



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 [^{F2}, apart from functions under sections [^{F3}17] 23B and 24B].
- (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.
- [^{F4}(3A) The duty of a local authority under subsection (3)(a) to safeguard and promote the welfare of a child looked after by them includes in particular a duty to promote the child’s educational achievement.]
- (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;

Status: Point in time view as at 01/10/2009. This version of this provision has been superseded.

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- (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,
- 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 [^{F5}appropriate national authority] 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, [^{F6}the appropriate national authority] may give such directions to [^{F7}the local 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)**
- F2** Words in s. 22(1)(b) inserted (1.10.2001) by 2000 c. 35, **s. 2(2)**; S.I. 2001/2191, **art. 2**; S.I. 2001/2878, **art. 2**
- F3** Word in s. 22(1) inserted (7.11.2002) by 2002 c. 38, **ss. 116, 148** (with Sch. 4 paras. 6-8)
- F4** S. 22(3A) inserted (1.7.2005 for E. and 1.4.2006 for W.) by Children Act 2004 (c. 31), **s. 52**; S.I. 2005/394, **art. 2(3)(b)**; S.I. 2006/885, **art. 2(2)**
- F5** Words in s. 22(7) substituted (13.11.2008) by Children and Young Persons Act 2008 (c. 23), ss. 39, 44, **Sch. 3 para. 6(a)**
- F6** Words in s. 22(7) substituted (13.11.2008) by Children and Young Persons Act 2008 (c. 23), ss. 39, 44, **Sch. 3 para. 6(b)**
- F7** Words in s. 22(7) substituted (13.11.2008) by Children and Young Persons Act 2008 (c. 23), ss. 39, 44, **Sch. 3 para. 6(c)**

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**.
- C2** S. 22(4)(b)-(d)(5)(b): power to apply with modifications or exclude conferred (7.2.2004 for W. and 7.12.2004 for E.) by 2002 c. 38, **ss. 53(1)(2), 148** (with Sch. 4 paras. 6-8); S.I. 2004/252, **art. 2(b)**; S.I. 2004/3203, **art. 2(1)(h)**
- C3** S. 22(4)(b) excluded (30.12.2005) (E.) by The Adoption Agencies Regulations 2005 (S.I. 2005/389), **art. 45(2)(a)**

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- S. 22(4)(b) excluded (30.12.2005) (W.) by [The Adoption Agencies \(Wales\) Regulations 2005 \(S.I. 2005/1313\)](#), [art. 46\(2\)\(a\)](#)
- C4** S. 22(4)(c) modified (30.12.2005) (E.) by [The Adoption Agencies Regulations 2005 \(S.I. 2005/389\)](#), [art. 45\(2\)\(b\)](#)
- S. 22(4)(c) applied (with modifications) (30.12.2005) (W.) by [The Adoption Agencies \(Wales\) Regulations 2005 \(S.I. 2005/1313\)](#), [art. 46\(2\)\(b\)](#)
- C5** S. 22(5)(b) modified (30.12.2005) (E.) by [The Adoption Agencies Regulations 2005 \(S.I. 2005/389\)](#), [art. 45\(2\)\(c\)](#)
- S. 22(5)(b) applied (with modifications) (30.12.2005) (W.) by [The Adoption Agencies \(Wales\) Regulations 2005 \(S.I. 2005/1313\)](#), [art. 46\(2\)\(c\)](#)

Commencement Information

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

- M1** 1970 c. 42.

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