
STATUTORY INSTRUMENTS

2010 No. 2571

The Care Leavers (England) Regulations 2010

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Care Leavers (England) Regulations 2010 and come into force on 1st April 2011.

(2) These Regulations apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

“the 1989 Act” means the Children Act 1989;

“personal adviser” means the person appointed—

(i) under paragraph 19C of Schedule 2 to the 1989 Act for an eligible child⁽¹⁾,

(ii) under section 23B(2) for a relevant child, or

(iii) under section 23CA(2) for a former relevant child⁽²⁾;

“placement” has the meaning given in section 22C(6)⁽³⁾;

“relevant child” has the meaning given in section 23A(2) and regulation 3; and

“responsible authority” means the local authority that last looked after the child⁽⁴⁾.

(2) In these Regulations, save as otherwise appears, any reference to a numbered section is a reference to that section in the 1989 Act.

Relevant children

3.—(1) For the purposes of section 23A(3), children falling within paragraph (2) are an additional category of relevant children.

(2) Subject to paragraph (3), a child falls within this paragraph if—

(a) the child is aged 16 or 17,

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- (1) Paragraph 19C of Schedule 2 was inserted by section 1 of the 2000 Act. For the definition of “eligible child” see paragraph 19B(2) of Schedule 2 to the 1989 Act and regulation 40 of the Care Planning, Placement and Case Review (England) Regulations 2010 ([S.I. 2010/959](#)).
- (2) Section 23CA was inserted by section 22(2) of the 2008 Act. “Former relevant child” has the meaning given in section 23C(1) of the 1989 Act and includes a former relevant child who falls within section 23CA(1) of the 1989 Act.
- (3) Section 22C was inserted by section 8(1) of the 2008 Act.
- (4) “Local authority” is defined in section 105(1) of the 1989 Act as, in relation to England, “the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London”. Further, by virtue of the Isles of Scilly (Children Act 1989) Order 2010 ([S.I. 2010/1116](#)) any reference to a “local authority” in the 1989 Act is to be construed, in relation to the Isles of Scilly, as a reference to the Council of the Isles of Scilly.

- (b) the child is not subject to a care order, and
 - (c) on attaining the age of 16 the child was detained, or in hospital, and immediately before being detained or admitted to hospital had been looked after by a local authority for a period or periods amounting in total to at least 13 weeks, which began after the child attained the age of 14(5).
- (3) In calculating the period of 13 weeks referred to in paragraph (2)(b), no account is to be taken of any period in which the child was looked after by a local authority in the course of a pre-planned series of short-term placements, none of which individually exceeded four weeks, where at the end of each such placement the child returned to the care of their parent, or a person who is not a parent but who has parental responsibility for them.
- (4) For the purposes of this regulation—
- (a) “detained” means detained in a remand centre, a young offender institution or a secure training centre(6), or any other institution pursuant to an order of a court, and
 - (b) “hospital” has the meaning given in section 275(1) of the National Health Service Act 2006(7).
- (5) Subject to paragraph (6), a child who has lived for a continuous period of six months or more (whether that period commenced before or after they ceased to be looked after) with—
- (a) their parent,
 - (b) someone who is not their parent but who has parental responsibility for them, or
 - (c) where they were in care and there was a residence order in force immediately before the care order was made, a person in whose favour the residence order was made,
- is not a relevant child despite falling within section 23A(2).
- (6) Where living arrangements described in paragraph (5) break down and the child ceases to live with the person concerned, the child is a relevant child.

(5) For the meaning of “looked after” see section 22(1) of the 1989 Act, as amended by section 107 of, and paragraph 19 of Schedule 5 to, the Local Government Act 2000 (c.22), section 2 of the 2000 Act and by section 116(2) of the Adoption and Children Act 2002 (c.38).

(6) For the meanings of “remand centre”, “young offender institution” and “secure training centre” see section 43(1)(a), (aa) and (d) of the Prison Act 1952 (c. 52). Subsection (1) was substituted by section 11 of the Criminal Justice Act 1982 (c. 48). Subsection (1)(aa) was inserted by paragraph 11 of Schedule 15 to the Criminal Justice Act 1988 (c. 33) and amended by section 18(3) of the Criminal Justice and Public Order Act 1994 (c. 33) and by paragraph 3 of Part 2 of Schedule 26 to the Criminal Justice and Immigration Act 2008 (c. 4). Subsection (1)(d) was substituted by paragraph 6 of Schedule 8 to the Crime and Disorder Act 1998 (c. 37) and amended by paragraph 5(1) and (2) of Schedule 9 to the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).

(7) 2006 c.41. There are amendments to section 275(1) which are not relevant to these Regulations. A “hospital” is defined as (a) any institution for the reception and treatment of persons suffering from illness, (b) any maternity home and (c) any institution for the reception and treatment of persons during convalescence or persons requiring medical rehabilitation, and includes clinics, dispensaries and out-patient departments maintained in connection with any such home or institution; “illness” is defined in that section as including any disorder or disability of the mind and any injury or disability requiring medical or dental treatment or nursing.