

Doc A: Table setting out the provisions in the Children Act 1989 (“the 1989 Act”) which are disapplied in relation to Wales as a result of the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) Regulations 2016 (“the 2016 Regulations”) and the corresponding provision in the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”).

TABLE OF DESTINATIONS		
Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 17 - provision of services for children in need and their families	<p>Amendments in the 2016 Regulations will take effect from 6 April 2016 to modify the 1989 Act so that the obligations in Part 3 of and Schedule 2 to the 1989 Act will apply only to local authorities in England.</p> <p>The 2016 Regulations also make amendments to relevant provisions within the 1989 Act and in the 2014 Act to ensure the continued cross-border operation of the provisions within Part 3 of and Schedule 2 to the 1989 Act and to the analogous provisions referred to below within the 2014 Act.</p>	
Section 17 (1)(a)	<p><u>section 2(2) and (3)</u> – meaning of well-being;</p> <p><u>section 5</u> – well-being duty;</p>	Concept of “child in need” within the 1989 Act is not replicated in the 2014 Act, which adopts a “people” model - a child can be a person who has a need for care and support under Part 4 of that Act.
Section 17 (1)(b)	<u>section 6(4)(a)</u> – other overarching duties	
Section 17 (2)	Not required given different format of the 2014 Act	This provision in the 1989 Act introduces Part 1 of Schedule 2 (Provision of services for families).
Section 17 (3)	<p><u>section 21(2)</u> – duty to assess needs of a child for care and support;</p> <p><u>section 37(2)</u> – duty to meet care and support needs of a child;</p> <p><u>section 38(1), (2) and (4)</u> – power to meet care and support needs of a child; and</p>	<p>The 2014 Act maintains the concept of a local authority being responsible for a child “within” its area.</p> <p>The discretion to provide services for a child, or someone other than the child who has needs for care and support is maintained.</p>

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	<u>section 34(1)(c)</u> – how to meet needs	
Section 17 (4)		<p>The power for the Welsh Ministers to amend the duties of a local authority contained in Part 1 of Schedule 2 to the 1989 Act by order is not replicated in terms.</p> <p>There are many regulation-making powers for the Welsh Ministers within Parts 4 and 6 of the 2014 Act, which will enable them to prescribe (where relevant) the nature and extent of local authority’s duties. Additionally, there are powers within Part 8 of the 2014 Act to give guidance and to make provision about the exercise by local authority of its (relevant) duties within a code of practice which may be issued under section 145 of the 2014 Act.</p>
Section 17 (4A)	<p><u>section 21(4)(b)(i)</u> – duty to assess the needs of a child for care and support;</p> <p><u>section 6(2)(a)</u> – other overarching duties</p>	Duty to ascertain wishes and feelings of child.
Section 17 (5)	<u>section 16</u> – promoting social enterprises, co-operatives, user-led services and the third sector	Section 16 of the 2014 Act contains a wider duty than that set out in the 1989 Act.
Section 17 (6) – (9)	<p><u>section 34</u> – how to meet needs;</p> <p><u>section 59</u> – power to impose charges; <u>section 60</u> – persons upon whom charges may be imposed; <u>section 61</u> – regulations about the exercise of a power</p>	<p>Difference in current provision within the 1989 Act – no provision within the Act to enable a charge to be imposed directly upon a person under the age of 18.</p> <p>Sections 59 – 69 are contained in Part 5 of the 2014 Act (charging and financial assessment); subsequent references within the table will refer to these sections collectively as “Part 5 - (charging and financial assessment)”.</p>

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	to impose a charge; <u>section 62</u> – regulations disapplying a power to impose a charge; <u>section 63</u> - duty to carry out a financial assessment; <u>section 64</u> – regulations about financial assessments; <u>section 65</u> – regulations disapplying the duty to carry out a financial assessment; <u>section 66</u> – determination as to a person’s ability to pay a charge; <u>section 67</u> – duty to give effect of determination to pay a charge; <u>section 68</u> – deferred payment agreements; <u>section 69</u> – charging for preventative services.	
Section 17 (10)	Not replicated	The 1989 Act concept of a “child in need” is not replicated in the 2014 Act.
Section 17 (11)	<u>section 3</u> – meaning of “adult”, “child”, “carer” and “disabled”	The 1989 Act definition of “disabled” contained in subsection (11) of section 17 is not replicated in the 2014 Act; instead the definition used in the Equalities Act 2010 is applied (subject to a regulation-making power within section 3(6) of the 2014 Act which allows the Welsh Ministers to make modifications to the definition for the purposes of the Act).
Section 17 (12)	Not replicated.	The regulation-making power for the Treasury contained in section 17(12) of the

