

SOCIAL SERVICES AND WELL- BEING (WALES) ACT 2014

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 6 - Looked after and Accommodated Children

Section 104 - Young people entitled to support under sections 105 to 115

292. **Section 104** sets out the different categories of young people who are or who were being looked after by a local authority for the purposes of this Act. Each category is entitled to differing types or levels of support. Subsection (2) contains a description of the six different categories.
293. A category 1 young person is a child aged 16 or 17 who is being looked after by a local authority and who has been looked after by a local authority (in Wales or England) for a period (specified in regulations), which began after he or she reached an age specified in regulations and ended after the child had reached the age of 16. This definition restates the definition of an eligible child in paragraph 19B(2) of Schedule 2 to the Children Act 1989 .
294. A category 2 young person is a child aged 16 or 17, who is no longer looked after by a local authority (in Wales or England) but who used to be a category 1 young person. The definition of a category 2 young person replicates that of a relevant child in section 23A of the Children Act 1989.
295. A category 3 young person is a young person who is aged 18 or over, and who used to be a category 2 young person and would continue to be so if he or she were under the age of 18; or who was being looked after by a local authority when he or she reached the age of 18, and, immediately before ceasing to be looked after, was a category 1 young person. The definition of a category 3 young person restates that of a former relevant child in section 23C of the Children Act 1989.
296. A category 4 young person is a category 3 young person who is under 25 (or a lower age specified in regulations) and for whom the duties under sections 105, 106, 107(3) and (10) and 110 have ceased to apply, and who has also informed the local authority that he or she is pursuing or wishes to pursue education or training. The definition of a category 4 young person captures those young persons for whom provision is made within section 23CA of the Children Act 1989 (persons who qualify for further assistance to pursue education or training). Such young persons will be able to obtain advice and assistance by virtue of “reconnecting” with a local authority for the purposes of seeking to pursue education or training.
297. A category 5 young person is a young person who is 16 but not yet 21 in respect of whom a special guardianship order is in force (or if the person is 18 or over, an order was in force when he or she reached 18). A category 5 young person will be entitled to the same support from a local authority as that provided for a person qualifying for advice and assistance under section 24A of the Children Act 1989 (on the basis that he

*These notes refer to the Social Services and Well-being (Wales)
Act 2014 (c.4) which received Royal Assent on 1 May 2014*

or she is a person who qualifies for advice and assistance by virtue of section 24(1A) of the Children Act 1989).

298. A category 6 young person is a young person who has not yet attained the age of 21; is residing in Wales; and who, whilst not currently being looked after, accommodated or fostered, has been looked after, accommodated or fostered for a period when they were between the ages of 16 and 18. This category does not include anyone capable of being captured by the definition of a category 5 young person. A category 6 young person will be entitled to the same support from a local authority as that provided to persons qualifying for advice and assistance under section 24A by virtue of section 24(1B) of the Children Act 1989.
299. Subsections (3) and (4) provide clarification of the terms “looked after”, “accommodated and “fostered” for the purposes of the definition of a category 6 young person.
300. Subsection (5) clarifies which local authority is the “responsible local authority” for the purposes of providing support to each of the categories of care leaver described in subsection (2).
301. Regulations may be made by the Welsh Ministers in accordance with the power in subsection (6) to specify additional categories of young person entitled to support under Part 6 or to modify existing categories, including those not to be treated as falling within a particular category and to provide for which local authority would be the responsible local authority for any additional young persons so specified.