

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Schedule 1 – Contributions towards maintenance of looked after children

515. **Schedule 1** (which is introduced by section 85) sets out the circumstances in which a local authority may recover contributions towards the cost of maintaining a looked after child from an adult with parental responsibility for that child. An adult who may otherwise be liable to make a contribution is not liable to contribute if he or she is in receipt of any benefit, allowance or other payment (descriptions of such benefits, allowances or payment may be specified in regulations made by the Welsh Ministers).
516. There is also no liability to contribute to the maintenance of a looked after child where the child is living with a parent (having been placed there in accordance with arrangements made under section 81).
517. Any contributions sought from an adult in accordance with this Schedule must be set out in a written notice, which must be served on the relevant individual. The notice must specify the amount of the weekly contribution which is being sought and the arrangements for payment. The weekly contribution may not exceed the amount the local authority would normally pay local authority foster parents to accommodate a similar child or the amount the local authority considers that it would be reasonably practicable for the adult to contribute.
518. Service of notices may be undertaken by way of personal delivery to the relevant adult or by registered or recorded delivery post. A relevant adult may serve notice on the local authority to withdraw his or her agreement to contribute towards the cost of maintaining the child. In such cases, the local authority may apply to the courts for a contribution order. Such orders may not specify a weekly contribution greater than that which is set out in the contribution notice and must have regard to the relevant adult's means.
519. Regulations which may be made by the Welsh Ministers (in accordance with the power in paragraph 5 of the Schedule) may provide for the considerations which a local authority must take into account when deciding whether to seek to recover contributions and what the arrangements for payment should be, and for the procedures to be followed in reaching agreements with the relevant adult or other local authorities.
520. The Schedule makes further provision for the revocation, variation and enforcement of contribution orders.
521. A contribution order made by a magistrates' court is currently enforceable as a magistrates' court maintenance order (in accordance with provision made by section 150(1) of the Magistrates' Court Act 1980) (see paragraph 4(1) of the Schedule). Upon the commencement of section 17 and Schedules 10 and 11 to the ("the 2013 Act"), the jurisdiction of the county and magistrates' courts in relation to family proceedings will be transferred to the new family court. Paragraph 4(2) confirms that upon the

*These notes refer to the Social Services and Well-being (Wales)
Act 2014 (c.4) which received Royal Assent on 1 May 2014*

commencement of the relevant provisions of the 2013 Act, sub-paragraph (1) of the Schedule will cease to apply.

522. As a result of legislative changes made by the 2013 Act to establish the new family court, a contribution order made under this Schedule will continue to be enforceable in accordance with the Family Proceedings Rules 2010 but will, upon the commencement of the provisions effecting the transfer of jurisdiction, be enforceable within the new family court (see paragraph 91 of Schedule 10 to the 2013 Act, which amends the Courts Act 2003).