



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6 **E+W**

LOOKED AFTER AND ACCOMMODATED CHILDREN

Children accommodated in certain establishments

120 Assessment of children accommodated by health authorities and education authorities **E+W**

- (1) Subsection (2) applies where a child is provided with accommodation in Wales by a Local Health Board, an NHS Trust or a local authority in the exercise of education functions (“the accommodating authority”)—
 - (a) for a consecutive period of at least 3 months, or
 - (b) with the intention, on the part of that authority, of accommodating the child for such a period.
- (2) The accommodating authority must notify the appropriate officer of the responsible authority—
 - (a) that it is accommodating the child, and
 - (b) when it ceases to accommodate the child.
- (3) In this section, “the responsible authority” means—
 - (a) the local authority or local authority in England 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 or local authority in England, the local authority within whose area the accommodation is situated.
- (4) In this section and in sections 121 and 122 “the appropriate officer” means—

Changes to legislation: *Social Services and Well-being (Wales) Act 2014, Section 120 is up to date with all changes known to be in force on or before 21 July 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*

- (a) in relation to a local authority, its director of social services, and
 - (b) in relation to a local authority in England, its director of children's services.
- (5) Where the appropriate officer of a local authority has been notified under this section [^{F1}, or under section 85 of the Children Act 1989 (assessment of children accommodated by health authorities and education authorities)], the authority must—
- (a) assess the child under section 21, and
 - (b) consider the extent to which (if at all) it should exercise any of its other functions under this Act, or any of its functions under the Children Act 1989, with respect to the child.
- (6) The duty under subsection (5)(a) does not apply in relation to a child looked after by—
- (a) a local authority,
 - (b) a local authority in England,
 - (c) a local authority in Scotland, or
 - (d) a Health and Social Care trust.

Textual Amendments

- F1** Words in s. 120(5) 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), **305**

Commencement Information

- I1** S. 120 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

Changes to legislation:

Social Services and Well-being (Wales) Act 2014, Section 120 is up to date with all changes known to be in force on or before 21 July 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. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))