

SCHEDULES

SCHEDULE 5

CHILDREN’S COMMISSIONER: MINOR AND CONSEQUENTIAL AMENDMENTS

Young persons

- 6 (1) For section 9 of the Children Act 2004 (care leavers and young persons with learning disabilities) substitute—

“9 Commissioner’s functions in relation to certain young people

- (1) This section applies for the purposes of this Part, other than sections [2A](#) and [8A](#) (and references in this Part to a child who is within section [8A](#)).
- (2) For the purposes of the Children’s Commissioner’s functions in respect of children in England, a reference to a child includes, in addition to a person under the age of 18—
- (a) a person aged 18 or over for whom an EHC plan is maintained by a local authority,
 - (b) a person aged 18 or over and under 25 to whom a local authority in England has provided services under any of sections 23C to 24D of the Children Act 1989 at any time after reaching the age of 16, or
 - (c) a person aged 18 or over and under 25 who has been looked after by a local authority (in Wales, Scotland or Northern Ireland) at any time after reaching the age of 16.
- (3) For the purposes of the Children’s Commissioner’s functions in respect of children in Wales, Scotland and Northern Ireland, a reference to a child includes, in addition to a person under the age of 18, a person aged 18 or over and under 25—
- (a) who has a learning disability,
 - (b) who has been looked after by a local authority (in Wales, Scotland or Northern Ireland) at any time after reaching the age of 16, or
 - (c) to whom a local authority in England has provided services under any of sections 23C to 24D of the Children Act 1989 at any time after reaching the age of 16.
- (4) For the purposes of this section—
- “EHC plan” means a plan within section 37(2) of the Children and Families Act 2014 (education, health and care plans);
 - “learning disability” means a state of arrested or incomplete development of mind which induces significant impairment of intelligence and social functioning;
 - a person is “looked after by a local authority” if—

Status: This is the original version (as it was originally enacted).

- (a) for the purposes of the Children Act 1989, he or she is looked after by a local authority in Wales;
 - (b) for the purposes of the Children (Scotland) Act 1995, he or she is looked after by a local authority in Scotland;
 - (c) for the purposes of the Children (Northern Ireland) Order 1995, he or she is looked after by an authority in Northern Ireland.”
- (2) Until the coming into force of Part 3 of this Act, section 9 of the Children Act 2004 (as substituted by sub-paragraph (1)) has effect as if—
- (a) in subsection (2) for paragraph (a) there were substituted—
 - “(a) a person aged 18 or over and under 25 in respect of whom an assessment under section 139A of the Learning and Skills Act 2000 (a learning difficulty assessment) has been conducted,” and
 - (b) in subsection (4) the definition of “EHC plan” were omitted.