
WELSH STATUTORY INSTRUMENTS

2015 No. 1820

The Care Leavers (Wales) Regulations 2015

PART 2

Assessments of need and pathway plans

Involvement of the young person

4.—(1) In carrying out an assessment of needs under regulation 5, and in preparing or reviewing a pathway plan under regulation 6 or 7, the responsible local authority must, unless it is not reasonably practicable—

- (a) seek and have regard to the views of the category 2, category 3 or category 4 young person (the relevant young person) to whom the assessment or pathway plan relates⁽¹⁾, and
- (b) take all reasonable steps to enable the relevant young person to attend and participate in any meeting at which their case is to be considered.

(2) The responsible local authority must as soon as practicable provide the relevant young person with copies of—

- (a) the results of the assessment,
- (b) the pathway plan,
- (c) each review of the pathway plan,

and must ensure that the contents of each document are explained to the relevant young person having regard to their level of understanding, unless it is not reasonably practicable to do so.

(3) The responsible local authority must ensure that a written record is kept of the view obtained under paragraph (1)(a).

Assessment of needs

5.—(1) The responsible local authority must assess the needs of each category 2 and 4 young person and each category 3 young person who does not already have a pathway plan, in accordance with this regulation.

(2) The assessment of needs must be completed—

- (a) in the case of a category 2 young person not more than 3 months after the date on which the young person became a category 2 young person,
- (b) in the case of a category 3 young person who does not already have a pathway plan, not more than 3 months after the date on which young person became a category 3 young person, and

(1) Any person exercising functions under the Act must comply with the overarching duties contained in sections 5 to 7 of the Act, in particular sections 5(a), 6(2) and (4) and 7(2).

- (c) in the case of a category 4 young person, not more than 3 months after the date on which the responsible local authority is informed that the category 4 young person is pursuing, or wishes to pursue, a programme of education or training.
- (3) The responsible local authority must ensure that a written record is kept of—
 - (a) the identity of the persons whose views have been sought for the purpose of carrying out the assessment,
 - (b) the information obtained in the course of the assessment,
 - (c) the deliberations at any meeting held in connection with any aspect of the assessment, and
 - (d) the results of the assessment.
- (4) In carrying out an assessment of the needs of a category 2 young person, or a category 3 young person, who does not already have a pathway plan, the responsible local authority must—
 - (a) take into account—
 - (i) whether the young person is detained,
 - (ii) where the young person is a category 3 young person, whether he or she has a post-18 living arrangement,
 - (iii) the young person’s health and development,
 - (iv) the young person’s needs for education, training and employment,
 - (v) the support available to the young person from members of their family and other persons,
 - (vi) the young person’s financial needs,
 - (vii) the extent to which the young person possesses the practical and other skills necessary for independent living, and
 - (viii) the young person’s needs for advice and other support; and
 - (b) unless it is not reasonably practicable or appropriate to do so, seek and take into account the views of—
 - (i) the young person’s parents,
 - (ii) any person who is not the young person’s parent but who has parental responsibility for the young person,
 - (iii) any person who on a day-to-day basis cares for, or provides accommodation for, the young person,
 - (iv) any school, college or institution within the further education sector attended by the young person,
 - (v) the local authority or local authority in England for the area in which the young person lives where that is different from the responsible local authority,
 - (vi) any person providing health care or treatment for the young person,
 - (vii) where the young person is detained, the director, governor or registered manager (as the case may be), of the prison or youth detention accommodation,
 - (viii) where the young person is a category 3 young person who has a post-18 living arrangement, the young person’s former foster parent,
 - (ix) any person by whom assistance by way of representation is provided to the young person under section 178 of the Act⁽²⁾,
 - (x) the young person’s personal adviser, and

(2) Section 178 of the Act – assistance for persons making representations.

