

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Looked after and Accommodated Children

Section 76 - Accommodation for children without parents or who are lost or abandoned etc

247. **Section 76** requires a local authority to provide accommodation for any child that appears to need it as a result of having no person with parental responsibility to look after them, or who is lost or abandoned, or the person with parental responsibility for them is prevented, for whatever reason, from providing the child with accommodation or care. It further provides that if a local authority is providing accommodation in an area which is not the local authority area where the child normally lives, then the local authority for that other area can take over the provision of accommodation.
248. The local authority must also provide accommodation to a child who has reached the age of 16, if failure to do so would seriously prejudice his or her well-being.
249. A local authority may not provide accommodation for a child if any person with parental responsibility for the child objects and is willing and able to provide accommodation or can arrange for it to be provided. A person with parental responsibility for a child can also remove the child at any time from the accommodation provided by the local authority. These powers of a person with parental responsibility for the child do not apply in the case of a child who is 16 or over and who agrees to being provided with accommodation under this section. Nor are they exercisable if any of the following agree to child being so accommodated: a person with a residence order in relation to the child; the child's special guardian (appointed in accordance with section 14A of the Children Act 1989); a person who has care of the child by virtue of a High Court Order.