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
<p>Section 17ZA – 17ZI</p> <p>Section 17ZA – young carers’ needs assessments: England</p> <p>Section 17ZB young carers’ needs assessments: supplementary</p> <p>Section 17ZC consideration of young carers’ needs assessments</p> <p>Section 17ZD parent carers’ needs assessments: England</p> <p>Section 17ZE parent carers’ needs assessments: supplementary</p> <p>Section 17ZF consideration of parent carers’ needs assessments</p> <p>Section 17ZG</p> <p>Section 17 services: continued provision where EHC plan is maintained</p> <p>Section 17ZH</p> <p>Section 17 services: transition for children to adult care and support and</p> <p>Section 17ZI</p> <p>Section 17 services: provision after EHC plan no longer maintained</p>	<p>Not replicated</p>	<p>1989 Act is not replicated in the 2014 Act.</p> <p>Section 17ZA – 17ZI have never applied in relation to Wales.</p> <p>Amendments within the 2016 Regulations will remove the references to the application of these sections to England only.</p> <p>This is because within the 2016 Regulations, the 1989 Act will be modified so that the obligations in Part 3 of and Schedule 2 will apply only to local authorities in England, making the additional geographic restrictions otiose.</p> <p>For provision about carers within the 2014 Act: See – section 40 (duty to meet support needs of an adult carer); section 41 (duty to meet support needs of an adult carer: supplementary); section 42 (duty to meet support needs of a child carer); section 43 (duty to meet support needs of a child carer: supplementary); section 44 (supplementary provision about the duties to meet carer’s needs), and section 45 (power to meet support needs of a carer).</p>
<p>Section 17A – direct payments</p>		
<p>Section 17A (1)</p>	<p>section 51 – direct payments to meet a child’s needs, section 52 – direct</p>	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	payments to meet a carer's needs, <u>section 53</u> – direct payments: further provision	
Section 17A (2)	<u>section 51</u> – direct payments to meet a child's needs, subsections (2) and (5) are relevant, and <u>section 53</u> – direct payments : further provision.	A wider class of persons are entitled to receive direct payments under new provisions. Children of sufficient age and understanding are able to receive direct payments in their own right.
Section 17A (3)	<u>section 53</u> – direct payments : further provision, subsections (1) and (2) are particularly relevant	Section 17A(3) of the 1989 Act operates by incorporation of the provision within section 57(3) to (5) and (7) of the Health and Social Care Act 2001. Note: the provision made in section 57(7) of the 2001 Act is not replicated in the 2014 Act because the prohibition on the use of direct payments for purchase of residential care is not replicated for recipients of direct payments under Part 4 of the 2014 Act.
Section 17A (4)	<u>section 53</u> – direct payments : further provision, subsection (7).	
Section 17A (5)	<u>section 53</u> – direct payments: further provision, subsections (7), (8).	Changes have been made to these provisions to equalise the position of charging / seeking of contributions for service provision / direct payments. Contributions to a direct payment may no longer be sought from directly from person under the age of 18.
Section 17A (6)		Not replicated.
Section 17B – vouchers for persons with parental responsibility for disabled children		This provision not replicated in the 2014 Act.
Section 18 – day care for pre-school	<u>section 15</u> – preventative	Subsections (2) and (6) of section 18 of the 1989 Act (which applied only in relation

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
and other children	services; <u>section 34</u> – how to meet needs	to Wales) are repealed with effect from 6 April 2016 by the 2016 Regulations.
Section 19 – Review of provision for day care, child minding etc		This was repealed by section 149(2) of the Education Act 2002
Section 20 – provision of accommodation for children: general		
Section 20 (1)	<u>section 74</u> – child or young person looked after by a local authority <u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (1)	
Section 20 (2)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (2)	
Section 20 (3)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (3)	
Section 20 (4)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (1)(c)	
Section 20 (5)		The provision is not replicated in the 2014 Act.

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 20 (6)	<u>section 5</u> – well-being duty; <u>section 6</u> – other overarching duties, subsections (1), (2)	
Section 20 (7)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (4)	
Section 20 (8)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (5)	
Section 20 (9)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (6)	
Section 20 (10)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (7)	
Section 20 (11)	<u>section 76</u> – accommodation for children without parents or who are lost or abandoned etc, subsection (8)	
Section 21 – provision of accommodation for children in police protection or detention or on remand, etc	<u>section 77</u> – accommodation for children in police protection or detention or on remand, etc	Note: section 21(2)(c) of the 1989 Act was repealed by the Legal Aid, Sentencing and Punishment of Offenders Act 2012.

