



Children Act 1989

1989 CHAPTER 41

PART III

[^{F1}SUPPORT FOR CHILDREN AND FAMILIES PROVIDED BY LOCAL AUTHORITIES IN ENGLAND]

Provision of services for children and their families [^{F1}: Wales]

17 Provision of services for children in need, their families and others.

- (1) It shall be the general duty of every local authority (in addition to the other duties imposed on them by this Part)—
 - (a) to safeguard and promote the welfare of children within their area who are in need; and
 - (b) so far as is consistent with that duty, to promote the upbringing of such children by their families,by providing a range and level of services appropriate to those children's needs.
- (2) For the purpose principally of facilitating the discharge of their general duty under this section, every local authority shall have the specific duties and powers set out in Part 1 of Schedule 2.
- (3) Any service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his family, if it is provided with a view to safeguarding or promoting the child's welfare.
- (4) The [^{F1}Secretary of State] may by order amend any provision of Part I of Schedule 2 or add any further duty or power to those for the time being mentioned there.

[^{F2}(4A) Before determining what (if any) services to provide for a particular child in need in the exercise of functions conferred on them by this section, a local authority shall, so far as is reasonably practicable and consistent with the child's welfare—

Changes to legislation: Children Act 1989, Section 17 is up to date with all changes known to be in force on or before 07 June 2018. 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)

- (a) ascertain the child's wishes and feelings regarding the provision of those services; and
 - (b) give due consideration (having regard to his age and understanding) to such wishes and feelings of the child as they have been able to ascertain.]
- (5) Every local authority—
- (a) shall facilitate the provision by others (including in particular voluntary organisations) of services which [^{F3}it is a function of the authority] to provide by virtue of this section, or section 18, 20, [^{F4}[^{F5}22A to 22C], 23B to 23D, 24A or 24B]; and
 - (b) may make such arrangements as they see fit for any person to act on their behalf in the provision of any such service.
- (6) The services provided by a local authority in the exercise of functions conferred on them by this section may include [^{F6}providing accommodation and] giving assistance in kind or ^{F7}. . . in cash.
- (7) Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part).
- (8) Before giving any assistance or imposing any conditions, a local authority shall have regard to the means of the child concerned and of each of his parents.
- (9) No person shall be liable to make any repayment of assistance or of its value at any time when he is in receipt [^{F8}of universal credit (except in such circumstances as may be prescribed),] of income support [^{F9}under][^{F10} Part VII of the Social Security Contributions and Benefits Act 1992,][^{F11} of any element of child tax credit other than the family element, of working tax credit][^{F12}, of an income-based jobseeker's allowance or of an income-related employment and support allowance].
- (10) For the purposes of this Part a child shall be taken to be in need if—
- (a) he is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him of services by a local authority under this Part;
 - (b) his health or development is likely to be significantly impaired, or further impaired, without the provision for him of such services; or
 - (c) he is disabled,
- and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he has been living.
- (11) For the purposes of this Part, a child is disabled if he is blind, deaf or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this Part—
- “development” means physical, intellectual, emotional, social or behavioural development; and
 - “health” means physical or mental health.
- [^{F13}(12) The Treasury may by regulations prescribe circumstances in which a person is to be treated for the purposes of this Part (or for such of those purposes as are prescribed) as in receipt of any element of child tax credit other than the family element or of working tax credit.]

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[^{F14}(13) The duties imposed on a local authority by virtue of this section do not apply in relation to a child in the authority's area who is being looked after by a local authority in Wales in accordance with Part 6 of the Social Services and Well-being (Wales) Act 2014.]

