

CHILDREN (LEAVING CARE) ACT 2000

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 4: Advice and assistance for certain children and young persons aged 16 or over

52. By this section, section 24 of the Children Act is restated and divided into four (24, 24A, 24B and 24C) to make it simpler to follow. It has also been amended in particular to take account of the new concept of the responsible authority and to increase local authority responsibilities to assist care leavers with further and higher education.

Section 24

53. Subsections (1) to (3) restate the previous definition of a person qualifying for advice and assistance. It includes care leavers as a whole, as well as children and young people leaving accommodation provided by certain other providers.
54. Subsection (4) establishes a new duty on a local authority to keep in touch as they think appropriate with any child whom they have looked after. This duty is intended in practice to apply to those formerly looked after children who are not included in the new duty to keep in touch in sections 23B or 23C.
55. Subsection (5) defines which local authority is to be responsible for providing services (the relevant authority) to a person qualifying for advice and assistance. By subsection (5)(a) the relevant authority for formerly looked after young people is in all cases the authority which last looked after them. By subsection (5)(b) for other young people qualifying for help under section 24 the relevant authority will be the one in whose area they are living.

Section 24A

56. Section 24A restates with amendments the powers and duties of local authorities in respect of qualifying persons previously found in section 24(4) to (7) and (10).
57. Subsection (1) places a duty on local authorities to consider whether a qualifying person meets the conditions set out in subsection (2).
58. Subsection (2) sets out the conditions, which are (a) that the qualifying person needs help of a kind which the local authority can give him, and (b) in the case of a qualifying person who was not looked after by a local authority, that the local authority is satisfied that the person who was looking after him is not in a position to offer the help. Subsection (2)(b) rephrases the condition previously in section 24(5)(b) in a way which, taken with the new definition of a relevant authority at new section 24(5)(a), is intended to solve the difficulties of interpretation which have arisen over out of area placements.
59. If these conditions are met, subsection (3) states that if the qualifying person was looked after by a local authority or a voluntary organisation, the relevant authority must advise and befriend him. In other cases, it may do so. This is a restatement of the provision previously made by section 24(4).

*These notes refer to the Children (Leaving Care) Act 2000
(c.35) which received Royal Assent on 30 November 2000*

60. Subsection (4) empowers an authority under these circumstances also to provide assistance, which may in accordance with subsection (5) be in kind or – though this is to be for exceptional cases only – in cash.
61. Subsection (6) applies existing section 17 (7) to (9) to any assistance which may be given under this section or section 24B. This requires the local authority to take account of the means of the child and his parents, and permits it, depending on their means, to require some or all of this assistance to be repaid.

Section 24B

62. Subsection (1) to (4) of section 24B restate and amend powers to provide assistance with employment, education and training previously in section 24(8) and (9).
63. Subsection (5) obliges authorities to provide, or enable the same young persons to pay for, suitable vacation accommodation, should it be needed, if they are in full-time higher education or further education as prescribed.

Section 24C

64. Section 24C provides for the necessary communication and liaison between local authorities for care leavers who move around the country. Subsection (1) extends the previous notification obligations under section 24(11) to all children with whom the local authority is under a duty to keep in touch, including eligible and relevant children, and former relevant children. In all these cases, the relevant local authority must inform another local authority if a child or young person plans to live or is living in their area.
65. Subsections (2) and (3) restate with minor amendments the provisions of existing section 24(12) and (13).