

*These notes refer to the Children and Young Persons Act 2008
(c.23) which received Royal Assent on 13 November 2008*

CHILDREN AND YOUNG PERSONS ACT 2008

EXPLANATORY NOTES

ANNEX A:: GLOSSARY OF TERMS

Care leavers

The expression “care leavers” includes for the purposes of section 1 of the Act:

- **relevant children** within the meaning of section 23A of the 1989 Act (that is, 16 and 17 year olds who have been looked after for at least 13 weeks attaining the age of 14 and have been looked after at some time while 16 or 17 and are no longer looked after);
- **former relevant children** within the meaning of section 23C of the 1989 Act (that is, young people aged over 18 years who were “looked after” for at least 13 weeks immediately before their 18th birthday or who were relevant children; and
- **persons qualifying for advice and assistance** within the meaning of section 24(1) of the 1989 Act.

Children in Care/Looked After Children

“Children in care” or “children in public care” are the expressions used by practitioners to describe children who are looked after by a local authority under Part 3 of the 1989 Act. Strictly speaking, the expression “*in care*” should only be used in respect of a child who is in the care of a local authority by virtue of a care order made under section 31(1) of the 1989 Act or an interim care order made under section 38 1989 Act. “Looked after children” is the collective term for children who are the subject of care orders or interim care orders; who have been provided by the local authority with accommodation for more than 24 hours either under section 20 (sometimes referred to as “*voluntary accommodation*”) or for their own protection or by virtue of an order made in criminal proceedings (under section 21); or who have been placed or authorised to be placed with prospective adopters by a local authority (but not a registered adoption society).

CAFCASS – Children and Family Court Advisory and Support Service

A non-departmental public body (NDPB) established on 1 April 2001 as a dedicated national service to promote the best interests of children involved in family court proceedings in England. In Wales, equivalent functions are performed by Welsh Ministers. CAFCASS looks after the interests of children involved in family proceedings, for example, when parents who are separating or divorcing cannot agree on arrangements for their children. It works with children and their families, and then advises the courts on what it considers to be in the children’s best interests.

Director of Children’s Services (DCS)

The Children Act 2004 requires every top-tier or unitary local authority in England to appoint a DCS for the purposes of authorities’ education and social services functions for children, and any health functions for children delegated to the authority by an NHS body. In Wales, children’s services authorities must appoint a lead director for children and young people’s services to coordinate and oversee arrangements made under sections 25 and 26 of the Children Act 2004.

Foster care

Foster care refers to a type of placement in which the child lives with an individual in their family home. Local authority foster parents (that is a foster carer with whom a child has been placed under section 22C of the 1989 Act (inserted by section 8 of this Act, replacing section 23 of the 1989 Act)) must be approved by fostering services providers that are registered under the Care Standards Act 2000.

Independent Reviewing Officer (IROs)

Independent reviewing officers are registered social workers who are independent of the management of the cases of children in care that they review (defined in relation to England,

in regulation 2A of the Review of Children's Cases Regulations 1991 as amended by [Statutory Instrument 2002/1419](#), and in relation to Wales, in the Review of Children's Cases (Wales) Regulations 2007). Since September 2004, local authorities have been required to appoint independent reviewing officers to chair all statutory review meetings for children in care. They must monitor the local authority's performance in relation to the review, working with them to ensure children's needs are being met.

Local Safeguarding Children Boards (LSCBs)

LSCBs were established in relation to England under section 13 of the Children Act 2004. The equivalent provision in relation to Wales is section 31 of that Act. The membership of LSCBs includes local authorities, health bodies, the police and others. They are the main statutory mechanism to coordinate and ensure the effectiveness of their member agencies in safeguarding and promoting the welfare of children.

National Minimum Standards

The National Minimum Standards set out the minimum that is expected of providers of specific services, such as fostering services and children's homes. They are enforced through regulations made under the Care Standards Act 2000.

Out of authority placement

Refers to an arrangement in which a child is placed in accommodation outside the boundaries of the local authority which is its corporate parent. In these circumstances the placing authority is required to notify the authority in which the child is placed so that arrangements to meet the child's needs can be made.

Parental responsibility

Section 3(1) of the 1989 Act defines parental responsibility as "all the rights, duties, powers, responsibilities and authority which, by law, a parent of a child has in relation to the child and his property." Local authorities share parental responsibility with the birth parents for children in care under a care order. The provision of local authority accommodation under section 20 of the 1989 Act, however, has no effect on parental responsibility and parents may remove their children from such accommodation at any time, without notice.

Personal Adviser (PA)

Personal advisers provide information, advice and guidance, support for young people aged 13 to 19, including vulnerable young people requiring more substantial one-to-one support. Their key objective is to support young people to remain in learning and to fulfil their potential. Most looked after children and care leavers (both relevant children and former relevant children) are entitled to a personal adviser, who will work with them to develop their pathway plan that sets out the services that will be provided to assist their transition to adulthood and independence.

Placement

In social care, placement refers to the accommodation (i.e. physical living situation) in which a child in care is "placed" by the local authority. This reflects the wording used in the 1989 Act, in particular section 23. A new definition of "placement" is provided in new section 22C(6), substituted for section 23 of the 1989 Act by section 8 of the Act. A placement may be with foster carers or in a residential children's home, for example.

Primary Care Trust

In England, primary care trusts (PCTs) are local free-standing NHS statutory bodies, responsible for planning, providing and commissioning health services for the local population. The government sees PCTs as the cornerstone of the NHS. Established under the provisions of the Health Act 1999, they provide all local GP, community and primary care services, and commission hospital services from other NHS trusts.

Relative

A relative is defined in section 105 of the 1989 Act as “in relation to a child, [...] a grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent.”

Special guardianship

A Special Guardianship Order made under section 14B of the 1989 Act gives carers, such as grandparents or existing foster parents, parental responsibility, which they can exercise to the exclusion of other people with parental responsibility (except other special guardians) and responsibility for all aspects of caring for the child or young person, and for taking decisions to do with their upbringing. Special Guardianship preserves the basic legal link between the child or young person and their birth family, and the special guardian is entitled to an assessment of his need for support services (section 14F of the 1989 Act).