Children (Leaving Care) Act 2000

2000 CHAPTER 35

2 Additional functions of local authorities in respect of certain children. E+W

(1) The 1989 Act is amended as follows.

(2) In section 22 (general duty of local authority in relation to children looked after by them), in subsection (1), at the end of paragraph (b) insert " , apart from functions under sections 23B and 24B ".

(3) In the heading before section 24, at the end insert " and young persons ".

(4) After that heading insert the following new sections—

"23A **The responsible authority and relevant children.**

(1) The responsible local authority shall have the functions set out in section 23B in respect of a relevant child.

(2) In subsection (1) "relevant child" means (subject to subsection (3)) a child who—

(a) is not being looked after by any local authority;

(b) was, before last ceasing to be looked after, an eligible child for the purposes of paragraph 19B of Schedule 2; and

(c) is aged sixteen or seventeen.

(3) The Secretary of State may prescribe—

(a) additional categories of relevant children; and

(b) categories of children who are not to be relevant children despite falling within subsection (2).

(4) In subsection (1) the "responsible local authority" is the one which last looked after the child.

(5) If under subsection (3)(a) the Secretary of State prescribes a category of relevant children which includes children who do not fall within subsection (2)(b) (for example, because they were being looked after by a local authority in

Scotland), he may in the regulations also provide for which local authority is to be the responsible local authority for those children.

23B **Additional functions of the responsible authority in respect of relevant children.**

(1) It is the duty of each local authority to take reasonable steps to keep in touch with a relevant child for whom they are the responsible authority, whether he is within their area or not.

(2) It is the duty of each local authority to appoint a personal adviser for each relevant child (if they have not already done so under paragraph 19C of Schedule 2).

(3) It is the duty of each local authority, in relation to any relevant child who does not already have a pathway plan prepared for the purposes of paragraph 19B of Schedule 2—

(a) to carry out an assessment of his needs with a view to determining what advice, assistance and support it would be appropriate for them to provide him under this Part; and

(b) to prepare a pathway plan for him.

(4) The local authority may carry out such an assessment at the same time as any assessment of his needs is made under any enactment referred to in sub-paragraphs (a) to (c) of paragraph 3 of Schedule 2, or under any other enactment.

(5) The Secretary of State may by regulations make provision as to assessments for the purposes of subsection (3).

(6) The regulations may in particular make provision about—

(a) who is to be consulted in relation to an assessment;

(b) the way in which an assessment is to be carried out, by whom and when;

(c) the recording of the results of an assessment;

(d) the considerations to which the local authority are to have regard in carrying out an assessment.

(7) The authority shall keep the pathway plan under regular review.

(8) The responsible local authority shall safeguard and promote the child's welfare and, unless they are satisfied that his welfare does not require it, support him by—

(a) maintaining him;

(b) providing him with or maintaining him in suitable accommodation; and

(c) providing support of such other descriptions as may be prescribed.

(9) Support under subsection (8) may be in cash.

(10) The Secretary of State may by regulations make provision about the meaning of "suitable accommodation" and in particular about the suitability of landlords or other providers of accommodation.

(11) If the local authority have lost touch with a relevant child, despite taking reasonable steps to keep in touch, they must without delay—

(a) consider how to re-establish contact; and

(b) take reasonable steps to do so,

and while the child is still a relevant child must continue to take such steps until they succeed.

(12) Subsections (7) to (9) of section 17 apply in relation to support given under this section as they apply in relation to assistance given under that section.

(13) Subsections (4) and (5) of section 22 apply in relation to any decision by a local authority for the purposes of this section as they apply in relation to the decisions referred to in that section.

23C **Continuing functions in respect of former relevant children.**

(1) Each local authority shall have the duties provided for in this section towards—

(a) a person who has been a relevant child for the purposes of section 23A (and would be one if he were under eighteen), and in relation to whom they were the last responsible authority; and

(b) a person who was being looked after by them when he attained the age of eighteen, and immediately before ceasing to be looked after was an eligible child,

and in this section such a person is referred to as a "former relevant child".

(2) It is the duty of the local authority to take reasonable steps—

(a) to keep in touch with a former relevant child whether he is within their area or not; and

(b) if they lose touch with him, to re-establish contact.

(3) It is the duty of the local authority—

(a) to continue the appointment of a personal adviser for a former relevant child; and

(b) to continue to keep his pathway plan under regular review.

(4) It is the duty of the local authority to give a former relevant child—

(a) assistance of the kind referred to in section 24B(1), to the extent that his welfare requires it;

(b) assistance of the kind referred to in section 24B(2), to the extent that his welfare and his educational or training needs require it;

(c) other assistance, to the extent that his welfare requires it.

(5) The assistance given under subsection (4)(c) may be in kind or, in exceptional circumstances, in cash.

(6) Subject to subsection (7), the duties set out in subsections (2), (3) and (4) subsist until the former relevant child reaches the age of twenty-one.

(7) If the former relevant child's pathway plan sets out a programme of education or training which extends beyond his twenty-first birthday—

(a) the duty set out in subsection (4)(b) continues to subsist for so long as the former relevant child continues to pursue that programme; and

(b) the duties set out in subsections (2) and (3) continue to subsist concurrently with that duty.

(8) For the purposes of subsection (7)(a) there shall be disregarded any interruption in a former relevant child's pursuance of a programme of education or training if the local authority are satisfied that he will resume it as soon as is reasonably practicable.

(9) Section 24B(5) applies in relation to a person being given assistance under subsection (4)(b) as it applies in relation to a person to whom section 24B(3) applies.

(10) Subsections (7) to (9) of section 17 apply in relation to assistance given under this section as they apply in relation to assistance given under that section.".

Commencement Information

I1 S. 2 wholly in force at 1.10.2001; s. 2 not in force at Royal Assent see s. 8(2); s. 2 in force for W. at 1.10.2001 by S.I. 2001/2191, **art. 2**; s. 2 in force for E. at 1.10.2001 by S.I. 2001/2878, **art. 2**

Changes to legislation:
There are currently no known outstanding effects for the Children (Leaving Care) Act 2000, Section 2.