
STATUTORY INSTRUMENTS

1995 No. 755

The Children (Northern Ireland) Order 1995

PART IV

SUPPORT FOR CHILDREN AND THEIR FAMILIES

Advice and assistance for certain children

Advice and assistance for certain children

35.—(1) Where a child is being looked after by an authority, the authority shall advise, assist and befriend him with a view to promoting his welfare when he ceases to be looked after by the authority.

(2) In this Part “a person qualifying for advice and assistance” means a person within the authority’s area who is under 21 and who was at any time after reaching the age of 16 but while still a child—

- (a) looked after by an authority;
- (b) accommodated by or on behalf of a voluntary organisation;
- (c) accommodated in a registered children’s home;
- (d) accommodated for a consecutive period of at least three months in—
 - (i) any accommodation provided by an education and library board; or
 - (ii) any residential care home; or
 - (iii) any hospital; or
 - (iv) any nursing home; or
 - (v) any prescribed accommodation; or
- (e) privately fostered;

but who is no longer so looked after, accommodated or fostered.

(3) Paragraph (2)(d) applies even if the period of three months mentioned there began before the child reached the age of 16.

(4) Where—

- (a) an authority knows that there is within its area a person qualifying for advice and assistance;
- (b) the conditions in paragraph (5) are satisfied; and
- (c) that person has asked the authority for help of a kind which the authority can give under this Article,

the authority shall (if he was being looked after by an authority or was accommodated by or on behalf of a voluntary organisation) and may (in any other case) advise and befriend him.

(5) The conditions are that—

- (a) it appears to the authority that the person concerned is in need of advice and being befriended;
 - (b) where that person was not being looked after by the authority, the authority is satisfied that the person by whom he was being looked after does not have the necessary facilities for advising or befriending him.
- (6) Where as a result of this Article an authority is under a duty, or is empowered, to advise and befriend a person, the authority may also give him assistance.

Assistance: further provisions

36.—(1) Assistance given under Article 35 may be in kind or, in exceptional circumstances, in cash.

(2) An authority may give assistance to any person who qualifies for advice and assistance by virtue of Article 35(2)(a) by—

- (a) contributing to expenses incurred by him in living near the place where he is, or will be—
 - (i) employed or seeking employment; or
 - (ii) receiving education or training; or
- (b) making a grant to enable him to meet expenses connected with his education or training.

(3) Where an authority is assisting a person under paragraph (2) by making a contribution or grant with respect to a course of education or training, the authority may—

- (a) continue to do so even though he reaches the age of 21 before completing the course; and
- (b) disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable.

(4) Paragraphs (7) to (9) of Article 18 shall apply in relation to assistance given under Article 35 as they apply in relation to assistance given under Article 18.

Supplementary

37.—(1) Every authority shall establish a procedure for considering any representations (including any complaint) made to the authority by a person qualifying for advice and assistance about the discharge of the authority's functions under this Part in relation to him.

(2) In carrying out any consideration of representations under paragraph (1), an authority shall comply with any regulations made by the Department for the purposes of this Article.

(3) Where it appears to an authority that a person whom the authority has been advising and befriending under Article 35, as a person qualifying for advice and assistance, proposes to live, or is living, in the area of another authority, the authority shall inform that other authority.

(4) Where a child who is accommodated—

- (a) by or on behalf of a voluntary organisation or in a registered children's home; or
- (b) as mentioned in Article 35(2)(d),

ceases to be so accommodated, after reaching the age of 16, the person providing the accommodation shall inform the authority within whose area the child proposes to live.