



2022 CHAPTER 18

PART 2

Children order amendments

Former relevant children: continuing functions

128.—(1) After Article 34A of the Children Order (preparation for ceasing to be looked after) insert—

“Preparation for ceasing to be looked after: continuing care arrangements

34AA.—(1) This Article applies to an eligible child (within the meaning of Article 34A) who has been placed by an authority with an authority foster parent.

(2) When carrying out the assessment of the child’s needs in accordance with Article 34A(5), the authority must determine whether it would be appropriate to provide advice, assistance and support under this Order in order to facilitate a continuing care arrangement, and with a view to maintaining such an arrangement, after the authority ceases to look after the child.

(3) The authority must provide advice, assistance and support under this Order in order to facilitate a continuing care arrangement if—

- (a) the authority determines under paragraph (2) that it would be appropriate to do so; and
- (b) the eligible child and the authority foster parent wish to make a continuing care arrangement.

(4) In this Article, “continuing care arrangement” has the meaning given by Article 34DA.”.

(2) After Article 34D of that Order (continuing functions in respect of former relevant children) insert—

“Continuing to live with former foster parents

34DA.—(1) Each authority has the duties provided for in paragraph (3) in relation to a continuing care arrangement.

(2) A “continuing care arrangement” is an arrangement under which—

(a) a person who is a former relevant child by virtue of Article 34D(1)(b); and

(b) a person (“a former foster parent”) who was the former relevant child’s authority foster parent immediately before the former relevant child ceased to be looked after by the authority,

continue to live together after the former relevant child has ceased to be looked after.

(3) The authority must (in discharging duties under Article 34D(3) and by other means)—

(a) monitor the continuing care arrangement; and

(b) provide advice, assistance and support to the former relevant child and the former foster parent with a view to maintaining the continuing care arrangement.

(4) Support provided to the former foster parent under paragraph (3)(b) must include financial support.

(5) Paragraph (3)(b) does not apply if the authority considers that the continuing care arrangement is not consistent with the welfare of the former relevant child.

(6) The duties set out in paragraph (3) subsist until the former relevant child reaches the age of 21.

(7) The duties set out in paragraph (3) cease if the continuing care arrangement is brought to an end by the former relevant child or the former foster parent.”.

(3) After Article 34DA of that Order (inserted by subsection (2)) insert—

“Further advice and support

34DB.—(1) This Article applies to a former relevant child if—

(a) the former relevant child has reached the age of 21 but not 25 (or such other age as may be prescribed); and

Status: This is the original version (as it was originally enacted).

(b) an authority had duties towards the former relevant child under Article 34D (whether or not those duties subsist as a result of paragraph (7) of that Article).

(2) If the former relevant child informs the authority that he or she wishes to receive advice and support under this Article, paragraphs (3) to (6) apply to the authority.

(3) The authority must provide the former relevant child with a personal adviser until the former relevant child—

(a) reaches the age of 25 (or such other age as may be prescribed under paragraph (1)(a)); or

(b) if earlier, informs the authority that he or she no longer wants a personal adviser.

(4) The authority must—

(a) carry out an assessment in relation to the former relevant child under paragraph (5); and

(b) prepare a pathway plan for the former relevant child.

(5) An assessment under this paragraph is an assessment of the needs of the former relevant child with a view to determining—

(a) whether any services offered by the authority (under this Order or otherwise) may assist in meeting the former relevant child's needs; and

(b) if so, what advice and support it would be appropriate for the authority to provide for the purpose of helping the former relevant child to obtain those services.

(6) The authority must provide the former relevant child with the advice and support that it has determined as being appropriate to provide under paragraph (5)(b).

(7) Where a former relevant child to whom this Article applies is receiving advice and support under this Article, the authority may continue to provide advice and support after the former relevant child has reached the age of 25 (or such other age as may be prescribed under paragraph (1)(a)) if the authority is satisfied that the former relevant child has needs that cannot be met other than by providing such advice and support.

(8) Where a former relevant child to whom this Article applies is not receiving advice and support under this Article, the authority must offer such advice and support—

(a) as soon as possible after the former relevant child reaches the age of 21; and

(b) at least once in every 12 month period.

(9) In this Article “former relevant child” has the meaning given by Article 34D(1).

Further assistance to pursue education or training

34DC.—(1) This Article applies to a person if—

- (a) the person is under the age of 25 (or such other age as may be prescribed);
- (b) the person is a former relevant child towards whom the duties imposed by paragraphs (2), (3) and (4) of Article 34D no longer subsist; and
- (c) the person has informed the responsible authority that he or she is pursuing, or wishes to pursue, a programme of education or training.

(2) The responsible authority must appoint a personal adviser for a person to whom this Article applies.

(3) The responsible authority must—

- (a) carry out an assessment of the needs of a person to whom this Article applies with a view to determining what assistance (if any) it would be appropriate for the authority to provide to the person under this Article; and
- (b) prepare a pathway plan for the person.

(4) The responsible authority must give assistance of a kind referred to in paragraph (5) to a person to whom this Article applies to the extent that the person’s educational or training needs require it.

(5) The kinds of assistance are—

- (a) contributing to expenses incurred by the person in living near the place where the person is, or will be, receiving education or training; or
- (b) making a grant to enable the person to meet expenses connected with the person’s education and training.

(6) If a person to whom this Article applies pursues a programme of education or training in accordance with the pathway plan prepared for the person, the duties of the authority under this Article (and under any provision applicable to the pathway plan prepared under this Article for that person) subsist for as long as the person continues to pursue that programme.

(7) For the purposes of paragraph (6), the authority may disregard any interruption in the person’s pursuance of a programme of education or training if they are satisfied that the person will resume it as soon as is reasonably practicable.

(8) Paragraphs (7) to (9) of Article 18 apply to assistance given to a person under this Article as they apply to assistance given to or in respect of a child under that Article, but with the omission in paragraph (8) of the words “and of each of his parents”.

(9) Paragraph (5) of Article 35B applies to a person to whom this Article applies as it applies to a person to whom paragraph (3) of that Article applies.

(10) In this Article—

“former relevant child” has the meaning given by Article 34D(1);

“the responsible authority” means, in relation to a person to whom this Article applies, the authority which had the duties provided for in Article 34D towards the person.”.

(4) In Article 35D of that Order (representations: Articles 34B to 35B), in paragraph (1) after sub-paragraph (a) insert—

“(aa) a former relevant child falling within Article 34DB;

(ab) a person falling within Article 34DC;”.