



# Children Act 1989

## 1989 CHAPTER 41

### PART XII

#### MISCELLANEOUS AND GENERAL

##### *Notification of children accommodated in certain establishments*

#### **85 Children accommodated by health authorities and local education authorities.**

(1) Where a child is provided with accommodation [<sup>F1</sup>in England] by any [<sup>F2</sup>..., Special Health Authority,]<sup>F4</sup> ... [<sup>F5</sup>National Health Service trust]<sup>F6</sup> or NHS foundation trust or by a local authority [<sup>F7</sup>in England] in the exercise of education functions] (“the accommodating authority”)—

- (a) for a consecutive period of at least three months; or
- (b) with the intention, on the part of that authority, of accommodating him for such a period,

the accommodating authority shall notify [<sup>F8</sup>the appropriate officer of] the responsible authority.

(2) Where subsection (1) applies with respect to a child, the accommodating authority shall also notify [<sup>F9</sup>the appropriate officer of] the responsible authority when they cease to accommodate the child.

[<sup>F10</sup>(2ZA) Where a child is provided with accommodation—

- (a) by a body which is not mentioned in subsection (1), and
- (b) pursuant to arrangements made by the Secretary of State, [<sup>F11</sup>NHS England] or [<sup>F12</sup>an integrated care board] under the National Health Service Act 2006, subsections (1) and (2) apply in relation to the Secretary of State, [<sup>F11</sup>NHS England] or (as the case may be) [<sup>F13</sup>the integrated care board] as if it were the accommodating authority.]

[<sup>F14</sup>(2A) In a case where the child is [<sup>F15</sup>provided with accommodation in England by a local authority in England] in the exercise of education functions, subsections (1) and (2)

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apply only if the local authority providing the accommodation is different from the responsible authority.]

- (3) In this section “the responsible authority” means—
- (a) the local authority appearing to the accommodating authority to be the authority within whose area the child was ordinarily resident immediately before being accommodated; or
  - (b) where it appears to the accommodating authority that a child was not ordinarily resident within the area of any local authority, the local authority within whose area the accommodation is situated.

[<sup>F16</sup>(3A) In this section and sections 86 and 86A “ the appropriate officer ” means—

- (a) in relation to a local authority in England, their director of children's services; and
- (b) in relation to a local authority in Wales, their [<sup>F17</sup>director of social services].]

- (4) Where [<sup>F18</sup>the appropriate officer of a][<sup>F19</sup>local authority in England has been notified under this section, or under section 120 of the Social Services and Well-being (Wales) Act 2014 (assessment of children accommodated by health authorities and education authorities)], [<sup>F20</sup>the local authority] shall—

- (a) take such steps as are reasonably practicable to enable them to determine whether the child’s welfare is adequately safeguarded and promoted while he is accommodated by the accommodating authority; and
- (b) consider the extent to which (if at all) they should exercise any of their functions under this Act with respect to the child.

[<sup>F21</sup>(5) For the purposes of subsection (4)(b), if the child is not in the area of the local authority, they must treat him as if he were in that area.]

#### Textual Amendments

- F1** Words in s. 85(1) 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), **102(a)(i)**
- F2** Words in s. 85(1) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **102(a)(ii)**
- F3** Words in s. 85(1) substituted(1.4.1996) by [1995 c. 17, s. 2\(1\)\(3\)](#), **Sch. 1 Pt. III**, para. 118(9)(with Sch. 2 para. 6)
- F4** Words in s. 85(1) omitted (1.4.2013) by virtue of [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 55(a)**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-10Sch. Sch. para. 14)
- F5** Words inserted by [National Health Service and Community Care Act 1990 \(c. 19\)](#), SIF 113:2), s. 66(1), **Sch. 9 para. 36(5)**
- F6** Words in s. 85(1) substituted (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), arts. 1, 5(1), **Sch. 2 para. 37(10)(a)**
- F7** Words in s. 85(1) 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), **102(a)(iii)**
- F8** Words in s. 85(1) inserted (1.4.2011) by [Children and Young Persons Act 2008 \(c. 23\)](#), **ss. 17(2)**, 44; [S.I. 2010/2981](#), **art. 2(a)**
- F9** Words in s. 85(2) inserted (1.4.2011) by [Children and Young Persons Act 2008 \(c. 23\)](#), **ss. 17(2)**, 44; [S.I. 2010/2981](#), **art. 2(a)**
- F10** S. 85(2ZA) inserted (1.4.2013) by [Health and Social Care Act 2012 \(c. 7\)](#), s. 306(4), **Sch. 5 para. 55(b)**; [S.I. 2013/160](#), art. 2(2) (with arts. 7-10Sch. Sch. para. 14)

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- F11** Words in s. 85 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)
- F12** Words in s. 85(2ZA)(b) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 35(a)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F13** Words in s. 85(2ZA) substituted (1.7.2022) by Health and Care Act 2022 (c. 31), s. 186(6), **Sch. 4 para. 35(b)**; S.I. 2022/734, reg. 2(a), Sch. (with regs. 13, 29, 30)
- F14** S. 85(2A) inserted (5.5.2010) by The Local Education Authorities and Children's Services Authorities (Integration of Functions) Order 2010 (S.I. 2010/1158), arts. 1, 5(1), **Sch. 2 para. 37(10)(b)**
- F15** Words in s. 85(2A) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **102(b)**
- F16** S. 85(3A) inserted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(3)**, 44; S.I. 2010/2981, **art. 2(a)**
- F17** Words in s. 85(3A)(b) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **102(c)**
- F18** Words in s. 85(4) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(4)(a)**, 44; S.I. 2010/2981, **art. 2(a)**
- F19** Words in s. 85(4) substituted (6.4.2016) by The Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (S.I. 2016/413), regs. 2(1), **102(d)**
- F20** Words in s. 85(4) substituted (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(4)(b)**, 44; S.I. 2010/2981, **art. 2(a)**
- F21** S. 85(5) added (1.4.2011) by Children and Young Persons Act 2008 (c. 23), **ss. 17(5)**, 44; S.I. 2010/2981, **art. 2(a)**

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#### Commencement Information

- I1** S. 85 wholly in force at 14.10.1991 see s. 108(2)(3) and S.I. 1991/828, **art. 3(2)**

**Changes to legislation:**

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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)