



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

2014 anaw 4

## PART 6

### LOOKED AFTER AND ACCOMMODATED CHILDREN

#### *Regulations about looked after children*

#### **87 Regulations about looked after children**

Regulations may make further provision about children looked after by local authorities.

#### **Commencement Information**

**II** S. 87 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

#### **88 Regulations about conditions under which a child in care is allowed to live with a parent etc**

Regulations under section 87 may, for example, impose requirements on a local authority as to—

- (a) the making of any decision to allow a child in its care to live with any person falling within section 81(3) (including requirements as to those who must be consulted before the decision is made and those who must be notified when it has been made);
- (b) the supervision or medical examination of the child concerned;
- (c) the removal of the child, in such circumstances as may be specified in regulations, from the care of the person with whom the child has been allowed to live;

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- (d) the records to be kept by the local authority.

**Commencement Information**

**I2** S. 88 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

**89 Regulations about placements of a kind mentioned in section 81(6)(d)**

- (1) Regulations under section 87 may, for example, make provision as to placements of the kind mentioned in section 81(6)(d).
- (2) Regulations under subsection (1) may, for example, make provision as to—
- (a) the persons to be notified of any proposed arrangements;
  - (b) the opportunities such persons are to have to make representations in relation to the arrangements proposed;
  - (c) the persons to be notified of any proposed changes in the arrangements;
  - (d) the records to be kept by local authorities;
  - (e) the supervision by local authorities of any arrangements made.

**Commencement Information**

**I3** S. 89 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

**90 Regulations about placements out of area**

Regulations under section 87 may, for example, impose requirements that a local authority must comply with—

- (a) before a child looked after by it is provided with accommodation at a place outside the area of the authority, or
- (b) if the child's well-being requires the immediate provision of such accommodation, within such period of the accommodation being provided as may be specified.

**Commencement Information**

**I4** S. 90 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

**91 Regulations about the avoidance of disruption in education**

- (1) Regulations under section 87 may, for example, impose requirements that a local authority must comply with before making any decision concerning a [<sup>F1</sup>relevant] child's placement [<sup>F2</sup>if he or she is in the fourth key stage].

[<sup>F3</sup>(1A) In subsection (1), a “relevant child” means a child who—

- (a) is a pupil at a maintained school,
- (b) has completed the school year in which the majority of pupils in the child's class attained the age of 14, and
- (c) is still of compulsory school age.]

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[<sup>F4</sup>(2) [<sup>F4</sup>In subsection (1A)—

- (a) “pupil”, “school year” and “compulsory school age” have the meaning given by the Education Act 1996;
- (b) “maintained school” has the meaning given by section 79 of the Curriculum and Assessment (Wales) Act 2021;
- (c) “the child’s class” means—
  - (i) the teaching group in which the child is regularly taught at school, or
  - (ii) where there are two or more such groups, the group designated by the head teacher of the child’s school.]

#### Textual Amendments

- F1** Word in s. 91(1) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\), reg. 1\(3\), Sch. 2 para. 17\(2\)\(a\)\(i\)](#)
- F2** Words in s. 91(1) omitted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by virtue of [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\), reg. 1\(3\), Sch. 2 para. 17\(2\)\(a\)\(ii\)](#)
- F3** S. 91(1A) inserted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\), reg. 1\(3\), Sch. 2 para. 17\(2\)\(b\)](#)
- F4** S. 91(2) substituted (1.9.2022 for specified purposes, 1.9.2023 for specified purposes) by [The Curriculum and Assessment \(Wales\) Act 2021 \(Consequential Amendments\) \(Primary Legislation\) Regulations 2022 \(S.I. 2022/744\), reg. 1\(3\), Sch. 2 para. 17\(2\)\(c\)](#)

#### Commencement Information

- I5** S. 91 in force at 6.4.2016 by [S.I. 2016/412, art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

