

CHILDREN (LEAVING CARE) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 1: Eligible children: preparation for leaving care

16. This section amends Schedule 2 to the Children Act, inserting new paragraphs 19A, 19B and 19C after paragraph 19 to impose duties on local authorities towards children whom they are looking after.

19a

17. Paragraph 19A restates the duty at present in section 24(1)

19b

18. Paragraph 19B makes provision about *eligible children*. Sub-paragraph (2) defines an eligible child as one who has been looked after for a prescribed period after a prescribed age, and is aged 16 or 17. The prescribed period need not be continuous but could be aggregated from more than one episode of care. In order to avoid including young people who may have been looked after as infants and happen to return briefly to care after they are 16, regulations will specify the age above which episodes of care count towards the qualifying period.
19. Sub-paragraph (3) provides for regulations to be made to include or exclude particular groups. For example, it is possible that some local authorities might try to sidestep these new arrangements by discharging children from care at 15. Should this turn out to be the case it would be possible to include this younger group within the category of eligible children.
20. Conversely, there are some other groups of young people for whom this package of care would not be appropriate. Some young people normally live at home with their families and are only looked after for short periods of respite care in order to give their carers a rest. These periods of respite care could amount to the prescribed period but the Government believes that these young people are the responsibility of their families and should not become subject to this new regime.
21. Similarly, care leavers who successfully return to their families should become their families' responsibility and should not remain within this new regime. Sections 24, 24A and 24B (see section 4) will continue to apply to them.
22. The mechanism for determining what support the authority will provide will be the needs assessment and the pathway plan provided for in sub-paragraph (4). Pathway plans are defined in new section 23E. Guidance and regulations will be issued on the detail of the pathway plan. It is envisaged that it will dovetail with and in due course take over from the care plan which the authority will have made in respect of the child. It will be prepared by the local authority with the child and other key people such as his parents, social worker and Young Person's Adviser. The Pathway Plan will represent an agreement between the child and the authority as to what his needs are, what his

*These notes refer to the Children (Leaving Care) Act 2000
(c.35) which received Royal Assent on 30 November 2000*

future plans are, and how the authority will support him to meet his needs and fulfil his plans. Wherever possible, therefore, the Pathway Plan is to be jointly prepared and agreed by the child and the authority. It will set out a career path with milestones such as education, training, career plans, a planned date for leaving care and where and how he will live thereafter. It will set out the support which the local authority will provide at all stages of the plan, while he is being looked after and when he leaves care and sets up home independently.

23. The plan will be reviewed regularly (sub-paragraph (5)). It is envisaged that this will mean at least every six months or more often if needed. These reviews will provide the opportunity to update and revise the plan, adding more detail to the later stages which may be sketchy to begin with. A child might perform better than expected at school, for instance, and his plan be amended to include a degree course. If so, the authority's planned support would also be updated.
24. Sub-paragraph (6) allows for a streamlining of any statutory reviews which fall due for a given child, so that they can all be carried out together. Sub-paragraphs (7) and (8) provide for regulations to be made about assessments.