



Children and Young Persons Act 2008

2008 CHAPTER 23

PART 2

FUNCTIONS IN RELATION TO CHILDREN AND YOUNG PERSONS

Education and training

22 Assistance to pursue education or training

- (1) In section 23B of the 1989 Act omit subsections (4) to (7).
- (2) After section 23C of the 1989 Act insert—

“23CA Further assistance to pursue education or training

- (1) This section applies to a person if—
 - (a) he is under the age of twenty-five or of such lesser age as may be prescribed by the appropriate national authority;
 - (b) he is a former relevant child (within the meaning of section 23C) towards whom the duties imposed by subsections (2), (3) and (4) of that section no longer subsist; and
 - (c) he has informed the responsible local authority that he is pursuing, or wishes to pursue, a programme of education or training.
- (2) It is the duty of the responsible local authority to appoint a personal adviser for a person to whom this section applies.
- (3) It is the duty of the responsible local authority—
 - (a) to carry out an assessment of the needs of a person to whom this section applies with a view to determining what assistance (if any) it would be appropriate for them to provide to him under this section; and
 - (b) to prepare a pathway plan for him.

Status: This is the original version (as it was originally enacted).

- (4) It is the duty of the responsible local authority to give assistance of a kind referred to subsection (5) to a person to whom this section applies to the extent that his educational or training needs require it.
 - (5) The kinds of assistance are—
 - (a) contributing to expenses incurred by him in living near the place where he is, or will be, receiving education or training; or
 - (b) making a grant to enable him to meet expenses connected with his education and training.
 - (6) If a person to whom this section applies pursues a programme of education or training in accordance with the pathway plan prepared for him, the duties of the local authority under this section (and under any provision applicable to the pathway plan prepared under this section for that person) subsist for as long as he continues to pursue that programme.
 - (7) For the purposes of subsection (6), the local authority may disregard any interruption in the person's pursuance of a programme of education or training if they are satisfied that he will resume it as soon as is reasonably practicable.
 - (8) Subsections (7) to (9) of section 17 apply to assistance given to a person under this section as they apply to assistance given to or in respect of a child under that section, but with the omission in subsection (8) of the words "and of each of his parents".
 - (9) Subsection (5) of section 24B applies to a person to whom this section applies as it applies to a person to whom subsection (3) of that section applies.
 - (10) Nothing in this section affects the duty imposed by subsection (5A) of section 23C to the extent that it subsists in relation to a person to whom this section applies; but the duty to make a payment under that subsection may be taken into account in the assessment of the person's needs under subsection (3) (a).
 - (11) In this section "the responsible local authority" means, in relation to a person to whom this section applies, the local authority which had the duties provided for in section 23C towards him."
- (3) Section 23E (pathway plans) of the 1989 Act is amended in accordance with subsections (4) and (5).
 - (4) In subsection (1)(b) after "23B" insert "or 23CA".
 - (5) After subsection (1) insert—
 - "(1A) A local authority may carry out an assessment under section 23B(3) or 23CA(3) of a person's needs at the same time as any assessment of his needs is made under—
 - (a) the Chronically Sick and Disabled Persons Act 1970;
 - (b) Part 4 of the Education Act 1996 (in the case of an assessment under section 23B(3));
 - (c) the Disabled Persons (Services, Consultation and Representation) Act 1986; or
 - (d) any other enactment.

Status: This is the original version (as it was originally enacted).

- (1B) The appropriate national authority may by regulations make provision as to assessments for the purposes of section 23B(3) or 23CA.
- (1C) Regulations under subsection (1B) may in particular make provision about—
- (a) who is to be consulted in relation to an assessment;
 - (b) the way in which an assessment is to be carried out, by whom and when;
 - (c) the recording of the results of an assessment;
 - (d) the considerations to which a local authority are to have regard in carrying out an assessment.
- (1D) A local authority shall keep each pathway plan prepared by them under section 23B or 23CA under review.”
- (6) In paragraph 1 of Schedule 3 to the Nationality, Immigration and Asylum Act 2002 (c. 41) (ineligibility for support) in sub-paragraph (1)(g), after “23C,” insert “23CA,”.