**SOCIAL SERVICES AND WELL-BEING (WALES) ACT**

**HANDOUT**

**Categories of Young People Leaving Care**

# Introduction

Section 104 of the Act defines six categories of young people in respect of leaving care. These categories replace those previously referred to under the Children Act 1989 of relevant, eligible, former relevant child and qualifying. A description of each category and the main statutory obligations for each is set out in the code of practice and outlined in the table below.

# Main Statutory Obligations

|  |  |
| --- | --- |
| **Definition** | **Main Statutory obligations** |
| **Category 1 young person**  Defined in Section 104 (2) of the Act as a child who:   1. is aged 16 or 17 2. is being looked after by  a local authority, and 3. has been looked after by a local authority for a period  of 13 weeks, or periods amounting in total to  13 weeks, which began  after he or she reached 14 and ended after he or she reached 16.   **Known as a young person looked after aged 16 or 17** | The local authority has the same statutory obligations in relation to category 1 young people as they do towards other children looked after by them, including a duty to maintain their care and support plan, carry out regular reviews of their case and appoint an independent reviewing officer for the child. In addition, they must:   * prepare an **assessment** of the child’s needs with a view to determining what advice, assistance and support it would be appropriate for them to provide him or her (both while he or she is still looked after and after they stop being looked after) –   see Section 107 of the Act   * as soon as possible after the assessment of needs is completed, prepare a **pathway plan** (which includes the child’s care and support plan and personal education plan) * keep the pathway plan under **regular review** * appoint a **personal adviser** for the child |
| **Category 2 young person**  Defined in Section 104 (2) of the Act as a child who:   1. is aged 16 or 17 2. is not being looked after by  a local authority or local authority in England, and 3. immediately before ceasing to be looked after, was a category 1 young person.   **Known as a care leaver under 18** | Full duties are set out in Section 109 of the Act. The local authority that last looked after the child must:   * safeguard and promote the child’s well-being by **maintaining** him or her, providing him or her with or maintaining him or her in **suitable accommodation**, and providing **assistance** in order to meet his or her needs in relation to **education, training or employment** as provided for in his or her pathway plan * as soon as possible after any **assessment** of needs is completed, prepare a **pathway plan** * keep the pathway plan under **regular review** * appoint a **personal adviser** for the child (unless they already did so when he or she was a category 1 child) |
| **Category 3 young person**  Defined in Section 104(2) of the Act as a young person who is aged 18 or over who:   1. has been a category 2 young person (and would continue to be so if he or she were under the age of) 18, or 2. was being looked after by a local authority when he or she reached the age of 18 and immediately before ceasing to be looked after was a category 1 child.   **Known as a care leaver aged 18 or over** | Full duties are set out in Section 110 of the Act. The responsible authority for a category 3 young person must support that young person by:   * contributing to the extent that his or her well-being requires it to **expenses incurred in living near the place where he is, or will be, employed or seeking employment** * contributing to the extent that the young person’s well-being and educational or training needs require it, to **expenses incurred in living near the place where he is, or will be, receiving education or training** * making **a grant** to the young person to the extent that the young person’s well-being and education or training needs require it to enable him or her to meet expenses connected with his or her education or training * doing anything else it considers appropriate to the extent that the young person’s wellbeing requires it * if the young person has a **post-18 living arrangement,** monitoring and maintaining the arrangement by providing advice and support to the young person and the former foster parent * taking reasonable steps to **keep in touch** with the young person, and re-establishing contact if they lose touch * continuing to keep the **pathway plan** under **regular review** * continuing the appointment of the **personal adviser** for the young person * if the young person pursues higher education in accordance with his or her pathway plan, paying a **higher education bursary** * providing the young person pursuing higher education with **suitable vacation accommodation,** or paying the young person enough to secure accommodation   The duties continue until the category 3 young person reaches 21; or, where the programme extends beyond age 21, until the programme of education or training finishes. Where the young person ceases to pursue a programme of training or education in accordance with his or her pathway plan, the local authority may disregard any interruption if it is satisfied that the young person will resume the programme as soon as reasonably practicable. |
