
WELSH STATUTORY INSTRUMENTS

2015 No. 1820

The Care Leavers (Wales) Regulations 2015

PART 1

General

Title, commencement and application

1.—(1) The title of these Regulations is the Care Leavers (Wales) Regulations 2015 and they come into force on 6 April 2016.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“category 2 young person” (“*person ifanc categori 2*”) has the meaning given in section 104(2) of the Act and regulation 3;

“category 3 young person” (“*person ifanc categori 3*”) and “category 4 young person” (“*person ifanc categori 4*”) have the meanings given in section 104(2) of the Act;

“detained” (“*dan gadwad*”) means—

(a) in relation to a child or a category 2 young person who, having been convicted of an offence, is—

(i) detained in prison or in youth detention accommodation,

(ii) residing in approved premises, or

(iii) residing in any other premises because a requirement to do so has been imposed on the child as a condition of the grant of bail in criminal proceedings,

but does not include a remand to such accommodation or premises⁽¹⁾

(b) in relation to a category 3 or 4 young person, the young person is—

(i) detained in prison or in youth detention accommodation,

(ii) residing in approved premises, or

(iii) residing in any other premises because a requirement to do so has been imposed on the child as a condition of the grant of bail in criminal proceedings;

“former foster parent” (“*cyn-riant maeth*”) has the meaning given in section 108(3) of the Act;

“personal adviser” (“*cynghorydd personol*”) means the person appointed in accordance with section 106 of the Act for a category 1, category 2, category 3, or category 4 young person;

⁽¹⁾ Section 104(1) of the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (c. 10) (“the 2012 Act”) provides that a child who is remanded to youth detention accommodation is to be treated as “looked after” by the local authority (see section 104(1) of the 2012 Act); “youth detention accommodation” is defined within section 102(1) of the 2012 Act.

“placement” (*lleoliad*) has the meaning given in section 81(6) of the Act;
“post-18 living arrangement” (*trefniant byw ôl-18*) has the meaning given in section 108(3) of the Act;
“prison” (*carchar*), “youth detention accommodation” (*llety cadw ieuenctid*), and “approved premises” (*mangre a gymeradwywyd*) have the meanings given in section 188(1) of the Act(2);
“responsible local authority” (*awdurdod lleol cyfrifol*) has the meaning set out in section 104(5) of the Act.

Category 2 young persons

3.—(1) For the purposes of section 104(6)(a) of the Act, children falling within paragraph (2) are an additional category of category 2 young person.

(2) Subject to paragraph (3), a child falls within this paragraph if—

- (a) the child is aged 16 or 17,
- (b) the child is not subject to a care order(3), and
- (c) on attaining the age of 16 the child was detained, or in hospital, and immediately before being detained or admitted to hospital had been looked after by a local authority for a period or periods amounting in total to at least 13 weeks, which began after the child attained the age of 14(4).

(3) In calculating the period of 13 weeks referred to in paragraph (2)(c), no account is to be taken of any period in which the child was looked after by a local authority or a local authority in England in the course of a pre-planned series of short-term placements, none of which individually exceeded four weeks, where at the end of the each such placement the child returned to the care of their parent or a person who is not a parent but who has parental responsibility for them.

(4) Subject to paragraph (5), a child who has lived for a continuous period of six months or more (whether that period commenced before or after they ceased to be looked after) with—

- (a) their parent,
- (b) someone who is not their parent but who has parental responsibility for them, or
- (c) where they were in care and there was a child arrangements order in force immediately before the care order was made, a person named in the child arrangements order as the person with whom they were to live,

is not to be treated as a category 2 young person despite falling within the definition set out in section 104(2) of the Act.

(5) Where living arrangements described in paragraph (4) break down and the child ceases to live with the person concerned, the child is to be treated as a category 2 young person.

(6) For the purposes of paragraph (4), a child arrangements order is one that consists of, or includes, arrangements relating to either or both of the following—

(2) “Prison” is defined by section 188(1) of the Act by reference to the definition within section 53(1) of the Prison Act 1952 (c. 52); “youth detention accommodation” is defined within section 188(1) of the Act as meaning: (a) a secure children’s home; (b) a secure training centre; (c) a young offender institution; (d) accommodation provided, equipped and maintained by the Welsh Ministers under section 82(5) of the Children Act 1989 for the purpose of restricting the liberty of children; (e) accommodation, or accommodation of a description, for the time being specified by order under section 107(1)(e) of the Powers of Criminal Courts (Sentencing) Act 2000 (youth detention accommodation for the purposes of detention and training orders); “hospital” is defined in section 197(1) of the Act as having the meaning given in section 206 of the National Health Service (Wales) Act 2006 (c. 42). For the meaning of “young offender institution” and “secure training centre” see section 43(1)(aa) and (d) of the Prison Act 1952 (c. 52).

(3) For the meaning of “care order” see section 197(3) of the Act.

(4) For the meaning of “looked after” see section 74 of the Act (child or young person looked after by a local authority).

- (a) with whom the child is to live, and
 - (b) when the child is to live with any person.
- (7) For the purposes of this regulation—
- “child arrangements order” (“*gorchymyn trefniadau plentyn*”) has the meaning given in section 8(1) of the Children Act 1989⁽⁵⁾; and
 - “hospital” (“*ysbyty*”) has the same meaning as in the Mental Health Act 1983⁽⁶⁾.

⁽⁵⁾ 1989 c. 42. Section 8(1) was amended by section 12 of the Children and Families Act 2014 (c. 6).

⁽⁶⁾ 1983 c. 20.