



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

Changes to legislation: *Children Act 1989, Section 20 is up to date with all changes known to be in force on or before 16 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*

- (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.

Changes to legislation: Children Act 1989, Section 20 is up to date with all changes known to be in force on or before 16 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

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\(2\)](#)

Changes to legislation:

Children Act 1989, Section 20 is up to date with all changes known to be in force on or before 16 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.

[View outstanding changes](#)

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)