## 92 Regulations about the placing of children with local authority foster parents and prospective adopters

- (1) Regulations under section 87 may, for example, make provision—
- (a) with regard to the well-being of children placed with local authority foster parents or prospective adopters;
  - (b) as to the arrangements to be made by local authorities in connection with the health and education of such children;
  - (c) as to the records to be kept by local authorities;
  - (d) for securing that where possible the local authority foster parent or prospective adopter with whom a child is to be placed—
    - (i) is of the same religious persuasion as the child, or
    - (ii) gives an undertaking that the child will be brought up in that religious persuasion;
  - (e) for securing that children placed with local authority foster parents or prospective adopters, and the premises in which they are accommodated, will be supervised and inspected by a local authority and that the children will be removed from those premises if their well-being appears to require it.
- (2) In this section “prospective adopter” means a person with whom a child is placed under section 81(11).

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### Commencement Information

**I6** S. 92 in force at 6.4.2016 by S.I. 2016/412, **art. 2** (with **art. 4**, Schs. 1, 2)

## 93 Regulations providing for approval of local authority foster parents

- (1) Regulations under section 87 may, for example, make provision—
  - (a) for securing that a child is not placed with a local authority foster parent unless that person is for the time being approved as a local authority foster parent by such local authority [<sup>F5</sup>or other persons] as may be specified;
  - (b) establishing a procedure under which any person in respect of whom a qualifying determination has been made may apply to the Welsh Ministers for a review of that determination by a panel constituted by the Welsh Ministers.
- (2) A determination is a qualifying determination if—
  - (a) it relates to the issue of whether a person should be approved, or should continue to be approved, as a local authority foster parent, and
  - (b) it is of a specified description.
- (3) Regulations made under subsection (1)(b) may include provision as to—
  - (a) the duties and powers of a panel;
  - (b) the administration and procedures of a panel;
  - (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for their appointment);
  - (d) the payment of fees to members of a panel;
  - (e) the duties of any person in connection with a review conducted under the regulations;
  - (f) the monitoring of any such reviews.
- (4) Regulations made by virtue of subsection (3)(e) may impose a duty to pay to the Welsh Ministers such amount as the Welsh Ministers may determine; but such a duty may not be imposed upon a person who has applied for a review of a qualifying determination.
- (5) The Welsh Ministers must secure that, taking one financial year with another, the aggregate of the amounts which become payable to them under regulations made by virtue of subsection (4) does not exceed the cost to them of performing their independent review functions.
- (6) The Welsh Ministers may make an arrangement with an organisation under which independent review functions are performed by the organisation on their behalf.
- (7) If the Welsh Ministers make such an arrangement with an organisation, the organisation must perform their functions under the arrangement in accordance with any general or specific direction given by the Welsh Ministers.
- (8) The arrangement may include provision for payments to be made to the organisation by the Welsh Ministers.
- (9) Payments made by the Welsh Ministers in accordance with such provision are to be taken into account in determining (for the purpose of subsection (5)) the cost to the Welsh Ministers of performing their independent review functions.

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(10) A direction under subsection (7)—

- (a) must be in writing;
- (b) may be varied or revoked by a later direction.

(11) In this section—

“financial year” (“*blwyddyn ariannol*”) means a period of twelve months ending with 31 March;

“independent review function” (“*swyddogaeth adolygu annibynnol*”) means a function conferred or imposed on the Welsh Ministers by regulations made by virtue of subsection (1)(b);

“organisation” (“*sefydliad*”) includes the Secretary of State, a public body and a private or voluntary organisation.

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#### Textual Amendments

- F5** Words in s. 93(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), **302**
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#### Commencement Information

- I7** S. 93 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

## 94 Regulations about agency arrangements

Regulations under section 87 may, for example, make provision as to the circumstances in which a local authority may make arrangements for duties imposed on it by the regulations to be discharged on its behalf.

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#### Commencement Information

- I8** S. 94 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

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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))