

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Looked after and Accommodated Children

Section 81 - Ways in which looked after children are to be accommodated and maintained

255. **Section 81** requires a local authority looking after a child to make arrangements for accommodating the child in a placement which is consistent with their well-being. Subsection (6) contains a definition of “placement”.
256. Subsections (2) and (3) describe the placements to which a local authority must give preference, unless such placements are not compatible with the child’s well-being or are not reasonably practicable. A local authority which is unable to place a child in accordance with subsections (2) and (3) must instead place the child in the “most appropriate placement” available.
257. Subsections (7), (8) and (9) contain matters to which the local authority must have regard when determining what an appropriate placement is.
258. If the local authority is satisfied that the child should be placed for adoption it must have regard to the requirements in subsections (10), (11) and (12) which enable the child, in appropriate circumstances, to be placed with their prospective adoptive parents.
259. Subsection (13) gives the local authority power to determine the terms of arrangements that it makes for the placement of a child under this section, including arrangements about payment.
260. Subsection (13) also gives power to the local authority to determine the terms upon which a child is placed with its prospective adoptive parent under this section; it may make payments to such persons. This power is subject to an order under section 49 of the Children Act 2004. Section 49 of the 2004 Act gives the Welsh Ministers power to make provision to set the level of payments to be made to foster parents.