
EXPLANATORY NOTE

(This note is not part of the Order)

This Order is the seventh Commencement Order made by the Welsh Ministers under the Children and Young Persons Act 2008 (c. 23) (“the Act”) which brings specified provisions of the Act into force in relation to Wales.

Article 2 of this Order provides that 19 June 2012 is the appointed day for the coming into force in relation to Wales of the provisions of the Act listed below:

- (i) sections 22 and 23 of the Act (in so far as they are not already in force);
- (ii) section 24;
- (iii) section 25 (in so far as it is not already in force); and
- (iv) section 42 and Schedule 4 in so far as they relate to the repeals specified in that Schedule in relation to sections 17(6), and 23B of, and to Schedule 2 (partially) to the Children Act 1989 (“the 1989 Act”).

Section 22 of the Act (assistance to pursue education or training) amends section 23B of the 1989 Act; it inserts a new section (section 23CA) into the 1989 Act and inserts subsections (1A) to (1E) into section 23E of that Act. The amendments extend the duty of a local authority to appoint a personal adviser and to keep the pathway plan under review for and in respect of a young person who is a former relevant child (that is, a care leaver who is over the age of 18).

Section 23 of the Act (extension of entitlements to personal adviser and to assistance in connection with education or training), amends sections 23D(1) and 24B of the 1989 Act. The effect of these amendments is firstly, to extend the upper end of the age range to which section 23D(1) applies so that regulations made under that section will be able to require the appointment of a personal adviser for qualifying young persons who are under 25; secondly, to extend the upper end of the age range, to which the powers of a local authority in section 24B of the 1989 Act (to provide assistance in connection with employment, education and training) apply, to 25.

Section 24 amends section 17(6) of the 1989 Act. It extends the power of a local authority to make cash payments to children in need and their families (by removing the words “in exceptional circumstances” from section 17(6)).

Section 25 amends paragraph 6 of Schedule 2 to the 1989 Act. This adds the provision of short breaks for those who care for disabled children and services to support family contact for children who are provided with accommodation under health or education legislation to the range of services that a local authority must provide for a disabled child and his or her family. The local authority duty within the amended paragraph 6 of Schedule 2 is to be performed in accordance with regulations made by the Welsh Ministers.

The repeals that are commenced in accordance with article 2(e) are consequential upon the amendments made to the 1989 Act by the commencement of the provisions of the Act referred to in article 2(a) to (d).

Article 3 provides that section 23CA(1) of the 1989 Act (further assistance to pursue education or training) (which is inserted by the commencement in full of section 22 of the Act) has effect only in relation to a person falling within that sub-section if they inform the relevant local authority on or after 19 June 2012 that they are pursuing, or wish to pursue, a programme of education or training.