



# 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*

#### **83 Care and support plans**

- (1) Where a child becomes looked after by a local authority, any care and support plan prepared under section 54 in relation to that child must be—
  - (a) reviewed, and
  - (b) maintained under this section.
- (2) Where a child who does not have a care and support plan under section 54 becomes looked after by a local authority, the local authority must prepare and maintain a care and support plan in relation to that child.
- [<sup>F1</sup>(2A) A care and support plan for a child must include a record of the arrangements made to meet the child's needs in relation to education and training (a “personal education plan”).
- (2B) But subsection (2A) does not apply to a child if he or she is within a category of looked after child prescribed in regulations, for whom no personal education plan is to be prepared.
- (2C) If—
  - (a) a child has additional learning needs, and
  - (b) the child's care and support plan includes a personal education plan,any individual development plan maintained for the child under section 19 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018 must be incorporated within the personal education plan.

**Changes to legislation:** *Social Services and Well-being (Wales) Act 2014, Section 83 is up to date with all changes known to be in force on or before 20 March 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*

- (2D) For the purposes of subsection (2C)—
- (a) a “child” means a person not over compulsory school age (within the meaning given by section 8 of the Education Act 1996 (c. 56));
  - (b) “additional learning needs” has the meaning given by section 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018.]
- (3) A local authority must keep [F2a care and support plan under review].
- (4) Where a local authority is satisfied that the circumstances of the child to whom a [F3care and support plan] relates have changed in a way that affects the plan, the authority must—
- (a) carry out such assessments as it considers appropriate, and
  - (b) revise the plan.
- (5) [F4Subject to the provisions of Part 2 of the Additional Learning Needs and Education Tribunal (Wales) Act 2018,] regulations must make provision about—
- (a) how [F5care and support plans] are to be prepared;
  - (b) what a [F6care and support plan is to contain (including what a personal education plan is to contain)];
  - (c) the review and revision of [F7care and support plans].
- (6) Regulations under subsection (5)(c) must specify, in particular—
- (a) the persons who may request a review of a plan (on their own behalf or on behalf of another person);
  - (b) the circumstances in which a local authority—
    - (i) may refuse to comply with a request for a review of a plan, and
    - (ii) may not refuse to do so.
- (7) When preparing, reviewing or revising [F8a care and support plan], a local authority must involve the child to whom the plan relates and any person with parental responsibility for the child.
- (8) The local authority may—
- (a) prepare, review or revise [F9a care and support plan] at the same time as it or another body is preparing, reviewing or revising another document in the case of the child concerned, and
  - (b) include the other document in the plan.
- (9) Any part of a [F10care and support plan] which meets the requirements imposed by or under section 31A of the Children Act 1989 may be treated for the purposes of that Act as a plan prepared under section 31A of that Act.
- [F11(10) References in subsections (2A) to (9) to a care and support plan are to be interpreted as references to a care and support plan prepared or maintained under this section.]

#### Textual Amendments

- F1** S. 83(2A)-(2D) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\), ss. 16\(2\), 100\(3\); S.I. 2020/1182, reg. 3\(1\)\(a\); S.I. 2021/373, art. 8\(za\) \(as amended by S.I. 2021/735, art. 2\(5\)\(a\)\)](#)
- F2** Words in s. 83(3) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\), ss. 16\(3\),](#)

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- 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F3** Words in s. 83(4) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(4)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F4** Words in s. 83(5) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(5)(a)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F5** Words in s. 83(5)(a) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(5)(b)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F6** Words in s. 83(5)(b) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(5)(c)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F7** Words in s. 83(5)(c) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(5)(d)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F8** Words in s. 83(7) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(6)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F9** Words in s. 83(8)(a) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(7)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F10** Words in s. 83(9) substituted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(8)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))
- F11** S. 83(10) inserted (2.11.2020 for specified purposes, 1.9.2021 in so far as not already in force) by [Additional Learning Needs and Education Tribunal \(Wales\) Act 2018 \(anaw 2\)](#), **ss. 16(9)**, 100(3); S.I. 2020/1182, reg. 3(1)(a); S.I. 2021/373, art. 8(za) (as amended by S.I. 2021/735, art. 2(5)(a))

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#### Commencement Information

- I1** S. 83 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

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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))