
STATUTORY INSTRUMENTS

2010 No. 2571

The Care Leavers (England) Regulations 2010

PART 2

Assessments of need and pathway plans

Involvement of relevant child or former relevant child

4.—(1) In carrying out an assessment of needs under regulation 5, and in preparing or reviewing a pathway plan under regulation 6 or 7, the responsible authority must, unless it is not reasonably practicable—

- (a) seek and have regard to the views of the relevant or former relevant child to whom the assessment or pathway plan relates, and
- (b) take all reasonable steps to enable the relevant or former relevant child to attend and participate in any meetings at which their case is to be considered.

(2) The responsible authority must as soon as practicable provide the relevant or former relevant child with copies of—

- (a) the results of the assessment,
- (b) the pathway plan,
- (c) each review of the pathway plan

and must ensure that the contents of each document are explained to the relevant or former relevant child having regard to their level of understanding, unless it is not reasonably practicable to do so.

(3) The responsible authority must ensure that a written record is kept of the views obtained under paragraph (1)(a).

Assessment of needs

5.—(1) The responsible authority must assess the needs of each relevant child who does not already have a pathway plan, and each former relevant child falling within section 23CA (*further assistance to pursue education or training*), in accordance with this regulation(1).

(2) The assessment of needs must be completed—

- (a) in the case of a relevant child who does not already have a pathway plan, not more than three months after the date on which the child becomes a relevant child, and
- (b) in the case of a former relevant child falling within section 23CA, not more than three months after the date on which the responsible authority are informed, in accordance with section 23CA(1)(c), that the former relevant child is pursuing, or wishes to pursue, a programme of education or training.

(1) Responsible authorities are required to carry out an assessment of needs for a relevant child by section 23B(3)(a) of the 1989 Act and, for a former relevant child who falls within section 23CA of that Act, by section 23CA(3)(a).

- (3) The responsible authority must ensure that a written record is kept of—
- (a) the identity of the persons whose views have been sought for the purpose of carrying out the assessment,
 - (b) the information obtained in the course of the assessment,
 - (c) the deliberations at any meeting held in connection with any aspect of the assessment, and
 - (d) the results of the assessment.
- (4) In carrying out an assessment of the needs of a relevant child who does not already have a pathway plan, the responsible authority must—
- (a) take into account—
 - (i) the child’s health and development,
 - (ii) the child’s needs for education, training or employment,
 - (iii) the support available to the child from members of the child’s family and other persons,
 - (iv) the child’s financial needs,
 - (v) the extent to which the child possesses the practical and other skills necessary for independent living, and
 - (vi) the child’s needs for care, support and accommodation, and
 - (b) unless it is not reasonably practicable or appropriate to do so, seek and take into account the views of—
 - (i) the child’s parents,
 - (ii) any person who is not the child’s parent but has parental responsibility for the child,
 - (iii) any person who on a day to day basis cares for, or provides accommodation for the child,
 - (iv) any school or institution within the further education sector attended by the child,
 - (v) the local authority for the area in which the child lives where that is different from the responsible authority,
 - (vi) the designated teacher at the school where the child is a registered pupil⁽²⁾,
 - (vii) any person providing health care or treatment to the child,
 - (viii) any person by whom assistance by way of representation is provided to the child by virtue of arrangements made by the responsible authority under section 26A⁽³⁾(*advocacy services*),
 - (ix) the personal adviser, and
 - (x) any other person whose views the responsible authority, or the child, consider may be relevant.
- (5) In carrying out an assessment of the needs of a former relevant child falling within section 23CA, the responsible authority must—
- (a) take into account—
 - (i) the former relevant child’s needs for education, training or employment, and

(2) The “designated teacher” in the case of a maintained school means the member of staff designated by the governing body in accordance with section 20(1) of the 2008 Act. Academies, City Technology Colleges and City Colleges for the Technology of the Arts are required by their Funding Agreements to have a designated teacher. The Designated Teacher (Looked After Pupils etc.) (England) Regulations 2009 (S.I. 2009/1538) made under section 20(3) of the 2008 Act prescribe the qualifications and experience of the designated teacher.

(3) Section 26A was inserted by section 119 of the Adoption and Children Act 2002.

- (ii) any other considerations the responsible authority consider relevant, and
- (b) unless it is not reasonably practicable to do so, seek and take into account the views of—
 - (i) the personal adviser, and
 - (ii) any other person whose views the responsible authority, or the former relevant child consider may be relevant.
- (6) In this regulation—
 - (a) “institution within the further education sector” has the meaning given in section 91(3) of the Further and Higher Education Act 1992(4),
 - (b) “registered pupil” has the meaning given in section 434(5) of the Education Act 1996(5), and
 - (c) “school” has the meaning given in section 4 of the Education Act 1996(6).

Pathway plans

- 6.—(1) A pathway plan prepared under section 23B(3) (*relevant children*) or 23CA(3) must be prepared as soon as possible after the assessment of needs referred to in regulation 5 is completed.
- (2) The pathway plan must include, in particular—
 - (a) in the case of a plan prepared under section 23B(3), the matters referred to in Schedule 1, and
 - (b) in the case of a plan prepared under section 23CA, the matters referred to in paragraphs 1 to 4 of Schedule 1.
 - (3) The pathway plan must, in relation to each of the matters included in it by virtue of paragraph (2), set out—
 - (a) the manner in which the responsible authority propose to meet the needs of the relevant or former relevant child, and
 - (b) the date by which, and by whom, any action required to implement any aspect of the pathway plan will be carried out.
 - (4) The pathway plan must be recorded in writing.

Review of pathway plans

- 7.—(1) The responsible authority must review the pathway plan of each relevant and former relevant child in accordance with this regulation(7).
- (2) The responsible authority must arrange a review—
 - (a) if requested to do so by the relevant or former relevant child,
 - (b) if the responsible authority, or the personal adviser, consider a review necessary, and
 - (c) in any event, at intervals of not more than six months.
 - (3) If the responsible authority provide the relevant child or former relevant child with accommodation under section 23B or section 24B, the responsible authority must also—

(4) 1992 c.13. Section 91(3)(c) was inserted by paragraphs 1 and 13 of Schedule 8 to the [Apprenticeships, Skills, Children and Learning Act 2009 \(c.22\)](#).

(5) 1996 c.56.

(6) That is, an educational institution, outside the further and higher education sectors, for providing primary and/or secondary education.

(7) Relevant authorities are required by section 23E(1D) of the 1989 Act to keep pathway plans prepared for relevant children and former relevant children falling within section 23CA under regular review. They are required by section 23C(3)(b) to continue to keep pathway plans of former relevant children under regular review.

- (a) arrange a review as soon as is practicable after the end of a period of 28 days beginning on the day on which the accommodation is first provided, and
 - (b) on completing a review under sub-paragraph (a), determine at what intervals (not exceeding three months) subsequent reviews will be carried out.
- (4) In carrying out a review the responsible authority must—
- (a) to the extent it considers it appropriate to do so, seek and take account of the views of the persons mentioned in regulation 5(4)(b) or, as the case may be, regulation 5(5)(b), and
 - (b) consider whether, in relation to each of the matters set out in the pathway plan, any change is necessary.
- (5) The results of the review and any change to the pathway plan must be recorded in writing.