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 22 – general duty of local authority in relation to children looked after by them		
Section 22 (1) and (2)	<u>section 74</u> – child or young person looked after by a local authority	
Section 22 (3)	<u>section 78</u> – principal duty of local authority in relation to looked after children, subsection (1)	
Section 22 (3A)	<u>section 78</u> – principal duty of local authority in relation to looked after children, subsection (2)	
Section 22 (3B) – (3C)		Not replicated in the 2014 Act.
Section 22 (4) – (5)	<u>section 6</u> - other overarching duties: general, subsections (1)(c), (2), and (4)(b); <u>section 7</u> – other overarching duties: UN Principles and Convention, subsection (2); <u>section 78</u> – principal duty of local authority in relation to looked after children, subsection (3)	
Section 22 (6)	<u>section 78</u> – principal duty of local authority in relation to looked after children , subsection (4)	
Section 22 (7) – (8)		The powers of the Welsh Ministers in section 22(7) and (8) of the 1989 Act have not been replicated in the 2014 Act.
Section 22A – provision of accommodation for children in care	<u>section 79</u> – provision of accommodation for children in care	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 22B – maintenance of looked after children	<u>section 80</u> – maintenance of looked after children	
Section 22C – ways in which looked after children are to be accommodated and maintained		
Section 22C (1) – (9)	<u>section 81</u> – ways in which looked after children are to be accommodated and maintained, subsections (1) – (9)*	* Subsections (10) – (12) of section 81 of the 2014 Act are new provisions. They give priority to placements which will afford “early permanence” for a child who is to be adopted – placements are permitted with prospective adoptive parents with whom the child has been matched after a decision has been made that the child is to be adopted but before a placement order has been made. See also regulation 25 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 (S.I. 2015/1818 (W. 261)).
Section 22C (10)	<u>section 81</u> – ways in which looked after children are to be accommodated and maintained, subsection (13)	
Section 22C (11)	<u>section 87</u> - regulations about children looked after by local authorities	
Section 22C (12)	<u>section 197</u> – general interpretation and index of defined expressions, for definition of “local authority foster parent”; <u>section 87</u> – regulations about looked after children <u>section 93</u> - regulations providing for approval of local authority foster parents	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 22D – review of child’s case before making alternative arrangements for accommodation	<u>section 82</u> – review of child’s case before making alternative arrangements for accommodation	
Section 22E – children’s homes provided by the appropriate National Authority*	<u>section 86</u> – children’s homes provided, equipped and maintained by the Welsh Ministers	* The Welsh Ministers are defined as the “appropriate national authority” in relation to Wales by section 30A(b) of the 1989 Act. The 2016 Regulations amend the relevant provisions to make reference to the Secretary of State and remove references to the “appropriate national authority” within Part 3 of and Schedule 2 to the 1989 Act.
Section 22F – regulations as to children looked after by local authorities*	<u>section 87</u> – regulations about looked after children	*This section of the 1989 Act introduces Part 2 of Schedule 2, which makes further provision about children looked after by local authorities and in particular as to the regulations that may be made by the appropriate authority.
Section 22G – general duty of local authority to secure sufficient accommodation for looked after children	<u>section 75</u> – general duty of local authority to secure sufficient accommodation for looked after children	
Section 23 – provision of accommodation and maintenance by local authority children whom they are looking after		Section 23 of the 1989 Act was replaced by section 22B – 22F (in accordance with amendments made by the Children and Young Persons Act 2008). The rights and duties contained in the substituted provisions have been replicated in the 2014 Act notwithstanding that not all such provision had been commenced in relation to Wales. This section is not replicated in the 2014 Act.
