



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Accommodation duties

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—
- there being no person who has parental responsibility for the child,
 - the child being lost or having been abandoned, or
 - 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—
- three months of being notified in writing that the child is being provided with accommodation, or
 - 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—

- three months of being notified in writing that the child is being provided with accommodation, or
- such other longer period as may be specified.]

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 76 is up to date with all changes known to be in force on or before 20 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

- (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
 - (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

- I1** S. 76 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, Section 76 is up to date with all changes known to be in force on or before 20 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))