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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations make provision about visiting requirements for children and young people who were looked after by a local authority but have ceased to be so as a result of being detained in an institution, either having been remanded to prison custody or following conviction and sentencing by a court. Those who will have ceased to be looked after will be children and young people who, prior to entering custody, were either provided with accommodation under section 20 of the Children Act 1989 (“the 1989 Act”) or who had been remanded to local authority care under section 23(1) of the Children and Young Persons Act 1969 on sentencing.

These Regulations are made under section 23ZA of the 1989 Act (inserted by section 15 of the Children and Young Persons Act 2008) which confers a duty on a local authority (“the responsible local authority”) to ensure that children who have ceased to be looked after by it as a result of prescribed circumstances are visited by a representative of the responsible local authority and have access to advice, support and assistance.

The prescribed circumstances for the purposes of section 23ZA(1)(b) of the 1989 Act are that the child is detained in a young offender institution, a secure training centre or a secure children’s home (regulation 3).

Regulation 4 makes provision about the frequency of visits; the responsible local authority must arrange for its representative to visit the child within ten working days of the child first being detained and thereafter whenever reasonably requested to do so by specified persons, for example, the child, the child’s parents or in line with the recommendations made by the representative.

Regulation 5 provides that during each visit, the representative must speak to the child in private unless it is not appropriate to do so or the child refuses.

Regulation 6 places a duty on the representative to provide a report of each visit and sets out what must be included in that report. It also provides that a copy of the report must be given to the child, unless it would be inappropriate to do so, and to certain other persons.

Regulation 7 makes provision in relation to the responsible local authority’s duty under section 23ZA(2)(b) of the 1989 Act to arrange for advice, support and assistance to be available to the child.