

## **Appendix 5: Duties under the Children Act relating to accommodation**

Children Act 1989 23 (b) (8)

“(8)The responsible local authority shall safeguard and promote the child’s welfare and, unless they are satisfied that his welfare does not require it, support him by—

- (a)maintaining him;
- (b)providing him with or maintaining him in suitable accommodation; and
- (c)providing support of such other descriptions as may be prescribed.

(9)Support under subsection (8) may be in cash.

(10)The [F4“appropriate national authority] may by regulations make provision about the meaning of “**suitable accommodation**” and in particular about the suitability of landlords or other providers of accommodation

### **Careleavers (England) Regs 2010**

#### **Part 4**

(9) (2) For the purposes of section 23B(10), “**suitable accommodation**” means accommodation—

- (a)which so far as reasonably practicable is suitable for the relevant child in the light of their needs, including any health needs and any needs arising from any disability,
- (b)in respect of which the responsible authority have satisfied themselves as to the character and suitability of the landlord or other provider, and
- (c)in respect of which the responsible authority have, so far as reasonably practicable, taken into account the relevant child’s—
  - (i)wishes and feelings, and
  - (ii)education, training or employment needs.

### **SCHEDULE 2 Regulation 9**

#### **Matters to be considered in determining the suitability of accommodation**

1. In respect of the accommodation, the—
  - (a)facilities and services provided,
  - (b)state of repair,
  - (c)safety,
  - (d)location,

(e) support,

(f) tenancy status, and

(g) the financial commitments involved for the relevant child and their affordability.

**2.** In respect of the relevant child, their—

(a) views about the accommodation,

(b) understanding of their rights and responsibilities in relation to the accommodation, and

(c) understanding of funding arrangements.”