Section 23ZA – duty of local authority to ensure visits to, and	<u>section 97</u> – duty of local authority to ensure visits to, and	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
contact with, looked after children and others	contact with, looked after children and other children	
Section 23ZB – independent visitors for children looked after by a local authority	<u>section 98</u> – independent visitors for looked after children	
Section 23A – the responsible authority and relevant children	In the 2014 Act the concept of a “relevant child” has been replaced with that of a “category 2 young person” although the qualifying criteria remains the same – see section 104 of the 2014 Act.	
Section 23A (1) and (2)	<u>section 104</u> – young people entitled to support under sections 105 – 115, subsections (1) and (2)	See the definition of “category 2 young person”.
Section 23A (3) and (5)	<u>section 104</u> – young people entitled to support under sections 105 – 115, subsection (6)	
Section 23A (4)	<u>section 104</u> – young people entitled to support under sections 105 – 115, subsections (5), (6)	
Section 23B – additional functions of the responsible authority in respect of relevant children		
Section 23B (1)	<u>section 105</u> – keeping in touch, subsection (1)	
Section 23B (2)	<u>section 106</u> – personal advisers, subsections (1), (2) and (4)	
Section 23B (3)	<u>section 107</u> – pathway assessments and plans: general, subsections (2), (3), (6) and (7)	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 23B (4) – (7)		These subsections are not replicated in the 2014 Act; they were replaced in the 1989 Act by the inserted section 23CA (further assistance to pursue education or training) and amendments to section 23E (pathway plans) of the 1989 Act by the Children and Young Persons Act 2008, section 22. Analogous provision is made in the 2014 Act.
Section 23B (8)	<u>section 109</u> – support for category 2 young people, subsection (1)	
Section 23B (9)	<u>section 109</u> – support for category 2 young people, subsection (2)	
Section 23B (10)	<u>section 109</u> – support for category 2 young people, subsection (3)	
Section 23B (11)	<u>section 105</u> – keeping in touch, subsection (2)	
Section 23B (12)	<u>section 117</u> – charging for provision under sections 109 to 115; <u>Part 5</u> – (charging and financial assessment)	Difference in the provision within the 1989 Act – there is no power within the 2014 Act to enable a charge to be imposed directly upon a person under the age of 18. No charge may be imposed for the provision of advice.
Section 23B (13)	<u>section 6</u> – other overarching duties, subsections (1)(c), (2)(a) and (4)(b); <u>section 7</u> – other overarching duties: UN Principles and Convention	
Section 23C – continuing functions in respect of former relevant children	In the 2014 Act the concept of a “former relevant child” has been replaced with that of a “category 3 young person” although the qualifying criteria remains the same - see section 104 of the Act and the definition of “category 3 young person”.	
Section 23C (1)(a) and (b)	<u>section 104</u> – young people entitled to support under sections 105 to 115,	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	subsections (1), (2) and (5)(b); <u>section 111</u> – cessation of duties in relation to category 3 young people	
Section 23C (2)(a)	<u>section 105</u> – keeping in touch, subsection (1); <u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(b)	
Section 23C (2)(b)	<u>section 105</u> – keeping in touch, subsection (2); <u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(b)	
Section 23C (3)(a)	<u>section 106</u> – personal advisers, subsections (1), (2) and (3)(a); <u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(b)	
Section 23C (3)(b)	<u>section 107</u> – pathway assessments and plans: general, subsections (2), (3), (10) and (12); <u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(b)	
Section 23C (4)*	<u>section 110</u> –	*This subsection operates by incorporation