- (xi) any other person whose views the responsible local authority, or the young person, consider may be relevant;
- (c) where the category 2 young person is—
 - (i) a victim, or there is reason to believe that they may be a victim, of trafficking in human beings within the meaning of the Council of Europe Convention on Action against Trafficking in Human Beings⁽³⁾,
 - (ii) an “unaccompanied asylum seeking child” within the meaning of the Immigration Rules and has applied, or has indicated to the responsible local authority an intention to apply, for asylum and has not been granted indefinite leave to remain,take account of the young person’s needs as a result of that status.

(5) In carrying out an assessment of the needs of a category 3 young person who has a post-18 living arrangement, the responsible local authority must consider whether the arrangement remains consistent with the well-being of that young person and whether the arrangement should be maintained.

(6) In carrying out an assessment of the needs of a category 4 young person, the responsible local authority must—

- (a) take into account—
 - (i) whether the category 4 young person is detained,
 - (ii) the category 4 young person’s needs for education, training or employment, and
 - (iii) any other considerations the responsible local authority consider relevant, and
- (b) unless it is not reasonably practicable to do so, seek and take into account the views of—
 - (i) the personal adviser,
 - (ii) where the category 4 young person is detained, the director, governor or registered manager (as the case may be), of the prison or youth detention accommodation, and
 - (iii) any other person whose views the responsible local authority, or the category 4 young person considers may be relevant.

(7) In this regulation—

“Immigration Rules” (“*Rheolau Mewnffudo*”) means the rules for the time being laid down by the Secretary of State as mentioned in section 3(2) of the Immigration Act 1971⁽⁴⁾; and
“institution within the further education sector” (“*sefydliad yn y sector addysg bellach*”) has the meaning given in section 91(3) of the Further and Higher Education Act 1992⁽⁵⁾.

Pathway plans

6.—(1) A pathway plan prepared in accordance with section 107(3) or (4) of the Act must be prepared as soon as possible after the assessment of needs referred to in regulation 5 is completed.

- (2) The pathway plan must include, in particular—
 - (a) in the case of a plan prepared for a category 2 or category 3 young person, the matters referred to in Schedule 1,
 - (b) in the case of a plan prepared for a category 2 or 3 young person who is detained, the matters referred to in Schedule 2,

(3) CETS No. 197.

(4) 1971 c. 77.

(5) 1992 c. 22.

- (c) in the case of a plan prepared for a category 4 young person, the matters referred to in paragraphs 1 to 4 of Schedule 1, and
 - (d) in the case of a plan prepared for a category 4 young person who is detained, the matters referred to in paragraphs 1 to 4 of Schedule 2.
- (3) The pathway plan must, in relation to each of the matters included in it by virtue of paragraph (2), set out—
- (a) the manner in which the responsible local authority or the staff of a prison or youth detention accommodation (where relevant) proposes to meet the needs of the young person to whom the plan relates, and
 - (b) the date by which, and by whom, any action required to implement any aspect of the pathway plan will be carried out.
- (4) The pathway plan, any review of the plan and any changes to the plan as a result of such a review must be recorded in writing.

Review of Pathway plans

- 7.—(1) The responsible local authority must review the pathway plan of each category 2, category 3 and category 4 young person in accordance with this regulation.
- (2) The responsible local authority must arrange a review—
- (a) if requested to do so by the category 2, category 3 or category 4 young person,
 - (b) if the responsible local authority, or the personal adviser, consider a review necessary,
 - (c) if the young person is detained and a review would not otherwise occur before the young person ceases to be so detained, and
 - (d) in any event, at intervals of not more than 6 months.
- (3) If the responsible local authority provides the category 2, category 3 or category 4 young person with accommodation in accordance with sections 109, 110 or 112 of the Act, the responsible local authority must also—
- (a) arrange a review as soon as is practicable after the end of a period of 28 days beginning on the day on which the accommodation is first provided, and
 - (b) on completing a review under sub-paragraph (a), determine at what intervals (not exceeding 3 months) subsequent reviews will be carried out.