Annotations:

Amendments (Textual)

- F1** Words in s. 17(4) substituted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **58(a)**
- F2** S. 17(4A) inserted (1.3.2005 for E. and 1.4.2006 for W.) by [Children Act 2004 \(c. 31\)](#), s. **53(1)**; S.I. 2005/394, **art. 2(1)(g)**; S.I. 2006/885, **art. 2(2)**
- F3** Words in s. 17(5)(a) substituted (1.4.2011 for E., 6.4.2016 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), **Sch. 1 para. 1(b)**; S.I. 2010/2981, art. 4(a); S.I. 2016/452, art. 2(b)
- F4** Words in s. 17(5)(a) substituted (1.10.2001) by [2000 c. 35](#), s. **7(2)**; S.I. 2001/2191, **art. 2**; S.I. 2001/2878, **art. 2**
- F5** Words in s. 17(5)(a) substituted (1.4.2011 for E., 6.4.2016 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), s. 44(4), **Sch. 1 para. 1(a)**; S.I. 2010/2981, art. 4(a); S.I. 2016/452, art. 2(b)
- F6** Words in s. 17(6) inserted (7.11.2002) by [2002 c. 38](#), ss. **116(1)**, 148(1) (with Sch. 4 paras. 6-8)
- F7** Words in s. 17(6) repealed (1.4.2011 for E., 19.6.2012 for W.) by [Children and Young Persons Act 2008 \(c. 23\)](#), ss. 24, 44(4), **Sch. 4**; S.I. 2010/2981, art. 4(i)(1); S.I. 2012/1553, art. 2(c)(e)
- F8** Words in s. 17(9) inserted (29.4.2013) by [Welfare Reform Act 2012 \(c. 5\)](#), s. 150(3), **Sch. 2 para. 1(a)**; S.I. 2013/983, **art. 3(1)(b)(i)**
- F9** Words in s. 17(9) substituted (6.4.2003) by [2002 c. 21](#), ss. 47, 61, Sch. 3 para. 16(2)(a); S.I. 2003/962, **art. 2(3)(d)(iii)** (subject to savings and transitional provisions in arts. 3, 4)
- F10** Words in s. 17(9) substituted (1.7.1992) by [Social Security \(Consequential Provisions\) Act 1992 \(c. 6\)](#), ss. 4, 7(2), **Sch. 2 para. 108(a)**.
- F11** Words in s. 17(9) inserted (6.4.2003) by [2002 c. 21](#), ss. 47, 61, Sch. 3 para. 16(2)(b); S.I. 2003/962, **art. 2(3)(d)(iii)** (subject to savings and transitional provisions in arts. 3, 4)
- F12** Words in s. 17(9) substituted (27.10.2008) by [Welfare Reform Act 2007 \(c. 5\)](#), ss. 28, 70, **Sch. 3 para. 6(2)**; S.I. 2008/787, **art. 2(4)(f)**
- F13** S. 17(12) inserted (6.4.2003) by [2002 c. 21](#), ss. 47, 61, Sch. 3 para. 16(3); S.I. 2003/962, **art. 2(3)(d)(iii)** (subject to savings and transitional provisions in arts. 3, 4)
- F14** S. 17(13) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **58(b)**

Modifications etc. (not altering text)

- C1** s. 17 excluded (6.12.1999) by [S.I. 1999/3056](#), **reg. 12**
- C2** S. 17 restricted (8.1.2003) by [2002 c. 41](#), s. 54, **Sch. 3** (with s. 159); S.I. 2002/2811, art. 2, **Sch.**

Commencement Information

- I1** S. 17 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828](#), **art. 3(2)**

Changes to legislation:

Children Act 1989, Section 17 is up to date with all changes known to be in force on or before 07 June 2018. 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.

Changes and effects yet to be applied to :

- s. 17 amendment to earlier affecting provision 2002 c. 41, Sch. 3 by 2016 c. 19 Sch. 12
- s. 17(9) words repealed by 2009 c. 24 Sch. 7 Pt. 1
- s. 17(9) words repealed by 2012 c. 5 Sch. 14 Pt. 1
- s. 17(12) repealed by 2012 c. 5 Sch. 14 Pt. 1

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. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 23E(1A)(ba) inserted by 2018 anaw 2 Sch. 1 para. 2(2)(b)
- s. 23ZZA and cross-heading inserted by 2017 c. 16 s. 4
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)
- s. 36(11) inserted by 2018 anaw 2 Sch. 1 para. 2(3)