



# Children Act 1989

## 1989 CHAPTER 41

### PART VIII

#### REGISTERED CHILDREN'S HOMES

#### **64 Welfare of children in children's homes.**

- (1) Where a child is accommodated in a [<sup>F1</sup>private] children's home, it shall be the duty of the person carrying on the home to—
  - (a) safeguard and promote the child's welfare;
  - (b) make such use of the services and facilities available for children cared for by their own parents as appears to that person reasonable in the case of the child; and
  - (c) advise, assist and befriend him with a view to promoting his welfare when he ceases to be so accommodated.
- (2) Before making any decision with respect to any such child the person carrying on the home shall, so far as is reasonably practicable, ascertain the wishes and feelings of—
  - (a) the child;
  - (b) his parents;
  - (c) any other person who is not a parent of his but who has parental responsibility for him; and
  - (d) any person whose wishes and feelings the person carrying on the home considers to be relevant,regarding the matter to be decided.
- (3) In making any such decision the person concerned shall give due consideration—
  - (a) having regard to the child's age and understanding, to such wishes and feelings of his as he has been able to ascertain;
  - (b) to such other wishes and feelings mentioned in subsection (2) as he has been able to ascertain; and
  - (c) to the child's religious persuasion, racial origin and cultural and linguistic background.

---

*Changes to legislation: Children Act 1989, Section 64 is up to date with all changes known to be in force on or before 25 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) Section 62, except subsection (4), shall apply in relation to any person who is carrying on a [<sup>F1</sup>private] children’s home as it applies in relation to any voluntary organisation.

---

**Textual Amendments**

- F1** Word in s. 64(1)(4) inserted (1.4.2002) by 2000 c. 14, s. 116, **Sch. 4 para. 14(12)**; S.I. 2001/4150, **art. 3(3)(a)** (subject to transitional provision in **art. 4** of the commencing S.I. and to the amendment of **art. 3** by S.I. 2002/1493, **art. 6**); S.I. 2002/920, **art. 3(3)(d)** (with **art. 3(4)-(10)**) and transitional provisions in Schs. 1-3)

---

**Commencement Information**

- I1** S. 64 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 64 is up to date with all changes known to be in force on or before 25 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)