



Children Act 1989

1989 CHAPTER 41

PART III

[^{F1}SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

Provision of accommodation for children

20 Provision of accommodation for children: general.

- (1) Every local authority shall provide accommodation for any child in need within their area who appears to them to require accommodation as a result of—
- there being no person who has parental responsibility for him;
 - his being lost or having been abandoned; or
 - the person who has been caring for him being prevented (whether or not permanently, and for whatever reason) from providing him with suitable accommodation or care.
- (2) Where a local authority provide 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 prescribed [^{F1}in regulations made by the Secretary of State].
- [^{F2}(2A) Where a local authority in Wales provide accommodation under section 76(1) of the Social Services and Well-being (Wales) Act 2014 (accommodation for children without parents or who are lost or abandoned etc.) for a child who is ordinarily resident in the area of a local authority in England, that local authority in England 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

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- (b) such other longer period as may be prescribed in regulations made by the Secretary of State.]
- (3) Every local authority shall provide accommodation for any child in need within their area who has reached the age of sixteen and whose welfare the authority consider is likely to be seriously prejudiced if they do not provide him with accommodation.
- (4) A local authority may provide accommodation for any child within their area (even though a person who has parental responsibility for him is able to provide him with accommodation) if they consider that to do so would safeguard or promote the child's welfare.
- (5) A local authority may provide accommodation for any person who has reached the age of sixteen but is under twenty-one in any community home which takes children who have reached the age of sixteen if they consider that to do so would safeguard or promote his welfare.
- (6) Before providing accommodation under this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—
 - (a) ascertain the child's wishes [^{F3}and feelings] regarding the provision of accommodation; and
 - (b) give due consideration (having regard to his age and understanding) to such wishes [^{F3}and feelings] of the child as they have been able to ascertain.
- (7) A local authority may not provide accommodation under this section for any child if any person who—
 - (a) has parental responsibility for him; and
 - (b) is willing and able to—
 - (i) provide accommodation for him; or
 - (ii) arrange for accommodation to be provided for him, objects.
- (8) Any person who has parental responsibility for a child may at any time remove the child from accommodation provided by or on behalf of the local authority under this section.
- (9) Subsections (7) and (8) do not apply while any person—
 - [^{F4}(a) who is named in a child arrangements order as a person with whom the child is to live;]
 - [^{F5}(aa) who is a special guardian of the child; or]
 - (b) 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.
- (10) Where there is more than one such person as is mentioned in subsection (9), all of them must agree.
- (11) Subsections (7) and (8) do not apply where a child who has reached the age of sixteen agrees to being provided with accommodation under this section.

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Textual Amendments

- F1** Words in s. 20(2)(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), [67\(a\)](#)
- F2** S. 20(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), [67\(b\)](#)
- F3** Words in s. 20(6)(a)(b) inserted (1.3.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), s. [53\(2\)](#); [S.I. 2005/394](#), [art. 2\(1\)\(g\)](#); [S.I. 2006/885](#), [art. 2\(2\)](#)
- F4** S. 20(9)(a) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), [Sch. 2 para. 28](#); [S.I. 2014/889](#), [art. 4\(f\)](#) (with transitional provisions in [S.I. 2014/1042](#), arts. 3, 4, 6-10)
- F5** S. 20(9)(aa) inserted (30.12.2005) by [2002 c. 38](#), ss. 139, 148, [Sch. 3 para. 59](#) (with [Sch. 4 paras. 6-8](#)); [S.I. 2003/2213](#), [art. 2\(o\)](#)

Modifications etc. (not altering text)

- C1** S. 20(8) restricted (30.12.2005) by [2002 c. 38](#), ss. 30(6), 148 (subject to [ss. 31-33](#)) (with [Sch. 4 paras. 6-8](#)); [S.I. 2005/2213](#), [art. 2\(c\)](#)

Commencement Information

- I1** S. 20 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), [art. 3\(2\)](#)

21 Provision of accommodation for children in police protection or detention or on remand, etc.

(1) Every local authority shall make provision for the reception and accommodation of children who are removed or kept away from home under Part V.

(2) Every local authority shall receive, and provide accommodation for, children—

- (a) in police protection whom they are requested to receive under section 46(3)(f);
- (b) whom they are requested to receive under section 38(6) of the ^{M1}Police and Criminal Evidence Act 1984;
- (c) who are—

- ^{F6}(i)
- [^{F7}(ia) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F8}paragraph 5 of Schedule 4 or paragraph 7 of Schedule 5 to the Sentencing Code] (breach etc. of referral orders and reparation orders);]
- [^{F9}(ii) remanded to accommodation provided by or on behalf of a local authority by virtue of [^{F10}paragraph 25 of Schedule 7 to that Code] (breach etc. of youth rehabilitation orders); ^{F11}. . .]
- [^{F12}(ia) 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);]
- [^{F13}(iii) the subject of a youth rehabilitation order imposing a local authority residence requirement or a youth rehabilitation order with fostering,]
- and with respect to whom they are the designated authority.

