



Children (Leaving Care) Act 2000

2000 CHAPTER 35

4 **Advice and assistance for certain children and young persons aged 16 or over.** **E** **+W**

- (1) For section 24 of the 1989 Act (advice and assistance for certain children), substitute the following sections—

“24 Persons qualifying for advice and assistance.

- (1) In this Part “a person qualifying for advice and assistance” means a person who—
- (a) is under twenty-one; and
 - (b) at any time after reaching the age of sixteen but while still a child was, but is no longer, looked after, accommodated or fostered.
- (2) In subsection (1)(b), “looked after, accommodated or fostered” means—
- (a) looked after by a local authority;
 - (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 any Health Authority, Special Health Authority, Primary Care Trust or local education authority, or
 - (ii) in any care home or independent hospital or in any accommodation provided by a National Health Service trust; or
 - (e) privately fostered.
- (3) Subsection (2)(d) applies even if the period of three months mentioned there began before the child reached the age of sixteen.
- (4) In the case of a person qualifying for advice and assistance by virtue of subsection (2)(a), it is the duty of the local authority which last looked after him to take such steps as they think appropriate to contact him at such times

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as they think appropriate with a view to discharging their functions under sections 24A and 24B.

- (5) In each of sections 24A and 24B, the local authority under the duty or having the power mentioned there (“the relevant authority”) is—
- (a) in the case of a person qualifying for advice and assistance by virtue of subsection (2)(a), the local authority which last looked after him; or
 - (b) in the case of any other person qualifying for advice and assistance, the local authority within whose area the person is (if he has asked for help of a kind which can be given under section 24A or 24B).

24A Advice and assistance.

- (1) The relevant authority shall consider whether the conditions in subsection (2) are satisfied in relation to a person qualifying for advice and assistance.
- (2) The conditions are that—
 - (a) he needs help of a kind which they can give under this section or section 24B; and
 - (b) in the case of a person who was not being looked after by any local authority, they are satisfied that the person by whom he was being looked after does not have the necessary facilities for advising or befriending him.
- (3) If the conditions are satisfied—
 - (a) they shall advise and befriend him if he was being looked after by a local authority or was accommodated by or on behalf of a voluntary organisation; and
 - (b) in any other case they may do so.
- (4) Where as a result of this section a local authority are under a duty, or are empowered, to advise and befriend a person, they may also give him assistance.
- (5) The assistance may be in kind or, in exceptional circumstances, in cash.
- (6) Subsections (7) to (9) of section 17 apply in relation to assistance given under this section or section 24B as they apply in relation to assistance given under that section.

24B Employment, education and training.

- (1) The relevant local authority may give assistance to any person who qualifies for advice and assistance by virtue of section 24(2)(a) by contributing to expenses incurred by him in living near the place where he is, or will be, employed or seeking employment.
- (2) The relevant local authority may give assistance to a person to whom subsection (3) applies by—
 - (a) contributing to expenses incurred by the person in question in living near the place where he is, or will be, receiving education or training; or

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- (b) making a grant to enable him to meet expenses connected with his education or training.
- (3) This subsection applies to any person who—
 - (a) is under twenty-four; and
 - (b) qualifies for advice and assistance by virtue of section 24(2)(a), or would have done so if he were under twenty-one.
- (4) Where a local authority are assisting a person under subsection (2) they may disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable.
- (5) Where the local authority are satisfied that a person to whom subsection (3) applies who is in full-time further or higher education needs accommodation during a vacation because his term-time accommodation is not available to him then, they shall give him assistance by—
 - (a) providing him with suitable accommodation during the vacation; or
 - (b) paying him enough to enable him to secure such accommodation himself.
- (6) The Secretary of State may prescribe the meaning of “full-time”, “further education”, “higher education” and “vacation” for the purposes of subsection (5).

24C Information.

- (1) Where it appears to a local authority that a person—
 - (a) with whom they are under a duty to keep in touch under section 23B, 23C or 24; or
 - (b) whom they have been advising and befriending under section 24A; or
 - (c) to whom they have been giving assistance under section 24B,proposes to live, or is living, in the area of another local authority, they must inform that other authority.
 - (2) Where a child who is accommodated—
 - (a) by a voluntary organisation or in a private children’s home;
 - (b) by any Health Authority, Special Health Authority, Primary Care Trust or local education authority; or
 - (c) in any care home or independent hospital or any accommodation provided by a National Health Service trust,ceases to be so accommodated, after reaching the age of sixteen, the organisation, authority or (as the case may be) person carrying on the home shall inform the local authority within whose area the child proposes to live.
 - (3) Subsection (2) only applies, by virtue of paragraph (b) or (c), if the accommodation has been provided for a consecutive period of at least three months.”.
- (2) If subsection (1) comes into force before the commencement of section 11 of the ^{MI}Care Standards Act 2000—

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- (a) until that commencement, the references to a “private children’s home” in sections 24(2)(c) and 24C(2)(a) of the 1989 Act as substituted by subsection (1) are to be read as references to a registered children’s home; and
- (b) until that commencement, the references to any “care home or independent hospital” in sections 24(2)(d)(ii) and 24C(2)(c), as so substituted, are to be read as references to any residential care home, nursing home or mental nursing home,

and paragraph 14(4) of Schedule 4 to the Care Standards Act 2000 (which amends section 24 of the 1989 Act) is repealed.

Commencement Information

- II** S. 4 partly in force; s. 4 not in force at Royal Assent see s. 8(2); s. 4 in force for W. for specified purposes at 1.10.2001 by S.I. 2001/2191, **art. 2**; s. 4 in force for E. at 1.10.2001 by S.I. 2001/2878, **art. 2**
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Marginal Citations

- M1** 2000 c. 14.

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