



# Children and Social Work Act 2017

## 2017 CHAPTER 16

### PART 1

#### CHILDREN

### CHAPTER 1

#### LOOKED AFTER CHILDREN

##### *Care leavers in England*

## **2 Local offer for care leavers**

- (1) A local authority in England must publish information about—
  - (a) services which the local authority offers for care leavers as a result of its functions under the Children Act 1989;
  - (b) other services which the local authority offers that may assist care leavers in, or in preparing for, adulthood and independent living.
- (2) For the purposes of subsection (1), services which may assist care leavers in, or in preparing for, adulthood and independent living include services relating to—
  - (a) health and well-being;
  - (b) relationships;
  - (c) education and training;
  - (d) employment;
  - (e) accommodation;
  - (f) participation in society.
- (3) Where it considers appropriate, a local authority in England must publish information about services for care leavers offered by others which the local authority has power to offer as a result of its functions under the Children Act 1989.

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*Changes to legislation: There are currently no known outstanding effects for the Children and Social Work Act 2017, Cross Heading: Care leavers in England. (See end of Document for details)*

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- (4) Information required to be published by a local authority under this section is to be known as its “local offer for care leavers”.
- (5) A local authority must update its local offer for care leavers from time to time, as appropriate.
- (6) Before publishing its local offer for care leavers (or any updated version) a local authority must consult relevant persons about which of the services offered by the local authority may assist care leavers in, or in preparing for, adulthood and independent living.
- (7) In this section—
- “care leavers” means—
- (a) eligible children within the meaning given by paragraph 19B of Schedule 2 to the Children Act 1989;
  - (b) relevant children within the meaning given by section 23A(2) of that Act;
  - (c) persons aged under 25 who are former relevant children within the meaning given by section 23C(1) of that Act;
  - (d) persons qualifying for advice and assistance within the meaning given by section 24 of that Act;
- “local authority in England” means—
- (a) a county council in England;
  - (b) a district council;
  - (c) a London borough council;
  - (d) the Common Council of the City of London (in their capacity as a local authority);
  - (e) the Council of the Isles of Scilly;
  - (f) a combined authority established under section 103 of the Local Democracy, Economic Development and Construction Act 2009;
- “relevant persons”, in relation to a local authority, means such care leavers and other persons as appear to the local authority to be representative of care leavers in its area.

**Commencement Information**

**II** S. 2 in force at 1.4.2018 by S.I. 2018/346, reg. 4(b)

**3 Advice and support**

- (1) The Children Act 1989 is amended as follows.
- (2) After section 23CZA insert—

**“23CZB England: further advice and support**

- (1) This section applies to a former relevant child if—
  - (a) he or she has reached the age of 21 but not the age of 25, and

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- (b) a local authority in England had duties towards him or her under section 23C (whether or not some of those duties continue to subsist by virtue of subsection (7) of that section).
  - (2) If the former relevant child informs the local authority that he or she wishes to receive advice and support under this section, the local authority has the duties provided for in subsections (3) to (6).
  - (3) The local authority must provide the former relevant child with a personal adviser until the former relevant child—
    - (a) reaches the age of 25, or
    - (b) if earlier, informs the local authority that he or she no longer wants a personal adviser.
  - (4) The local authority must—
    - (a) carry out an assessment in relation to the former relevant child under subsection (5), and
    - (b) prepare a pathway plan for the former relevant child.
  - (5) An assessment under this subsection is an assessment of the needs of the former relevant child with a view to determining—
    - (a) whether any services offered by the local authority (under this Act or otherwise) may assist in meeting his or her needs, and
    - (b) if so, what advice and support it would be appropriate for the local authority to provide for the purpose of helping the former relevant child to obtain those services.
  - (6) The local authority must provide the former relevant child with advice and support that it would be appropriate to provide as mentioned in subsection (5) (b).
  - (7) Where a former relevant child to whom this section applies is not receiving advice and support under this section, the local authority must offer such advice and support—
    - (a) as soon as possible after he or she reaches the age of 21, and
    - (b) at least once in every 12 months.
  - (8) In this section “former relevant child” has the meaning given by section 23C(1).”
- (3) In section 23CA (further assistance to pursue education or training) for subsection (2) substitute—
- “(2) It is the duty of the responsible local authority to provide a personal adviser for a person to whom this section applies.”
- (4) In section 23D (personal advisers) after subsection (2) insert—
- “(3) Where a local authority in England ceases to be under a duty to provide a personal adviser for a person under any provision of this Part, that does not affect any other duty under this Part to provide a personal adviser for the person.
- (4) Where a local authority in England has more than one duty under this Part to provide a personal adviser for a person, each duty is discharged by the

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provision of the same personal adviser (the local authority are not required to provide more than one personal adviser for the person).”

- (5) Section 23E (pathway plans) is amended as follows.
- (6) In subsection (1) (contents of pathway plan), after paragraph (a) (but before the “and” at the end) insert—
- “(aa) in the case of a plan prepared under section 23CZB, the advice and support that the local authority intend to provide;”.
- (7) After subsection (1) insert—
- “(1ZA) A local authority may carry out an assessment under section 23CZB(5) of a person's needs at the same time as any assessment of the person's needs is made under section 23CA(3).”
- (8) In subsection (1A) (statutory assessments that may be carried out at the same time as assessment relating to a pathway plan) after “23B(3)” insert “, 23CZB(5) ”.
- (9) In subsection (1B) (regulations about assessments) after “23B(3)” insert “, 23CZB(5) ”.
- (10) In subsection (1D) (pathway plans to be kept under review) after “23B” insert “, 23CZB ”.

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**Commencement Information**

**I2** S. 3 in force at 1.4.2018 by S.I. 2018/346, reg. 4(c)

**Changes to legislation:**

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Cross Heading: Care leavers in England.