



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 6

### LOOKED AFTER AND ACCOMMODATED CHILDREN

#### *Children accommodated in certain establishments*

#### **120 Assessment of children accommodated by health authorities and education authorities**

- (1) Subsection (2) applies where a child is provided with accommodation in Wales by a Local Health Board, an NHS Trust or a local authority in the exercise of education functions (“the accommodating authority”)—
  - (a) for a consecutive period of at least 3 months, or
  - (b) with the intention, on the part of that authority, of accommodating the child for such a period.
- (2) The accommodating authority must notify the appropriate officer of the responsible authority—
  - (a) that it is accommodating the child, and
  - (b) when it ceases to accommodate the child.
- (3) In this section, “the responsible authority” means—
  - (a) the local authority or local authority in England appearing to the accommodating authority to be the authority within whose area the child was ordinarily resident immediately before being accommodated, or
  - (b) where it appears to the accommodating authority that a child was not ordinarily resident within the area of any local authority or local authority in England, the local authority within whose area the accommodation is situated.
- (4) In this section and in sections 121 and 122 “the appropriate officer” means—

**Changes to legislation:** *Social Services and Well-being (Wales) Act 2014, Cross Heading: Children accommodated in certain establishments is up to date with all changes known to be in force on or before 26 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) in relation to a local authority, its director of social services, and
  - (b) in relation to a local authority in England, its director of children's services.
- (5) Where the appropriate officer of a local authority has been notified under this section [<sup>F1</sup>, or under section 85 of the Children Act 1989 (assessment of children accommodated by health authorities and education authorities)], the authority must—
- (a) assess the child under section 21, and
  - (b) consider the extent to which (if at all) it should exercise any of its other functions under this Act, or any of its functions under the Children Act 1989, with respect to the child.
- (6) The duty under subsection (5)(a) does not apply in relation to a child looked after by—
- (a) a local authority,
  - (b) a local authority in England,
  - (c) a local authority in Scotland, or
  - (d) a Health and Social Care trust.

#### Textual Amendments

- F1** Words in s. 120(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), **305**

#### Commencement Information

- II** S. 120 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

## 121 Assessment of children accommodated in care homes or independent hospitals

- (1) Subsection (2) applies where a child is provided with accommodation in Wales in any care home or independent hospital—
- (a) for a consecutive period of at least three months, or
  - (b) with the intention, on the part of the person taking the decision to accommodate the child, of accommodating the child for such period.
- (2) The person carrying on the establishment in question must notify the appropriate officer of the local authority within whose area the establishment is carried on—
- (a) that it is accommodating the child, and
  - (b) when it ceases to accommodate the child.
- (3) Where the appropriate officer of a local authority has been notified under this section, the authority must—
- (a) assess the child under section 21, and
  - (b) consider the extent to which (if at all) it should exercise any of its other functions under this Act, or any of its functions under the Children Act 1989, with respect to the child.
- (4) The duty under subsection (3)(a) does not apply in relation to a child looked after by—
- (a) a local authority,
  - (b) a local authority in England,
  - (c) a local authority in Scotland, or
  - (d) a Health and Social Care trust.

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- (5) If a person carrying on a care home or independent hospital fails, without reasonable excuse, to comply with this section, the person is guilty of an offence.
- (6) A person authorised by a local authority may enter a care home or independent hospital within the authority's area for the purpose of establishing whether the requirements of this section have been complied with.
- (7) A person exercising the power of entry must, upon request, produce some duly authenticated document showing authority to do so.
- (8) A person who intentionally obstructs a person exercising the power of entry is guilty of an offence.
- (9) A person committing an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

#### Commencement Information

**I2** S. 121 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

## 122 Visitors for children notified to a local authority <sup>F2</sup>...

- (1) This section applies if the appropriate officer of a local authority—
  - (a) has been notified with respect to a child under section 120(2)(a) or 121(2)(a), [<sup>F3</sup>or under section 85(1) of the Children Act 1989 (children accommodated by health authorities and local education authorities),] and
  - (b) has not been notified with respect to that child under section 120(2)(b) or section 121(2)(b) [<sup>F4</sup>, or under section 85(2) of the Children Act 1989].
- (2) The local authority must, in accordance with regulations made under this section, make arrangements for the child to be visited by a representative of the authority (“a representative”).
- (3) It is the duty of a representative to provide advice and assistance to the local authority on the performance of its duties under this Act in relation to the child.
- (4) Regulations under this section may make provision about—
  - (a) the frequency of visits under visiting arrangements;
  - (b) circumstances in which visiting arrangements must require a child to be visited;
  - (c) additional functions of a representative.
- (5) In choosing a representative a local authority must satisfy itself that the person chosen has the necessary skills and experience to perform the functions of a representative.
- (6) In this section “visiting arrangements” means arrangements made under subsection (2).

#### Textual Amendments

**F2** Words in heading omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), [regs. 2\(1\)](#), [306\(c\)](#)

**Changes to legislation:** *Social Services and Well-being (Wales) Act 2014, Cross Heading: Children accommodated in certain establishments is up to date with all changes known to be in force on or before 26 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*

- F3** Words in s. 122(1)(a) 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), **306(a)**
- F4** Words in s. 122(1)(b) 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), **306(b)**

**Commencement Information**

- I3** S. 122 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with **art. 4**, Schs. 1, 2)

**123 Services for children notified to a local authority** <sup>F5</sup>...

- (1) A local authority must provide such services as it considers appropriate for children in respect of whom it receives notification under section 120 or 121 [<sup>F6</sup>, or under section 85 of the Children Act 1989 (children accommodated by health authorities and local education authorities)].
- (2) The services provided under this section must be provided with a view to promoting contact between each child in respect of whom the local authority receives notification and the child's family.
- (3) The services may include anything the authority may provide or arrange under Part 4.
- (4) Nothing in this section affects the duty imposed by section 39.

**Textual Amendments**

- F5** Words in heading omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **307(b)**
- F6** Words in s. 123(1) 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), **307(a)**

**Commencement Information**

- I4** S. 123 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: Children accommodated in certain establishments is up to date with all changes known to be in force on or before 26 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.

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**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))