



Children Act 1989

1989 CHAPTER 41

PART III

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

Duties of local authorities in relation to children looked after by them

[^{F1}22C Ways in which looked after children are to be accommodated and maintained

- (1) This section applies where a local authority are looking after a child (“C”).
- (2) The local authority must make arrangements for C to live with a person who falls within subsection (3) (but subject to subsection (4)).
- (3) A person (“P”) falls within this subsection if—
 - (a) P is a parent of C;
 - (b) P is not a parent of C but has parental responsibility for C; or
 - (c) in a case where C is in the care of the local authority and there was [^{F2}a child arrangements order] in force with respect to C immediately before the care order was made, P was a person [^{F3}named in the child arrangements order as a person with whom C was to live].
- (4) Subsection (2) does not require the local authority to make arrangements of the kind mentioned in that subsection if doing so—
 - (a) would not be consistent with C's welfare; or
 - (b) would not be reasonably practicable.
- (5) If the local authority are unable to make arrangements under subsection (2), they must place C in the placement which is, in their opinion, the most appropriate placement available.
- (6) In subsection (5) “ placement ” means—

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- (a) placement with an individual who is a relative, friend or other person connected with C and who is also a local authority foster parent;
 - (b) placement with a local authority foster parent who does not fall within paragraph (a);
 - (c) placement in a children's home in respect of which a person is registered under Part 2 of the Care Standards Act 2000 [^{F4}or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2)]; or
 - (d) subject to section 22D, placement in accordance with other arrangements which comply with any regulations made for the purposes of this section.
- (7) In determining the most appropriate placement for C, the local authority must, subject to [^{F5}subsection (9B) and] the other provisions of this Part (in particular, to their duties under section 22)—
- (a) give preference to a placement falling within paragraph (a) of subsection (6) over placements falling within the other paragraphs of that subsection;
 - (b) comply, so far as is reasonably practicable in all the circumstances of C's case, with the requirements of subsection (8); and
 - (c) comply with subsection (9) unless that is not reasonably practicable.
- (8) The local authority must ensure that the placement is such that—
- (a) it allows C to live near C's home;
 - (b) it does not disrupt C's education or training;
 - (c) if C has a sibling for whom the local authority are also providing accommodation, it enables C and the sibling to live together;
 - (d) if C is disabled, the accommodation provided is suitable to C's particular needs.
- (9) The placement must be such that C is provided with accommodation within the local authority's area.
- [Subsection (9B) applies (subject to subsection (9C)) where the local authority ^{F7} ...—
- ^{F6}(9A) (a) are considering adoption for C, or
- (b) are satisfied that C ought to be placed for adoption but are not authorised under section 19 of the Adoption and Children Act 2002 (placement with parental consent) or by virtue of section 21 of that Act (placement orders) to place C for adoption.
- (9B) Where this subsection applies—
- (a) subsections (7) to (9) do not apply to the local authority,
 - (b) the local authority must consider placing C with an individual within subsection (6)(a), and
 - (c) where the local authority decide that a placement with such an individual is not the most appropriate placement for C, the local authority must consider placing C with a local authority foster parent who has been approved as a prospective adopter.
- (9C) Subsection (9B) does not apply where the local authority have applied for a placement order under section 21 of the Adoption and Children Act 2002 in respect of C and the application has been refused.]
- (10) The local authority may determine—

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- (a) the terms of any arrangements they make under subsection (2) in relation to C (including terms as to payment); and
- (b) the terms on which they place C with a local authority foster parent (including terms as to payment but subject to any order made under section 49 of the Children Act 2004).

(11) The [^{F8}Secretary of State] may make regulations for, and in connection with, the purposes of this section.

[^{F9}(12) For the meaning of “local authority foster parent” see section 105(1).]

Textual Amendments

- F1** Ss. 22A-22F substituted for s. 23 (1.9.2009 for E. for the insertion of ss. 22C(11), 22F, 26.4.2010 for W. for the insertion of ss. 22C(11), 22F, 1.4.2011 for E. so far as not already in force, 6.4.2016 for W. in so far as not already in force) by [Children and Young Persons Act 2008 \(c. 23\)](#), **ss. 8(1)**, 44(4); S.I. 2009/2273, **art. 2(2)(a)**; S.I. 2010/1329, **art. 2(a)**; S.I. 2010/2981, **art. 4(a)**; S.I. 2016/452, **art. 2(a)**
- F2** Words in s. 22C(3)(c) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 29(a)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F3** Words in s. 22C(3)(c) substituted (22.4.2014) by [Children and Families Act 2014 \(c. 6\)](#), s. 139(6), **Sch. 2 para. 29(b)**; S.I. 2014/889, **art. 4(f)** (with transitional provisions in S.I. 2014/1042, arts. 3, 4, 6-10)
- F4** Words in s. 22C(6)(c) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), **regs. 2(1)**, 9
- F5** Words in s. 22C(7) inserted (25.7.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 2(2)**, 139(6); S.I. 2014/889, **art. 6(b)**
- F6** S. 22C(9A)-(9C) inserted (25.7.2014) by [Children and Families Act 2014 \(c. 6\)](#), **ss. 2(3)**, 139(6); S.I. 2014/889, **art. 6(b)**
- F7** Words in s. 22C(9A) omitted (6.4.2016) by virtue of [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), **regs. 2(1)**, **70(a)**
- F8** Words in s. 22C(11) 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)**, **70(b)**
- F9** S. 22C(12) 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)**, **70(c)**

Modifications etc. (not altering text)

- C1** S. 22C excluded (3.12.2012) by [The Legal Aid, Sentencing and Punishment of Offenders Act 2012 \(Children Act 1989\) \(Children Remanded to Youth Detention Accommodation\) Regulations 2012 \(S.I. 2012/2813\)](#), **regs. 1(1)**, **2(a)** (with **reg. 3**)

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. 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. 8(4)(k) inserted by [2021 c. 17 s. 52\(1\)](#)
- s. 31A(4A) inserted by [2014 c. 6 s. 15\(2\)\(b\)](#)