



Social Services and Well-being (Wales) Act 2014

2014 anaw 4

PART 6

LOOKED AFTER AND ACCOMMODATED CHILDREN

Leaving care, accommodation and fostering

104 Young people entitled to support under sections 105 to 115

(1) The categories of young person defined in subsection (2) are entitled to support in accordance with sections 105 to 115.

(2) In this Act—

“category 1 young person” means a child who—

- (a) is aged 16 or 17,
- (b) is being looked after by a local authority, and
- (c) has been looked after by a local authority or a local authority in England for a specified period, or periods amounting in all to a specified period, which began after the child reached a specified age and ended after the child reached the age of 16;

“category 2 young person” means a child who—

- (a) is aged 16 or 17,
- (b) is not being looked after by a local authority or a local authority in England, and
- (c) immediately before ceasing to be looked after, was a category 1 young person;

“category 3 young person” means a person aged 18 or over who—

- (a) has been a category 2 young person (and would continue to be so if he or she were under the age of 18), or

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- (b) 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;
 - “category 4 young person” means a person who—
 - (a) is a category 3 young person towards whom the duties under sections 105, 106, 107(3) and (10) and 110 have ceased to apply (see section 111),
 - (b) has informed the responsible local authority that he or she is pursuing, or wishes to pursue, a programme of education or training, and
 - (c) has not reached the age of 25 or any lower age specified;
 - “category 5 young person” means a person—
 - (a) who has reached the age of 16 but has not yet reached the age of 21,
 - (b) with respect to whom a special guardianship order is in force (or, if the young person has reached the age of 18, was in force when he or she reached that age), and
 - (c) who was, immediately before the making of that order, looked after by a local authority;
 - “category 6 young person” means a person, other than a category 5 young person, who—
 - (a) at any time after reaching the age of 16 but while still a child was, but is no longer, looked after, accommodated or fostered,
 - (b) if so accommodated or fostered, is now within Wales, and
 - (c) has not yet reached the age of 21.
- (3) In the definition of “category 6 young person”, “looked after, accommodated or fostered” means—
 - (a) looked after by a local authority (without subsequently being looked after by a local authority in England),
 - (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 or on behalf of a Local Health Board or Special Health Authority,
 - (ii) by or on behalf of [^{F1}an integrated care board] or [^{F2}NHS England],
 - (iii) by or on behalf of a local authority in the exercise of education functions,
 - (iv) by or on behalf of a local authority in England in the exercise of education functions,
 - (v) in any care home or independent hospital, or
 - (vi) in any accommodation provided by or on behalf of an NHS Trust or by or on behalf of an NHS Foundation Trust, or
 - (e) privately fostered (within the meaning of section 66 of the Children Act 1989).
- (4) Subsection (3)(d) applies even if the period of three months mentioned there began before the child reached the age of 16.
- (5) In this Act “responsible local authority” means—
 - (a) in relation to a category 1 young person, the local authority which looks after the child;
 - (b) in relation to a category 2, category 3 or category 4 young person, the local authority which last looked after that person;

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- (c) in relation to category 5 young person, a local authority determined in accordance with regulations;
 - (d) in relation to a category 6 young person falling within that category by virtue of paragraph (a) of subsection (3), the local authority which last looked after that person;
 - (e) in relation to a category 6 young person falling within that category by virtue of any other paragraph of that subsection, the local authority within whose area the person is.
- (6) Regulations may, for the purposes of any of the powers or duties under sections 105 to 115—
- (a) specify additional categories of persons;
 - (b) specify categories of persons who are not to be treated as falling within a category of young person mentioned in subsection (1);
 - (c) make provision for determining which local authority is to be the responsible local authority for the purpose of a category specified under paragraph (a).

Textual Amendments

- F1** Words in s. 104(3)(d)(ii) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 4 para. 221\(a\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))
- F2** Words in s. 104(3)(d)(ii) substituted (1.7.2022) by [Health and Care Act 2022 \(c. 31\)](#), s. 186(6), [Sch. 1 para. 27\(a\)](#); S.I. 2022/734, [reg. 2\(a\)](#), [Sch.](#) (with [regs. 13, 29, 30](#))

Commencement Information

- I1** S. 104 in force at 6.4.2016 by [S.I. 2016/412](#), [art. 2](#) (with [art. 4](#), [Schs. 1, 2](#))

Changes to legislation:

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Changes and effects yet to be applied to :

- s. 104(3)(d)(ii) words substituted by [2022 c. 31 Sch. 1 para. 27\(b\)](#) (Amendment to Welsh text)
- s. 104(3)(d)(ii) words substituted by [2022 c. 31 Sch. 4 para. 221\(b\)](#) (Amendment to Welsh text)

Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))