



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Duties of local authorities in relation to looked after children

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

- (1) This section applies where a local authority is looking after a child (“C”).
- (2) The local authority must make arrangements for C to live with a person who falls within subsection (3), but this is subject to subsections (4) and (11).
- (3) A person (“P”) falls within this subsection if—
 - (a) P is a parent of C,
 - (b) P is not a parent of C but has parental responsibility for C, or
 - (c) in a case where C is in the care of the local authority and there was a [^{F1}child arrangements order] in force with respect to C immediately before the care order was made, P was a person in whose favour the [^{F1}child arrangements order] was made.
- (4) Subsection (2) does not require the local authority to make arrangements of the kind mentioned in that subsection if doing so—
 - (a) would not be consistent with C's well-being, or
 - (b) would not be reasonably practicable.
- (5) If the local authority is unable to make arrangements under subsection (2), it must place C in the placement that is, in its opinion, the most appropriate placement available (but this is subject to subsection (11)).
- (6) In subsection (5) “placement” means—

Status: Point in time view as at 22/06/2021.

Changes to legislation: *Social Services and Well-being (Wales) Act 2014, Section 81 is up to date with all changes known to be in force on or before 14 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)*

- (a) placement with an individual who is a relative, friend or other person connected with C and who is also a local authority foster parent,
 - (b) placement with a local authority foster parent who does not fall within paragraph (a),
 - (c) placement in a children's home, or
 - (d) subject to section 82, placement in accordance with other arrangements that comply with any regulations made for the purposes of this section.
- (7) In determining the most appropriate placement for C under subsection (5), the local authority must, subject to the other provisions of this Part (in particular, to its duties under section 78)—
- (a) give preference to a placement falling within paragraph (a) of subsection (6) over placements falling within the other paragraphs of that subsection,
 - (b) comply, so far as is reasonably practicable in all the circumstances of C's case, with the requirements of subsection (8), and
 - (c) comply with subsection (9) unless it is not reasonably practicable to do so.
- (8) The local authority must ensure that the placement is such that—
- (a) it allows C to live near C's home;
 - (b) it does not disrupt C's education or training;
 - (c) if C has a sibling for whom the local authority is also providing accommodation, it enables C and the sibling to live together;
 - (d) if C is disabled, the accommodation provided is suitable to C's particular needs.
- (9) The placement must be such that C is provided with accommodation within the local authority's area.
- (10) Subsection (11) applies where—
- (a) the local authority is satisfied that C ought to be placed for adoption and proposes to place C for adoption with a particular prospective adopter (“A”),
 - (b) an adoption agency has determined that A is suitable to adopt a child, and
 - (c) the local authority is not authorised to place C for adoption.
- (11) The local authority must place C with A, unless in its opinion it would be more appropriate—
- (a) to make arrangements for C to live with a person falling within subsection (3), or
 - (b) to place C in a placement of a description mentioned in subsection (6).
- (12) For the purposes of subsection (10)—
- (a) “adoption agency” has the meaning given by section 2 of the Adoption and Children Act 2002;
 - (b) a local authority is authorised to place C for adoption only if it has been authorised to do so under—
 - (i) section 19 of that Act (placing children with parental consent), or
 - (ii) a placement order made under section 21 of that Act.
- (13) The local authority may determine—
- (a) the terms of any arrangements it makes under subsection (2) in relation to C (including terms as to payment), and

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- (b) the terms on which it places C with a local authority foster parent under subsection (5) or with a prospective adopter under subsection (11) (including terms as to payment but subject to any order made under section 49 of the Children Act 2004).

Textual Amendments

- F1** Words in s. 81 substituted (1.12.2017) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2017 \(S.I. 2017/1025\)](#), regs. 1(2), **4(2)**

Modifications etc. (not altering text)

- C1** S. 81 excluded by S.I. 2012/2813, reg. 2A(a) (as inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) \(Secondary Legislation\) Regulations 2016 \(S.I. 2016/211\)](#), reg. 1(2), **Sch. 3 para. 131**)

Commencement Information

- I1** S. 81 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with art. 4, Schs. 1, 2)

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