



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Contact and visits

95 Promotion and maintenance of contact between child and family

- (1) Where a child is being looked after by a local authority, the authority must, unless it is not reasonably practicable or consistent with the child's well-being, promote contact between the child and—
 - (a) the child's parents,
 - (b) any person who is not a parent of the child but who has parental responsibility for the child, and
 - (c) any relative, friend or other person connected with the child.
- (2) Where a child is being looked after by a local authority, the authority must take such steps as are reasonably practicable to secure that the following persons are kept informed of where the child is being accommodated—
 - (a) the child's parents;
 - (b) any person who is not a parent of the child but who has parental responsibility for the child.
- (3) Every person mentioned in subsection (2)(a) or (b) must secure that the authority is kept informed of his or her address.
- (4) Where a local authority (“the receiving authority”) takes over the provision of accommodation for a child [F1 from a local authority or a local authority in England under section 76 (“the transferring authority”)]—
 - (a) the receiving authority must (where reasonably practicable) inform—

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- (i) the child's parents, and
 - (ii) any person who is not a parent of the child but who has parental responsibility for the child,
 - (b) subsection (2) applies to the transferring authority, as well as to the receiving authority, until at least one of the persons mentioned in paragraph (a) or (b) of that subsection has been informed of the change, and
 - (c) subsection (3) does not require any person to inform the receiving authority of his or her address until that person has been informed under paragraph (a).
- (5) Nothing in this section requires a local authority to inform a person of the whereabouts of a child, other than a child aged under 16 who is being accommodated under section 76, if the authority has reasonable cause to believe that informing the person would prejudice the child's well-being.
- (6) Any person who fails, without reasonable excuse, to comply with subsection (3) is guilty of an offence and liable on summary conviction to a fine not exceeding level 2 on the standard scale.

Textual Amendments

F1 Words in s. 95(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), **303**

Modifications etc. (not altering text)

C1 S. 95 excluded by SI 2005/1313, reg. 46A(2) (as excluded (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) and Care Planning, Placement and Case Review \(Miscellaneous Amendments\) \(Wales\) Regulations 2016 \(S.I. 2016/216\)](#), regs. 1(2), **5(8)**)

Commencement Information

I1 S. 95 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

96 Family visits to or by children: expenses

- (1) This paragraph applies where—
- (a) a child is being looked after by a local authority, and
 - (b) the conditions mentioned in subsection (4) are satisfied.
- (2) The authority may make payments in respect of travelling, subsistence or other expenses incurred by the following persons in visiting the child—
- (a) a parent of the child,
 - (b) any person who is not a parent of the child but who has parental responsibility for the child, or
 - (c) any relative, friend or other person connected with the child.
- (3) The authority may make payments to the child, or to any person on the child's behalf, in respect of travelling, subsistence or other expenses incurred by or on behalf of the child in visiting the persons mentioned in paragraphs (a) to (c) of subsection (2).
- (4) The conditions are that—
- (a) it appears to the authority that the visit in question could not otherwise be made without undue financial hardship, and
 - (b) the circumstances warrant the making of the payments.

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Commencement Information

I2 S. 96 in force at 6.4.2016 by S.I. 2016/412, **art. 2** (with **art. 4**, Schs. 1, 2)

97 **Duty of local authority to ensure visits to, and contact with, looked after children and other children**

- (1) This section applies to—
 - (a) a child looked after by a local authority;
 - (b) a child who was looked after by a local authority but who has ceased to be looked after by the authority as a result of circumstances specified in regulations;
 - (c) a child who falls within a category specified in regulations.
- (2) Regulations specifying a category for the purpose of subsection (1)(c) must also specify the local authority which must discharge the duties imposed by or under this section in relation to a child who falls within the specified category.
- (3) The local authority must—
 - (a) ensure that a child to whom this section applies is visited by a representative of the authority (“a representative”);
 - (b) arrange for appropriate advice and other support to be available to a child to whom this section applies.
- (4) The duties imposed by subsection (3)—
 - (a) are to be discharged in accordance with any regulations made for the purposes of this section;
 - (b) are subject to any requirement imposed by or under an enactment applicable to the place in which the child to whom this section applies is accommodated.
- (5) Regulations under this section may, for the purposes of subsection (4)(a), make provision about—
 - (a) the frequency of visits;
 - (b) circumstances in which a child to whom this section applies must be visited by a representative;
 - (c) the functions of a representative.
- (6) In choosing a representative, a local authority must satisfy itself that the person chosen has the necessary skills and experience to perform the functions of a representative.

Commencement Information

I3 S. 97 in force at 6.4.2016 by S.I. 2016/412, **art. 2** (with **art. 4**, Schs. 1, 2)

98 **Independent visitors for looked after children**

- (1) A local authority looking after a child must appoint an independent person to be the child's visitor if—
 - (a) the child falls within a category specified in regulations, or

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- (b) in any other case, it appears to the authority that it would be in the child's interests to do so.
- (2) A person appointed under this section must visit, befriend and advise the child.
 - (3) A person appointed under this section is entitled to recover from the appointing authority any reasonable expenses incurred by that person for the purposes of that person's functions under this section.
 - (4) A person's appointment as a visitor in pursuance of this section comes to an end if—
 - (a) the child ceases to be looked after by the local authority,
 - (b) the person resigns the appointment by giving notice in writing to the appointing authority, or
 - (c) the authority gives the person notice in writing that it has terminated the appointment.
 - (5) The ending of such an appointment does not affect any duty under this section to make a further appointment.
 - (6) Where a local authority proposes to appoint a visitor for a child under this section, the appointment must not be made if—
 - (a) the child objects to it, and
 - (b) the authority is satisfied that the child has sufficient understanding to make an informed objection.
 - (7) Where a visitor has been appointed for a child under this section, the local authority must terminate the appointment if—
 - (a) the child objects to its continuing, and
 - (b) the authority is satisfied that the child has sufficient understanding to make an informed objection.
 - (8) If the local authority gives effect to a child's objection under subsection (6) or (7) and the objection is to having anyone as the child's visitor, the authority does not have to propose to appoint another person under subsection (1) until the objection is withdrawn.
 - (9) Regulations may provide for the circumstances in which a person is to be regarded for the purposes of this section as being independent of the appointing local authority.

Commencement Information

I4 S. 98 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))