

Status: Point in time view as at 01/04/2007.

Changes to legislation: Children Act 1989, Cross Heading: Personal advisers and pathway plans is up to date with all changes known to be in force on or before 17 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)



Children Act 1989

1989 CHAPTER 41

PART III

LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES

[^{F1} Personal advisers and pathway plans]

Textual Amendments

F1 Ss. 23D, 23E and cross-heading inserted (1.10.2001) by [2000 c. 35, s. 3](#); S.I. 2001/2191, [art. 2](#); S.I. 2001/2878, [art. 2](#)

[^{F2}23D Personal advisers.

- (1) The Secretary of State may by regulations require local authorities to appoint a personal adviser for children or young persons of a prescribed description who have reached the age of sixteen but not the age of twenty-one who are not—
 - (a) children who are relevant children for the purposes of section 23A;
 - (b) the young persons referred to in section 23C; or
 - (c) the children referred to in paragraph 19C of Schedule 2.
- (2) Personal advisers appointed under or by virtue of this Part shall (in addition to any other functions) have such functions as the Secretary of State prescribes.]

Textual Amendments

F2 Ss. 23D, 23E and cross-heading inserted (1.10.2001) by [2000 c. 35, s. 3](#); S.I. 2001/2191, [art. 2](#); S.I. 2001/2878, [art. 2](#)

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[^{F3}23E Pathway plans.

- (1) In this Part, a reference to a “pathway plan” is to a plan setting out—
- (a) in the case of a plan prepared under paragraph 19B of Schedule 2—
 - (i) the advice, assistance and support which the local authority intend to provide a child under this Part, both while they are looking after him and later; and
 - (ii) when they might cease to look after him; and
 - (b) in the case of a plan prepared under section 23B, the advice, assistance and support which the local authority intend to provide under this Part, and dealing with such other matters (if any) as may be prescribed.
- (2) The Secretary of State may by regulations make provision about pathway plans and their review.]

Textual Amendments

F3 Ss. 23D, 23E and cross-heading inserted (1.10.2001) by 2000 c. 35, s. 3; S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2

[^{F4}24 Persons qualifying for advice and assistance.

[In this Part “a person qualifying for advice and assistance” means a person to whom ^{F5}(1) subsection (1A) or (1B) applies.

- (1A) This subsection applies to a person—
- (a) who has reached the age of sixteen but not the age of twenty-one;
 - (b) with respect to whom a special guardianship order is in force (or, if he has reached the age of eighteen, was in force when he reached that age); and
 - (c) who was, immediately before the making of that order, looked after by a local authority.
- (1B) This subsection applies to a person to whom subsection (1A) does not apply, and who—
- (a) is under twenty-one; and
 - (b) at any time after reaching the age of sixteen but while still a child was, but is no longer, looked after, accommodated or fostered.]
- (2) In [^{F6}subsection (1B)(b)], “looked after, accommodated or fostered” means—
- (a) looked after by a local authority;
 - (b) accommodated by or on behalf of a voluntary organisation;
 - (c) accommodated in a private children’s home;
 - (d) accommodated for a consecutive period of at least three months—
 - (i) by any [^{F7}Local Health Board] , Special Health Authority, Primary Care Trust or local education authority, or
 - (ii) in any care home or independent hospital or in any accommodation provided by a National Health Service trust [^{F8}or an NHS foundation trust] ; or
 - (e) privately fostered.

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- (3) Subsection (2)(d) applies even if the period of three months mentioned there began before the child reached the age of sixteen.
- (4) In the case of a person qualifying for advice and assistance by virtue of subsection (2) (a), it is the duty of the local authority which last looked after him to take such steps as they think appropriate to contact him at such times as they think appropriate with a view to discharging their functions under sections 24A and 24B.
- (5) In each of sections 24A and 24B, the local authority under the duty or having the power mentioned there (“the relevant authority”) is—
- [in the case of a person to whom subsection (1A) applies, a local authority
- ^{F9}(za) determined in accordance with regulations made by the Secretary of State;]]
- (a) in the case of a person qualifying for advice and assistance by virtue of subsection (2)(a), the local authority which last looked after him; or
- (b) in the case of any other person qualifying for advice and assistance, the local authority within whose area the person is (if he has asked for help of a kind which can be given under section 24A or 24B).

Textual Amendments

- F4** Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- F5** S. 24(1)-(1B) substituted (30.12.2005) for s. 24(1) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 60(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F6** Words in s. 24(2) substituted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 60(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F7** Words in s. 24(2)(d)(i) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), arts. 2, 3, Sch. para. 20(2)(b)
- F8** Words in s. 24(2)(d)(ii) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 34, Sch. 4 para. 76; S.I. 2004/759, art. 2
- F9** S. 24(5)(za) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 60(c) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

Modifications etc. (not altering text)

- C1** S. 24(2)(c)(d)(ii) amended (*temp.* from 1.10.2001) by 2000 c. 35, s. 4(2)(a)(b); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2

[^{F10}24A Advice and assistance.

- (1) The relevant authority shall consider whether the conditions in subsection (2) are satisfied in relation to a person qualifying for advice and assistance.
- (2) The conditions are that—
- (a) he needs help of a kind which they can give under this section or section 24B; and
- (b) in the case of a person [^{F11}to whom section 24(1A) applies, or to whom section 24(1B) applies and] who was not being looked after by any local authority, they are satisfied that the person by whom he was being looked after does not have the necessary facilities for advising or befriending him.
- (3) If the conditions are satisfied—

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- (a) they shall advise and befriend him if [^{F12}he is a person to whom section 24(1A) applies, or he is a person to whom section 24(1B) applies and] he was being looked after by a local authority or was accommodated by or on behalf of a voluntary organisation; and
 - (b) in any other case they may do so.
- (4) Where as a result of this section a local authority are under a duty, or are empowered, to advise and befriend a person, they may also give him assistance.
- (5) The assistance may be in kind [^{F13}and, in exceptional circumstances, assistance may be given—
- (a) by providing accommodation, if in the circumstances assistance may not be given in respect of the accommodation under section 24B, or
 - (b) in cash].
- (6) Subsections (7) to (9) of section 17 apply in relation to assistance given under this section or section 24B as they apply in relation to assistance given under that section.]

