



Child Care Act 1980

1980 CHAPTER 5

PART III

TREATMENT OF CHILDREN WHO ARE OR HAVE BEEN IN CARE OF LOCAL AUTHORITIES

17 Children to whom Part III applies

Except where the contrary intention appears, any reference in this Part of this Act to a child who is or was in the care of a local authority is a reference to a child who is or was in the care of the authority under section 2 of this Act or by virtue of a care order or a warrant under section 23(1) of the Children and Young Persons Act 1969 (which relates to remands to the care of local authorities).

18 General duty of local authority in relation to children in their care

- (1) In reaching any decision relating to a child in their care, a local authority shall give first consideration to the need to safeguard and promote the welfare of the child throughout his childhood; and shall so far as practicable ascertain the wishes and feelings of the child regarding the decision and give due consideration to them, having regard to his age and understanding.
- (2) In providing for a child in their care a local authority shall make such use of facilities and services available for children in the care of their own parents as appears to the local authority reasonable in his case.
- (3) If it appears to the local authority that it is necessary, for the purpose of protecting members of the public, to exercise their powers in relation to a particular child in their care in a manner which may not be consistent with their duty under subsection (1) above, the authority may, notwithstanding that duty, act in that manner.

19 Power of Secretary of State to give directions to local authority for protection of public

If the Secretary of State considers it necessary, for the purpose of protecting members of the public, to give directions to a local authority with respect to the exercise of their powers in relation to a particular child in their care, he may give such directions to the authority; and it shall be the duty of the authority, notwithstanding their general duty under section 18(1) of this Act, to comply with any such directions.

20 Review of care cases

- (1) Without prejudice to their general duty under section 18(1) of this Act, it shall be the duty of a local authority to review the case of each child in their care in accordance with regulations made under subsection (2) below.
- (2) The Secretary of State may by regulations make provision as to—
 - (a) the manner in which cases are to be reviewed under this section;
 - (b) the considerations to which the local authority are to have regard in reviewing cases under this section ; and
 - (c) the time when a child's case is first to be reviewed and the frequency of subsequent reviews under this section.

21 Provision of accommodation and maintenance for children in care

- (1) A local authority shall discharge their duty to provide accommodation and maintenance for a child in their care in such one of the following ways as they think fit, namely.—
 - (a) by boarding him out on such terms as to payment by the authority and otherwise as the authority may, subject to the provisions of this Act and regulations thereunder, determine; or
 - (b) by maintaining him in a community home or in any such home as is referred to in section 80 of this Act; or
 - (c) by maintaining him in a voluntary home (other than a community home) the managers of which are willing to receive him ;or by making such other arrangements as seem appropriate to the local authority.
- (2) Without prejudice to the generality of subsection (1) above, a local authority may allow a child in their care, either for a fixed period or until the local authority otherwise determine, to be under the charge and control of a parent, guardian, relative or friend.
- (3) The terms, as to payment and other matters, on which a child may be accommodated and maintained in any such home as is referred to in section 80 of this Act shall be such as the Secretary of State may from time to time determine.

22 Regulations as to boarding out

- (1) The Secretary of State may by regulations make provision for the welfare of children boarded out by local authorities under section 21(1)(a) of this Act.
- (2) Without prejudice to the generality of subsection (1) above, regulations under this section may provide—

- (a) for the recording by local authorities of information relating to persons with whom children are boarded out under section 21(1)(a) of this Act and persons who are willing to have children so boarded out with them;
- (b) for securing that children shall not be boarded out in any household unless that household is for the time being approved by such local authority as may be prescribed by the regulations ;
- (c) for securing that where possible the person with whom any child is to be boarded out is either of the same religious persuasion as the child or gives an undertaking that the child will be brought up in that religious persuasion;
- (d) for securing that children boarded out under section 21(1)(a) of this Act, and the premises in which they are boarded out, will be supervised and inspected by a local authority and that the children will be removed from those premises if their welfare appears to require it.

23 Power of local authority to guarantee apprenticeship deeds etc. of children in their care

While a child is in the care of a local authority under section 2 of this Act, the local authority may undertake any obligation by way of guarantee under any deed of apprenticeship or articles of clerkship entered into by that child; and where the local authority have undertaken any such obligation under any deed or articles they may at any time (whether or not the person concerned is still in their care) undertake the like obligation under any deed or articles supplemental thereto.