| **A category 4 young person**  Defined as a person who:   1. is a category 3 young person towards whom the duties under sections 105, 106, 107(3) and (10) and 110 of the Act have ceased to apply (see section 111 of the Act) 2. has informed the local authority that he or she is pursuing, or wishes to pursue, a programme of education or training, and 3. has not reached the age of 25 or any lower age specified.   **Known as a young person who reconnects to care for education or training purposes** | Full duties are set out in section 112 of the Act.  The local authority for a category 4 young person must support that young person to the extent that his or her educational needs require it by:   * contributing to **expenses** incurred by the young person in **living near the place where he or she is, or will be, receiving education or training** * making a **grant** to the young person to enable him or her to meet expenses connected with his or her education or training * if the young person pursues higher education in accordance with his or her pathway plan, paying a **higher education bursary** * appointing a **personal adviser** for that person * preparing a **pathway plan**   The duties continue until the category 4 young person reaches 25; or, where the programme extends beyond age 25, until the programme of education or training finishes. Where the young person ceases to pursue a programme of training or education in accordance with his or her pathway plan, the local authority may disregard any interruption if it is satisfied that the young person will resume the programme as soon as reasonably practicable. |
| **Category 5 young person**  Defined as a person:   1. who has reached the age of 16 but has not yet reached the age of 21 2. with respect to whom a special guardianship order is in force (or was in force when he or she reached 18), and 3. who was looked after immediately before the making of that order.   **Known as a young person who left care under a Special Guardianship Order** | Full duties are set out in Section 114 of the Act. The local authority must consider whether the young person needs support of a kind which it can give under Section 114. If the local authority is satisfied that the person who was looking after  the young person does not have the necessary facilities for advising or befriending him or her, the local authority must **advise and befriend** the young person and support them:   * in kind * by contributing to **expenses** incurred by  the young person **in living near the place where he or she is, or will be, employed or seeking employment** * by contributing to **expenses** incurred by  the young person **in living near the place where he or she is, or will be, receiving education or training** * by making a **grant** to enable him or her to meet expenses connected with his or her education or training * by **providing accommodation** if support may not be given under the preceding three bullet points * **in cash**   The local authority may also give support in certain circumstances if the young person is under the age of 25 and would be a category 5 young person if they were under the age of 21.  In certain circumstances, the local authority may disregard any interruption in training or education if it is satisfied that the young person will resume the programme as soon as reasonably practicable. In these circumstances, it may provide the young person with suitable vacation accommodation or pay enough to secure accommodation. |
| **Category 6 young person**  Defined as a person, other than a category 5 young person, who:   1. at any time after reaching the age of 16 but while still a child was, but is no longer, looked after, accommodated or fostered 2. if so accommodated or fostered is now within Wales, and 3. has not yet reached the age of 21.   **Known as a young person who did not qualify as a care leaver** | Full duties are set out in Section 115. The local authority must consider whether the conditions below are satisfied in relation to the young person:  The young person needs support of a kind which the local authority can give, and the local authority is satisfied that the person who was looking after, accommodating or fostering the young person does not have the necessary facilities for advising or befriending him or her**. If these two conditions are met, the local authority must advise and befriend the young person**.  Where the local authority, by virtue of Section 115, is under a duty or is empowered to advise and befriend the young person it may provide support:   * in kind * by contributing to **expenses** incurred by the young person **in living near the place where he or she is, or will be, employed or seeking employment** (this and the following two bullets are only available if the young person is in this category by virtue of falling within Section 104(3)(a) of the Act) * by contributing to **expenses** incurred by the young person **in living near the place where he or she is, or will be, receiving education or training** * by making a **grant** to the young person  to enable him or her to meet expenses connected with his or her education or training * by **providing accommodation** if support may not be given in respect of the accommodation mentioned above   in **cash**  The local authority may also give support in certain circumstances if the young person is under the age of 25 and would be a category 6 young person if they were under the age of 21.  In certain circumstances, the local authority may disregard any interruption in training or education if it is satisfied that the young person will resume the programme as soon as reasonably practicable. The local authority may then provide the young person with suitable vacation accommodation, or pay enough to secure accommodation. |