[^{F14}(2A) In subsection (2)(c)(iii)—

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

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

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

(3) Where a child has been—

(a) removed under Part V; or

(b) detained under section 38 of the Police and Criminal Evidence Act 1984,

and he is not being provided with accommodation by a local authority [^{F15}or by a local authority in Wales] or in a hospital vested in the [^{F16}Secretary of State or]^{F17}, the Welsh Ministers]^{F18} ..., [^{F19}or otherwise made available pursuant to arrangements made by [^{F20}the Secretary of State, [^{F21}NHS England] or [^{F22}an integrated care board] under the National Health Service Act 2006 or] a [^{F23}Health Authority]]^{F24}Local Health Board]^{F18} ..., any reasonable expenses of accommodating him shall be recoverable from the local authority [^{F25}, or local authority in Wales,] in whose area he is ordinarily resident.

Textual Amendments

- F6** S. 21(2)(c)(i) omitted (3.12.2012) by virtue of [Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(c. 10\)](#), s. 151(1), [Sch. 12 para. 24](#); S.I. 2012/2906, art. 2(j) (with art. 7(2)(3))
- F7** S. 21(2)(c)(ia) inserted (30.11.2009) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 105](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)](#)
- F8** Words in s. 21(2)(c)(ia) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 108\(2\)\(a\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F9** S. 21(2)(c)(ii)(iii) substituted (30.11.2009) for s. 21(2)(c)(ii) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 34\(2\)\(b\)](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)](#)
- F10** Words in s. 21(2)(c)(ii) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 108\(2\)\(b\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F11** Word in s. 21(2)(c)(ii) repealed (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1)(2), 116(1), [Sch. 7 para. 21](#), [Sch. 8 Pt. 2](#); S.I. 2010/507, [art. 5\(v\)\(x\)](#)
- F12** S. 21(2)(c)(ia) inserted (1.4.2010) by [Policing and Crime Act 2009 \(c. 26\)](#), ss. 112(1), 116(1), [Sch. 7 para. 21](#); S.I. 2010/507, [art. 5\(v\)](#)
- F13** S. 21(2)(c)(ii)(iii) substituted (30.11.2009) for s. 21(2)(c)(ii) by [Criminal Justice and Immigration Act 2008 \(c. 4\)](#), ss. 6, 153, [Sch. 4 para. 34\(2\)\(b\)](#) (with [Sch. 27 paras. 1, 5](#)); S.I. 2009/3074, [art. 2\(p\)\(v\)](#)
- F14** S. 21(2A) substituted (1.12.2020) by [Sentencing Act 2020 \(c. 17\)](#), s. 416(1), [Sch. 24 para. 108\(3\)](#) (with [Sch. 27](#)); S.I. 2020/1236, reg. 2
- F15** Words in s. 21(3) 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), [68\(a\)](#)
- F16** Words in s. 21(3) substituted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 48\(a\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F17** Words in s. 21(3) inserted (13.11.2008) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 39, 44, [Sch. 3 para. 5](#)
- F18** Words in s. 21(3) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 48\(b\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F19** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19, SIF 113:2\)](#), s. 66(1), [Sch. 9 para. 36\(1\)](#)
- F20** Words in s. 21(3) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), [Sch. 5 para. 48\(c\)](#); S.I. 2013/160, [art. 2\(2\)](#) (with arts. 7-9)
- F21** Words in s. 21 substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 1\(1\)\(2\)](#); S.I. 2022/734, reg. 2(a), [Sch. \(with regs. 13, 29, 30\)](#)

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- F22** Words in s. 21(3) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 28](#); [S.I. 2022/734](#), reg. 2(a), [Sch. \(with regs. 13, 29, 30\)](#)
- F23** Words in s. 21(3) substituted (1.4.1996) by [1995 c. 17](#), ss. 1(2), 2(1)(3), [Sch. 1](#), Pt. III, para. 118(3) (with [Sch. 2 para. 6](#))
- F24** Words in s. 21(3) substituted (1.4.2007) by [The References to Health Authorities Order 2007 \(S.I. 2007/961\)](#), [arts. 2, 3](#) {[Sch. para. 20\(2\)\(a\)](#)}
- F25** Words in s. 21(3) 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), [68\(b\)](#)

Commencement Information

- I2** S. 21 in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), [art. 3\(2\)](#)

Marginal Citations

- M1** [1984 c. 60](#).

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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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)