24 Power of local authorities to arrange for emigration of children

- (1) A local authority may, with the consent of the Secretary of State, procure or assist in procuring the emigration of any child in their care.
- (2) Subject to subsection (3) below, the Secretary of State shall not give his consent under this section unless he is satisfied that emigration would benefit the child and that suitable arrangements have been or will be made for the child's reception and welfare in the country to which he is going, that the parents or guardians of the child have been consulted or that it is not practicable to consult them, and that the child consents.
- (3) Where a child is too young to form or express a proper opinion on the matter, the Secretary of State may consent to his emigration notwithstanding that the child is unable to consent thereto in any case where the child is to emigrate in company with a parent, guardian or relative of his, or is to emigrate for the purpose of joining a parent, guardian, relative or friend.
- (4) In subsection (2) above the reference to the parents or guardians of a child shall be construed as a reference to all the persons who are parents of the child or who are guardians of the child.
- (5) Section 56 of the Adoption Act 1976 (which requires the authority of an order under section 55 of that Act or section 49 of the Adoption (Scotland) Act 1978 for the taking or sending abroad for adoption of a child who is a British subject) shall not apply in the case of any child emigrating with the consent of the Secretary of State given under this section.

25 Burial or cremation of deceased children

- (1) A local authority may cause to be buried or cremated the body of any deceased child who immediately before his death was in the care of the authority; but the authority shall not cause the body to be cremated where cremation is not in accordance with the practice of the child's religious persuasion.
- (2) Where a local authority exercise the power referred to in subsection (1) above, they may if at the time of his death the child had not attained the age of sixteen years recover from any parent of the child any expenses incurred by them under that subsection less any amount received by the authority by way of death grant in respect of that death under section 32 of the Social Security Act 1975.
- (3) Any sums recoverable by a local authority under subsection (2) above shall, without prejudice to any other method for the recovery thereof, be recoverable summarily as a civil debt
- (4) Nothing in this section shall affect any enactment regulating or authorising the burial, cremation or anatomical examination of the body of a deceased person.

26 Power of local authority to defray expenses of parents etc. visiting children or attending funerals

A local authority may make payments to any parent or guardian of, or other person connected with, a child in their care in respect of travelling, subsistence or other expenses incurred by the parent, guardian or other person in visiting the child or attending his funeral, if it appears to the authority that the parent, guardian or other person would not otherwise be able to visit the child or attend the funeral without undue hardship and that the circumstances warrant the making of the payments.

27 Financial assistance towards expenses of maintenance education or training of persons over seventeen

- (1) A local authority may make contributions to the cost of the accommodation and maintenance of any person to whom this subsection applies in any place near the place where he may be employed, or seeking employment, or in receipt of education or training.

This subsection applies to any person over compulsory school age but under the age of twenty-one who is, or has at any time after ceasing to be of compulsory school age been, in the care of a local authority being either—

- (a) a person who has attained the age of seventeen but has not attained the age of eighteen and who has ceased to be in the care of a local authority; or
 - (b) a person who has attained the age of eighteen.
- (2) A local authority may make grants to any person to whom this subsection applies to enable him to meet expenses connected with his receiving suitable education or training.

This subsection applies to any person who has attained the age of seventeen but has not attained the age of twenty-one and who at or after the time when he attained the age of seventeen was in the care of a local authority.

- (3) Where a person—

Status: This is the original version (as it was originally enacted).

- (a) is engaged in a course of education or training at the time when he attains the age of twenty-one; or
- (b) having previously been engaged in a course of education or training which has been interrupted by any circumstances, resumes the course as soon as practicable,

then, if a local authority are at that time, or were at the time when the course was interrupted, as the case may be, making any contributions or grants in respect of him under subsection (1) or (2) above, their powers under those subsections shall continue with respect to him until the completion of the course.

28 After-care of children formerly in care of local authorities under s. 2

- (1) Where it comes to the knowledge of a local authority that there is in their area any child over compulsory school age who at the time when he ceased to be of that age or at any subsequent time was, but is no longer, in the care of a local authority under section 2 of this Act, then, unless the authority are satisfied that the welfare of the child does not require it, they shall be under a duty so long as he has not attained the age of eighteen to advise and befriend him.
- (2) Where a child over compulsory school age ceases to be in the care of a local authority under section 2 of this Act and proposes to reside in the area of another local authority, the first mentioned local authority shall inform that other local authority.
- (3) Where it comes to the knowledge of a local authority that a child whom they have been befriending in pursuance of this section proposes to transfer or has transferred his residence to the area of another local authority, the first mentioned local authority shall inform that other local authority.

29 Power of local authority to visit and assist persons formerly in their care

Where a person was at or after the time when he attained the age of seventeen in the care of a local authority under section 2 of this Act but has ceased to be in their care, then, while he is under the age of twenty-one, the local authority, if so requested by him, may cause him to be visited, advised and befriended and, in exceptional circumstances, to be given financial assistance.

30 Allocation of functions as between local authority and local education authority

The Secretary of State for Social Services, the Secretary of State for Education and Science and the Secretary of State for Wales acting jointly may make regulations for providing, where a local authority under this Part of this Act and a local education authority as such have concurrent functions, by which authority the functions are to be exercised, and for determining as respects any functions of a local education authority specified in the regulations whether a child in the care of a local authority is to be treated as a child of parents of sufficient resources or a child of parents without resources.