
SCOTTISH STATUTORY INSTRUMENTS

2003 No. 608

**The Support and Assistance of Young People
Leaving Care (Scotland) Regulations 2003**

Manner in which financial assistance is provided

13.—(1) Save in exceptional circumstances and subject to paragraphs (2) and (5), the responsible authority shall only provide regular financial support to a compulsorily supported person less than eighteen years of age who has been looked after and accommodated for a period of or periods totalling 13 weeks or more since the age of 14.

(2) The responsible authority shall not provide regular financial assistance to a person who falls within paragraph (1), and who lives with their family, except where that person would have been entitled to receive social security benefits but for the operation of the regulations made pursuant to section 6 of the Children (Leaving Care) Act 2000(1).

(3) The responsible authority shall ensure that the value of any assistance given to a compulsorily supported person (whether in cash or in kind) is not less than the value of social security benefits that the young person would have been entitled to, but for the operation of the regulations made pursuant to section 6 of the Children (Leaving Care) Act 2000.

(4) A local authority shall provide to a compulsorily supported person or a discretionarily supported person such assistance (whether in cash or in kind) as it considers necessary in the circumstances until such time as the young person's pathway assessment and (where appropriate) pathway plan have been completed.

(5) In calculating the period of 13 weeks referred to in paragraph (1), no account shall be taken of periods in which the young person has been looked after in circumstances where—

- (a) the local authority arranged to place the young person in a pre-planned series of short term placements, none of which individually exceeds 4 weeks (even if they may amount in all to a period of 13 weeks or more); and
- (b) at the end of each such placement the young person returns to the care of their family.

(6) In this regulation—

- (a) “social security benefits” means income support, income based job seeker's allowance and housing benefit as such benefits may be varied, amended or replaced from time to time;
- (b) “family” includes any person who has parental responsibilities for the young person and any person with whom the young person was living prior to being looked after by a local authority, but does not include a local authority; and
- (c) “accommodated” means provided with accommodation by a local authority pursuant to its duties under section 25 of the 1995 Act or in compliance with a direction made in a supervision requirement under section 70(3) of that Act, but it does not include circumstances where the young person has been placed with that young person's family either under arrangements made under section 26(1)(c) of the 1995 Act or in compliance with a direction made in a supervision requirement under that Act.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.
