



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Duties of local authorities in relation to looked after children

78 Principal duty of a local authority in relation to looked after children

- (1) A local authority looking after any child must—
 - (a) safeguard and promote the child's well-being, and
 - (b) make such use of services available for children cared for by their own parents as appears to the authority reasonable in the child's case.
- (2) The duty of a local authority under subsection (1)(a) to safeguard and promote the well-being of a child looked after by it includes, for example—
 - (a) a duty to promote the child's educational achievement;
 - (b) a duty—
 - (i) to assess from time to time whether the child has care and support needs which meet the eligibility criteria set under section 32, and
 - (ii) if the child has needs which meet the eligibility criteria, to at least meet those needs.
- (3) Before making any decision with respect to a child whom it is looking after, or proposing to look after, a local authority must (in addition to the matters set out in sections 6(2) and (4) and 7(2) (other overarching duties)) have regard to—
 - (a) the views, wishes and feelings of any person whose views, wishes and feelings the authority considers to be relevant;
 - (b) the child's religious persuasion, racial origin and cultural and linguistic background.

Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 78 is up to date with all changes known to be in force on or before 18 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

- (4) If it appears to a local authority that it is necessary, for the purpose of protecting members of the public from serious injury, to exercise its powers with respect to a child whom it is looking after in a manner which may not be consistent with its duties under this section or section 6, it may do so.

Commencement Information

II S. 78 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

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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))