**West Sussex – Practice Guidance**

IROs are qualified social workers with at least five years’ experience, and who have acquired the right skills to carry out this role.

**LEGISLATION CARE LEAVERS**

Please note that this is only an easy access guide to where a Social Worker can find the relevant legislation. It is not intended to be a comprehensive statement of the law, it simply guides you to where in the law specific provisions relating to the powers and duties of the LA can be found.

Relevant Children Records

Former Relevant Children

Staying Put

Remaining in/Returning to Education or Training after the 21st Birthday

Records

Qualifying Persons

Representations and Complaints

**RELEVANT CHILDREN**

Children Act 1989 [Section 23B,](http://www.legislation.gov.uk/ukpga/1989/41/section/23B) [Section 23E,](http://www.legislation.gov.uk/ukpga/1989/41/section/23E) [Section 24C](http://www.legislation.gov.uk/ukpga/1989/41/section/24C)

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| Duty to safeguard and promote the welfare of a relevant child | S23B(8) |
| Duty to maintain relevant child, to ensure the provision of suitable accommodation and to provide other support | S23B(8),(9)  Reg. 9(1),(2),(3) |
| Duty to keep in touch with a relevant child | S23B(1),(11) |
| Duty to appoint a personal adviser for each relevant child | S23B(2): Reg. 8 |
| Duty to assess the needs of any relevant child who does not already have a pathway plan | S23B(3): Reg. 5(1),(2),(3),(4) |
| Duty to consult the relevant child about the assessment and the pathway plan, and to provide copies of the assessment and plan | Reg. 4 |
| Duty to prepare a pathway plan | S23B(30): Reg. 6 |
| Duty to keep the pathway pan under review | S23E(1D),Reg. 7 |
| Duty to consult the relevant child in process of reviews, and provide copies of review outcomes | S23B(13) |
| Duty to consult a relevant child lives, or proposes to live, in the area of another local authority, to notify that authority | S24C(1) |
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| **Records** |  |
| Duty to establish, maintain and retain records relating to relevant children, and to keep them securely | Reg. 10 |

**FORMER RELEVANT CHILDREN**

Children Act 1989 [Section 23C,](http://www.legislation.gov.uk/ukpga/1989/41/section/23C) [Section 23CZA,](http://www.legislation.gov.uk/ukpga/1989/41/section/23CZA) [Section 23CA,](http://www.legislation.gov.uk/ukpga/1989/41/section/23CA) [Section 23E,](http://www.legislation.gov.uk/ukpga/1989/41/section/23E) [Section 24C](http://www.legislation.gov.uk/ukpga/1989/41/section/24C)

The Care Leavers (England) Regulations 2010

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| Duty to keep in touch with a former relevant child | S23C(2),(6),(7),  (8) |
| Duty to continue the appointment of the personal adviser | S23C(3),(6),(7),  (8) Reg. 8 |
| Duty to keep the pathway plan under the regular review | SC23C(3),(6),(7),  (8) Reg. 7 |
| Duty to consult the former relevant child in the process of a review and to provide copies of the outcome. | Reg. 4 |
| Duty to contribute towards a former relevant child’s living expenses, expenses connected with education training, and other assistance that his/her welfare requires. | S23C(4),(5),(6),  (7),(8) |
| Duty to pay the higher education bursary to a former relevant child | S23C(5A),(5C) |
| Duty to provide vacation accommodation for a former relevant child in full time higher education | S23C(9) |
| Duty, where a former relevant child lives, or proposes to live, in the area of another local authority, to notify that authority | S24C(1) |
| At the time of writing (October 2017) Section 23CZB has not yet been implemented. This will extend the duty to provide a personal adviser, to assess needs and maintain or reinstate the pathway plan, and to provide appropriate advice and support until the former relevant child’s 25th birthday. These duties will apply where the former relevant child states that s/he wishes to receive advice and support. |  |
| **Staying Put** |  |
| Duty to monitor any former relevant child in a staying put arrangement | S23CZA(3) |
| Duty to support a staying put arrangement by providing advice, assistance and support to the former relevant child and the former foster carer | S23CZA(3),(4),  (5),(6) |
| **Remaining in/returning to education or training after the 21st birthday** |  |
| Duty to continue the appointment of the personal adviser | S23CA(2),(6),(7);  Reg. 8 |
| Duty to assess the former relevant child’s needs and prepare a pathway plan | S23CA(3): Reg. 5(1),(2),(3),(5) |
| Duty to prepare a pathway plan | S23CA(3),(6),(7)  Reg. 6 |
| Duty to keep the pathway plan under review | S23E(1D); Reg. 7 |
| Duty to consult the former relevant child about the pathway plan, and in the process of each review, and to provide copies of the plan and the outcome of reviews | Reg. 4 |
| Duty to contribute to living expenses connected with the education or training | S23CA(4),(5),(6),  (7) |

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| Duty to assist with vacation accommodation | S23CA(9) |
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| **Records** |  |
| Duty to establish, maintain and retain records relating to relevant children. And to keep them securely | Reg. 10 |

**QUALIFYING PERSONS**

Children Act 1989 [Section 24A,](http://www.legislation.gov.uk/ukpga/1989/41/section/24A) [Section 24B](http://www.legislation.gov.uk/ukpga/1989/41/section/24B)

The Care Leavers (England) Regulations 2010

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| **Qualifying Persons** |  |
| This section relates to persons qualifying for advice and assistance.” All relevant and former children are qualifying persons, however this group also includes persons who are looked after children for a period of less than 13 week; looked after children who have returned to the care of the parent; persons who were removed from the care system through the making of a Special Guardianship Order; former private foster children; persons who were looked after by a voluntary organisation or private children’s home; and persons who were accommodated for a consecutive period of more than 3 months in certain health or education settings. |  |
| Power (in some circumstances a duty) to advise and befriend a qualifying person | S24A(2),(3) |
| Power to assist a qualifying person (this may include financial assistance) | S24A(4),(5) |
| Power to contribute towards a qualifying person’s living expenses | S24B(1) |
| Power to contribute towards a qualifying person’s expenses connected with education and training | S24B(2),(3),(4) |
| Duty to assist in providing vacation accommodation | S24B(5); Reg. 9(4) |

**REPRESENTATIONS AND COMPLAINTS**

Children Act 1989 [Section 24D](http://www.legislation.gov.uk/ukpga/1989/41/section/24D)

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| Duty to establish a procedure for considering representations, including complaints, from relevant children, former relevant children and qualifying persons | S24D(1) |

**Reference Points;**