, or
 - (b) such other longer period as may be specified.]

- (3) A local authority must provide accommodation for any child within its area who has reached the age of 16 and whose well-being the authority considers is likely to be seriously prejudiced if it does not provide the child with accommodation.

- (4) A local authority may not provide accommodation under this section for any child if any person objects who—
- (a) has parental responsibility for the child, and
 - (b) is willing and able to—
 - (i) provide accommodation for the child, or
 - (ii) arrange for accommodation to be provided for the child.

- (5) Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of a local authority under this section.

- (6) Subsections (4) and (5) do not apply while any person—
- (a) in whose favour a [^{F2}child arrangements order] is in force with respect to the child,
 - (b) who is a special guardian of the child, or

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Cross Heading: Accommodation duties is up to date with all changes known to be in force on or before 17 April 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

- (c) who has care of the child by virtue of an order made in the exercise of the High Court's inherent jurisdiction with respect to children,
agrees to the child being looked after in accommodation provided by or on behalf of the local authority.
- (7) Where there is more than one such person as is mentioned in subsection (6), all of them must agree.
- (8) Subsections (4) and (5) do not apply where a child who has reached the age of 16 agrees to being provided with accommodation under this section.

Textual Amendments

- F1** S. 76(2A) inserted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **299**
- F2** Words in s. 76 substituted (1.12.2017) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2017 (S.I. 2017/1025), regs. 1(2), **4(2)**

Commencement Information

- I2** S. 76 in force at 6.4.2016 by S.I. 2016/412, art. 2 (with art. 4, Schs. 1, 2)

77 Accommodation for children in police protection or detention or on remand etc

- (1) A local authority must make provision for the reception and accommodation of children who are removed or kept away from home under Part 5 of the Children Act 1989.
- (2) A local authority must receive, and provide accommodation for, children—
- (a) in police protection whom it is requested to receive under section 46(3)(f) of the Children Act 1989;
 - (b) whom it is requested to receive under section 38(6) of the Police and Criminal Evidence Act 1984;
 - (c) with respect to whom it is the designated authority and who are—
 - (i) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F3}paragraph 5 of Schedule 4 or paragraph 7 of Schedule 5 to the Sentencing Code] (breach etc of referral orders and reparation orders);
 - (ii) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F4}paragraph 25 of Schedule 7 to that Code] (breach etc of youth rehabilitation orders);
 - (iii) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 10 of the Schedule to the Street Offences Act 1959 (breach of orders under section 1(2A) of that Act);
 - (iv) the subject of a youth rehabilitation order imposing a local authority residence requirement or a youth rehabilitation order with fostering.

[^{F5}(3) In subsection (2)—

“local authority residence requirement” has the meaning given by paragraph 24 of Schedule 6 to the Sentencing Code;

“youth rehabilitation order” has the meaning given by section 173 of that Code;

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Cross Heading: Accommodation duties is up to date with all changes known to be in force on or before 17 April 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

“youth rehabilitation order with fostering” has the meaning given by section 176 of that Code.]

- (4) Subsection (5) applies where—
- (a) a child has been—
 - (i) removed under Part 5 of the Children Act 1989, or
 - (ii) detained under section 38 of the Police and Criminal Evidence Act 1984, and
 - (b) the child is not being provided with accommodation—
 - (i) by a local authority [^{F6}or local authority in England], or
 - (ii) in a hospital vested in the Welsh Ministers, an NHS Trust, an NHS Foundation Trust or the Secretary of State, or otherwise made available pursuant to arrangements made by a Local Health Board, an NHS Trust, an NHS Foundation Trust, the Welsh Ministers, the Secretary of State, [^{F7}NHS England] or [^{F8}an integrated care board].
- (5) Any reasonable expenses of accommodating the child are recoverable from the local authority [^{F9}or local authority in England] in whose area the child is ordinarily resident.

Textual Amendments

- F3** Words in s. 77(2)(c)(i) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 303\(2\)\(a\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F4** Words in s. 77(2)(c)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 303\(2\)\(b\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F5** S. 77(3) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 303\(4\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F6** Words in s. 77(4)(b)(i) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [300\(a\)](#)
- F7** Words in s. 77(4)(b)(ii) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 26\(a\)](#); S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F8** Words in s. 77(4)(b)(ii) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 220\(a\)](#); S.I. 2022/734, reg. 2(a), [Sch.](#) (with regs. 13, 29, 30)
- F9** Words in s. 77(5) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), [300\(b\)](#)

Commencement Information

- I3** S. 77 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

Changes to legislation:

Social Services and Well-being (Wales) Act 2014, Cross Heading: Accommodation duties is up to date with all changes known to be in force on or before 17 April 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.

[View outstanding changes](#)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))