



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 6

### LOOKED AFTER AND ACCOMMODATED CHILDREN

#### *Children accommodated in certain establishments*

#### **121 Assessment of children accommodated in care homes or independent hospitals**

- (1) Subsection (2) applies where a child is provided with accommodation in Wales in any care home or independent hospital—
  - (a) for a consecutive period of at least three months, or
  - (b) with the intention, on the part of the person taking the decision to accommodate the child, of accommodating the child for such period.
- (2) The person carrying on the establishment in question must notify the appropriate officer of the local authority within whose area the establishment is carried on—
  - (a) that it is accommodating the child, and
  - (b) when it ceases to accommodate the child.
- (3) Where the appropriate officer of a local authority has been notified under this section, the authority must—
  - (a) assess the child under section 21, and
  - (b) consider the extent to which (if at all) it should exercise any of its other functions under this Act, or any of its functions under the Children Act 1989, with respect to the child.
- (4) The duty under subsection (3)(a) does not apply in relation to a child looked after by—
  - (a) a local authority,
  - (b) a local authority in England,
  - (c) a local authority in Scotland, or

**Changes to legislation:** Social Services and Well-being (Wales) Act 2014, Section 121 is up to date with all changes known to be in force on or before 16 May 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) View outstanding changes

- (d) a Health and Social Care trust.
- (5) If a person carrying on a care home or independent hospital fails, without reasonable excuse, to comply with this section, the person is guilty of an offence.
- (6) A person authorised by a local authority may enter a care home or independent hospital within the authority's area for the purpose of establishing whether the requirements of this section have been complied with.
- (7) A person exercising the power of entry must, upon request, produce some duly authenticated document showing authority to do so.
- (8) A person who intentionally obstructs a person exercising the power of entry is guilty of an offence.
- (9) A person committing an offence under this section is liable on summary conviction to a fine not exceeding level 3 on the standard scale.

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**Commencement Information**

**II** S. 121 in force at 6.4.2016 by S.I. 2016/412, art. 2 (with art. 4, Schs. 1, 2)

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))