

CHILDREN AND FAMILIES ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1: ADOPTION AND CONTACT

Contact

Section 8: Contact: children in care of local authorities

81. Section 34 of the Children Act 1989 provides that where a child is in the care of the local authority the authority must allow the child reasonable contact with their parents or guardians, or certain other persons specified in section 34(1). Local authorities are also required, under *paragraph 15* of Schedule 2 to that Act, to endeavour to promote contact between all looked after children and those persons listed in *paragraph 15(1)*, including the child's parents and other relatives of the child, like grandparents or siblings. This section makes amendments to both of these provisions.
82. *Subsection (2)* amends section 34(1) to make it clear that the local authority's duty to allow reasonable contact between a child in the care of the local authority and those people listed in section 34(1)(a) to (d) is subject to the local authority's duty to safeguard and promote the welfare of looked after children under section 22(3)(a) of the Children Act 1989. If allowing contact with any of those persons would not safeguard and promote the welfare of the child, the local authority should not allow the contact.
83. *Subsection (4)* enables the Secretary of State to make secondary legislation setting out in more detail the matters that the local authority should consider when determining whether contact between the child and any of the people mentioned in section 34(1) is consistent with safeguarding and promoting the child's welfare.
84. *Subsection (3)* inserts a new *subsection (6A)* into section 34 to provide that where a local authority in England is refusing contact under section 34(6) with any of the persons listed in section 34(1)(a) to (d), or where a local authority has obtained a court order under section 34(4) authorising them to refuse contact with any of those persons, the duty in paragraph 15(1) of Schedule 2 no longer applies.
85. *Section 34(11)* provides that before making a care order with respect to any child the court has to consider the contact arrangements that the local authority has made or proposes to make and invite the parties to the proceedings to comment on those arrangements. *Subsection (5)* amends that subsection to provide that the court's duties also apply before the court makes, varies or discharges an order under section 34.