



Children Act 1989

1989 CHAPTER 41

PART III

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

Duties of local authorities in relation to children looked after by them

22 General duty of local authority in relation to children looked after by them.

- (1) In this Act, any reference to a child who is looked after by a local authority is a reference to a child who is—
 - (a) in their care; or
 - (b) provided with accommodation by the authority in the exercise of any functions (in particular those under this Act) which [^{F1}are social services functions within the meaning of] the ^{M1}Local Authority Social Services Act 1970.
- (2) In subsection (1) “accommodation” means accommodation which is provided for a continuous period of more than 24 hours.
- (3) It shall be the duty of a local authority looking after any child—
 - (a) to safeguard and promote his welfare; and
 - (b) to make such use of services available for children cared for by their own parents as appears to the authority reasonable in his case.
- (4) Before making any decision with respect to a child whom they are looking after, or proposing to look after, a local authority shall, so far as is reasonably practicable, ascertain the wishes and feelings of—
 - (a) the child;
 - (b) his parents;
 - (c) any person who is not a parent of his but who has parental responsibility for him; and
 - (d) any other person whose wishes and feelings the authority consider to be relevant,

Status: Point in time view as at 26/10/2000. This version of this provision has been superseded.

Changes to legislation: Children Act 1989, Section 22 is up to date with all changes known to be in force on or before 25 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)

regarding the matter to be decided.

- (5) In making any such decision a local authority shall give due consideration—
- (a) having regard to his age and understanding, to such wishes and feelings of the child as they have been able to ascertain;
 - (b) to such wishes and feelings of any person mentioned in subsection (4)(b) to (d) as they have been able to ascertain; and
 - (c) to the child’s religious persuasion, racial origin and cultural and linguistic background.
- (6) If it appears to a local authority that it is necessary, for the purpose of protecting members of the public from serious injury, to exercise their powers with respect to a child whom they are looking after in a manner which may not be consistent with their duties under this section, they may do so.
- (7) If the Secretary of State considers it necessary, for the purpose of protecting members of the public from serious injury, to give directions to a local authority with respect to the exercise of their powers with respect to a child whom they are looking after, he may give such directions to the authority.
- (8) Where any such directions are given to an authority they shall comply with them even though doing so is inconsistent with their duties under this section.

Textual Amendments

- F1** Words in s. 22(1)(b) substituted (26.10.2000 for E. and otherwise 28.7.2001) by 2000 c. 22, ss. 107, 108(4), **Sch. 5 para. 19**; S.I. 2000/2849, **art. 2(f)**

Modifications etc. (not altering text)

- C1** S. 22 applied (1.10.1992) by Children and Young Persons Act 1969 (c. 54, SIF 20), **s. 23(13)(a)** (as substituted (1.10.1992) by Criminal Justice Act 1991 (c. 53, SIF 39:1), **s. 60(1)**; S.I. 1992/333, **art. 2(2)**, **Sch. 2**.

Commencement Information

- I1** S. 22 wholly in force at 14.10.1991 see 108(2)(3) and S.I. 1991/828, **art. 3(2)**

Marginal Citations

- M1** 1970 c. 42.

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