

*These notes refer to the Children (Leaving Care) Act (Northern Ireland)
2002 (c.11) which received Royal Assent on 22 November 2002*

Children (Leaving Care) Act (Northern Ireland) 2002

EXPLANATORY NOTES

THE NEW PROVISIONS

7. The main purpose of the Act is to improve the life chances of young people who are looked after by HSS Trusts as they make the transition to independent living. To do this, it amends the Children Order to place new and enhanced duties on HSS Trusts to assess and meet the care and support needs of young people until they are at least 21 years old. Its main aims are: to ensure that young people should not leave care until they are ready to do so; to improve the assessment, preparation and planning for leaving care; to provide better personal support for young people after leaving care; and to improve the financial arrangements for care leavers. The main provisions of the Act are set out below.
8. The Act places a new duty on HSS Trusts to assess and meet the needs of eligible 16 and 17 year olds who remain in care, or those who have left care. This duty will rest with the Trust which last looked after the young person wherever he or she currently lives. The Act and supporting Regulations will determine who will, and will not, be eligible under the new arrangements.
9. The Act places a new duty on HSS Trusts to keep in touch with young people who have left care in order to make sure that they receive the support to which they are entitled. The duty will run until the young person reaches 21, or later if he or she is still receiving help from a Trust with education or training.
10. The Act requires HSS Trusts to provide a personal adviser and a pathway plan for all eligible young people. The pathway plan will map out a route to independence for these young people and will be reviewed regularly to take account of a young person's changing circumstances and ambitions. The personal adviser will provide a single point of contact for a young person. The adviser will be responsible for overseeing the pathway plan and ensuring that the young person receives the support to which he or she is entitled in a co-ordinated and easily accessible way.
11. The Act simplifies the arrangements for the financial support of 16 and 17 year olds leaving care. Previously, young people who left care at 16 could claim benefits through the social security system. Depending on their circumstances

these benefits might be Income Support, Housing Benefit or income-based Jobseeker's Allowance. The Act places HSS Trusts under a new statutory duty to support these care leavers and at the same time removes entitlement to these means-tested benefits from "eligible" and "relevant children". Under the new arrangements, HSS Trusts will become their primary source of income. This measure is intended to ensure that vulnerable young people receive the care and help they need to grow into independence. The resources deployed by the Department for Social Development in relation to means-tested benefits for 16-17 year old care leavers will be transferred to the Department of Health, Social Services and Public Safety to help support these young people more effectively.

12. The Act provides continuing support to care leavers when they enter the adult world at 18. It enables those young people who have qualified for the new arrangements when they were 16 or 17 to continue to have a personal adviser and a pathway plan. It also requires HSS Trusts to keep in touch with them until they are 21, or later if they are still being helped with education or training. On top of this, the Act requires HSS Trusts to provide general assistance for these young people, in kind, or exceptionally in cash, until they are 21 and to assist them with the expenses associated with employment, education and training. HSS Trusts are required to provide out of term accommodation (or the funds to secure it) to care leavers they are assisting in full-time further or higher education.