Textual Amendments

- F10** Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- F11** Words in s. 24A(2)(b) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 61(a) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F12** Words in s. 24A(3)(a) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 61(b) (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)
- F13** Words in s. 24A(5) substituted (7.11.2002) by 2002 c. 38, ss. 116(3), 148 (with Sch. 4 paras. 6-8)

Modifications etc. (not altering text)

- C2** S. 24A restricted (8.1.2002) by 2002 c. 41, s. 54, Sch. 3 (with s. 159); S.I. 2002/2811, art. 2, Sch.

[^{F14}24B Employment, education and training.

- (1) The relevant local authority may give assistance to any person who qualifies for advice and assistance by virtue of [^{F15}section 24(1A) or] section 24(2)(a) by contributing to expenses incurred by him in living near the place where he is, or will be, employed or seeking employment.
- (2) The relevant local authority may give assistance to a person to whom subsection (3) applies by—
- (a) contributing to expenses incurred by the person in question in living near the place where he is, or will be, receiving education or training; or
 - (b) making a grant to enable him to meet expenses connected with his education or training.
- (3) This subsection applies to any person who—
- (a) is under twenty-four; and
 - (b) qualifies for advice and assistance by virtue of [^{F15}section 24(1A) or] section 24(2)(a), or would have done so if he were under twenty-one.

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- (4) Where a local authority are assisting a person under subsection (2) they may disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable.
- (5) Where the local authority are satisfied that a person to whom subsection (3) applies who is in full-time further or higher education needs accommodation during a vacation because his term-time accommodation is not available to him then, they shall give him assistance by—
 - (a) providing him with suitable accommodation during the vacation; or
 - (b) paying him enough to enable him to secure such accommodation himself.
- (6) The Secretary of State may prescribe the meaning of “full-time”, “further education”, “higher education” and “vacation” for the purposes of subsection (5).]

Textual Amendments

F14 Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2

F15 Words in s. 24B(1)(3)(b) inserted (30.12.2005) by 2002 c. 38, ss. 139, 148, Sch. 3 para. 62 (with Sch. 4 paras. 6-8); S.I. 2005/2213, art. 2(o)

Modifications etc. (not altering text)

C3 S. 24B restricted (8.1.2003) by 2002 c. 41, s. 54, Sch. 3 (with s. 159); S.I. 2002/2811, art. 2, Sch.

[^{F16}24C Information.

- (1) Where it appears to a local authority that a person—
 - (a) with whom they are under a duty to keep in touch under section 23B, 23C or 24; or
 - (b) whom they have been advising and befriending under section 24A; or
 - (c) to whom they have been giving assistance under section 24B,proposes to live, or is living, in the area of another local authority, they must inform that other authority.
- (2) Where a child who is accommodated—
 - (a) by a voluntary organisation or in a private children’s home;
 - (b) by any [^{F17}Local Health Board], Special Health Authority, Primary Care Trust or local education authority; or
 - (c) in any care home or independent hospital or any accommodation provided by a National Health Service trust [^{F18}or an NHS foundation trust],ceases to be so accommodated, after reaching the age of sixteen, the organisation, authority or (as the case may be) person carrying on the home shall inform the local authority within whose area the child proposes to live.
- (3) Subsection (2) only applies, by virtue of paragraph (b) or (c), if the accommodation has been provided for a consecutive period of at least three months.]

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Textual Amendments

- F16** Ss. 24, 24A, 24B, 24C substituted for s. 24 (1.10.2001) by 2000 c. 35, s. 4(1); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- F17** Words in s. 24C(2)(b) substituted (1.4.2007) by The References to Health Authorities Order 2007 (S.I. 2007/961), arts. 2, 3, Sch. para. 20(2)(c)
- F18** Words in s. 24C(2)(c) inserted (1.4.2004) by Health and Social Care (Community Health and Standards) Act 2003 (c. 43), s. 34, Sch. 4 para. 77; S.I. 2004/759, art. 2

Modifications etc. (not altering text)

- C4** S. 24C(2)(a)(c) amended (*temp.* from 1.10.2001) by 2000 c. 35, s. 4(2)(a)(b); S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2

[^{F19}24D Representations: sections 23A to 24B.

- (1) Every local authority shall establish a procedure for considering representations (including complaints) made to them by—
- (a) a relevant child for the purposes of section 23A or a young person falling within section 23C;
 - (b) a person qualifying for advice and assistance; or
 - (c) a person falling within section 24B(2),
- about the discharge of their functions under this Part in relation to him.

[Regulations may be made by the Secretary of State imposing time limits on the making ^{F20}(1A) of representations under subsection (1).]

- (2) In considering representations under subsection (1), a local authority shall comply with regulations (if any) made by the Secretary of State for the purposes of this subsection.]

Textual Amendments

- F19** S. 24D inserted (1.10.2001) by 2000 c. 35, s. 5; S.I. 2001/2191, art. 2; S.I. 2001/2878, art. 2
- F20** S. 24D(1A) inserted (7.12.2004) by 2002 c. 38, ss. 117(1), 148 (with Sch. 4 paras. 6-8); S.I. 2004/3203, art. 2(m)(xi)

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