

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Looked after and Accommodated Children

Section 121 - Assessment of children accommodated in care homes or independent hospitals

343. **Section 121** requires a person who carries on a care home or hospital in Wales where a child is accommodated for a period of at least 3 months (or where is intended that the child be so accommodated), to notify the appropriate officer (as defined in section 120(4)) of the local authority in which the care home or independent hospital is located, and again notify the appropriate officer when it ceases to accommodate the child. The appropriate officer then has a duty to assess the child (in accordance with section 21) to determine if the local authority should exercise any of its functions under this Act or the Children Act 1989.
344. Subsection (4) disapplies the obligation to undertake an assessment of children who are children looked after by a local authority in Wales, Scotland or England or (in relation to Northern Ireland) a Health and Social Care Trust. Any needs of such children for care and support will be met by the local authority or Health and Social Care Trust that is responsible for them.
345. Subsection (5) makes it an offence if the person responsible for notifying the appropriate officer under this section fails to do so (without reasonable excuse).
346. Subsection (6) gives a person authorised by a local authority the power to enter a care home or independent hospital to establish whether obligations contained in this section have been complied with. It is an offence to obstruct such a person in the exercise of their power of entry.
347. This section is based on provision made in section 86 of the Children Act 1989.