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	<p>support for category 3 young people, subsection (1);</p> <p><u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(a)</p>	of reference to provision in section 24B(1) and 24B(2) of the 1989 Act.
Section 23C (5)	<p><u>section 110</u> – support for category 3 young people, subsection (4);</p> <p><u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(a)</p>	Note: the 2014 Act does not replicate the requirement set out in section 23C(5) of the 1989 Act to demonstrate “exceptional circumstances” for support to be provided in the form of cash.
Section 23C (5A)	<p><u>section 110</u> – support for category 3 young people, subsection (6);</p> <p><u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(a)</p>	
Section 23C (5B)	<u>section 116</u> – supplementary provision about support for young persons in further or higher education	
Section 23C (5C)	<u>section 110</u> – support for category 3 young people, subsection (7)	
Section 23C (6) and (7)	<u>section 111</u> – cessation of duties in relation to category 3 young people	
Section 23C (8)	<u>section 111</u> – cessation of duties in relation to category 3	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	young people, subsection (3)	
Section 23C (9)*	<u>section 110</u> – support for category 3 young people, subsections (8), (9) and (10); <u>section 111</u> – cessation of duties in relation to category 3 young people, subsections (1) and (2)(a)	* This subsection operates by incorporation of provision within section 24B(5) of the 1989 Act.
Section 23C (10)	<u>section 117</u> – charging for provision under sections 109 to 115; <u>Part 5</u> – (charging and financial assessment)	Difference in provision within the 1989 Act – no provision within the 2014 Act to enable a charge to be imposed directly upon a person under the age of 18. No charge may be imposed for the provision of advice.
Section 23CA – further assistance to pursue education or training*	* obligations to young persons covered within this provision of the 1989 Act (without a descriptor) have been defined as “category 4 young persons” within the 2014 Act.	
Section 23CA (1)	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsections (1), (2) and (5)(b); <u>section 113</u> – cessation of duties in relation to category 4 young people	
Section 23CA (2)	<u>section 106</u> – personal advisers,	
Section 23CA (3)	<u>section 107</u> – pathway assessments and plans: general, subsections (4), (5), (6), (7)(b) and (13); <u>section 113</u> – cessation of duties in relation to category 4 young people	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 23CA (4) and (5)	<u>Section 112</u> – support for category 4 young persons, subsection (1); <u>section 113</u> – cessation of duties in relation to category 4 young people	
Section 23CA (6)	<u>section 113</u> – cessation of duties in relation to category 4 young people	
Section 23CA (7)	<u>section 113</u> – cessation of duties in relation to category 4 young people, subsection (2)	
Section 23CA (8)	<u>section 117</u> – charging for provision under sections 109 to 115; Part 5 – (charging and financial assessment)	Difference in current provision within the 1989 Act – no provision within the 2014 Act to enable a charge to be imposed directly upon a person under the age of 18. No charge may be applied for the provision of advice.
Section 23CA (9)	<u>section 112</u> – support for category 4 young persons, subsection (4); <u>section 113</u> – cessation of duties in relation to category 4 young people	
Section 23CA (10)	<u>section 112</u> – support for category 4 young persons, subsections (3), (4) and (5); <u>section 113</u> – cessation of duties in relation to category 4 young people	
Section 23CA (11)	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsections (5) and (6)	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
Section 23D – personal advisers	<u>section 106</u> - personal advisers	
Section 23E – pathway plans	<u>section 107</u> – pathway assessments and plans: general	
Section 24 – persons qualifying for advice and assistance		
Section 24 (1) and (1A)*	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsections (1), (2) and (5);	* Obligations to young persons covered by this provision of the 1989 Act are replicated in respect of those young persons within the definition of a “category 5 young person” within the 2014 Act.
Section 24 (1) and (1B)*	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsections (1) - (5);	* Obligations to young persons covered by this provision of the 1989 Act are replicated in respect of those young persons within the definition of a “category 6 young person” within the 2014 Act.
Section 24 (2)	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsection (3)	
Section 24 (3)	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsection (4)	
Section 24 (4)	<u>section 105</u> – keeping in touch, subsection (5)	
Section 24 (5)(za)	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsection (5)(c)	
Section 24 (5)(a)	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsection (5)(d)	
Section 24 (5)(b)	<u>section 104</u> – young	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	people entitled to support under sections 105 to 115, subsection (5)(e)	
Section 24A* – advice and assistance	* Support under this provision is expressed to apply to category 5 and 6 young persons within the 2014 Act.	
Section 24A (1)	<u>section 114</u> – support for category 5 young people and former category 5 young people, subsection (1) <u>section 115</u> – support for category 6 young people and former category 6 young people, subsection (1)	
Section 24A (2)	<u>section 114</u> – support for category 5 young people and former category 5 young people, subsection (2) <u>section 115</u> – support for category 6 young people and former category 6 young people, subsection (2)(a) and (b)	
Section 24A (3)(a)	<u>section 114</u> - support for category 5 young people and former category 5 young people, subsection (3); <u>section 115</u> - support for category 6 young people and former category 6 young people, subsection (3)(a)	
Section 24A (3)(b)	<u>section 115</u> - support for category 6 young people and former	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	category 6 young people, subsection (3)(b)	
Section 24A (4)	<u>section 114</u> - support for category 5 young people and former category 5 young people, subsection (3); <u>section 115</u> - support for category 6 young people and former category 6 young people, subsection (4)	
Section 24A (5)(a)	<u>section 114</u> - support for category 5 young people and former category 5 young people, subsection (4)(d); <u>section 115</u> – support for category 6 young people and former category 6 young people, subsection 5(c)	
Section 24A (5)(b)	<u>section 114</u> - support for category 5 young people and former category 5 young people, subsection (4)(f); <u>section 115</u> – support for category 6 young people and former category 6 young people, subsection 5(d)	
Section 24A (6)	<u>section 117</u> – charging for provision under sections 109 to 115; <u>Part 5</u> – (charging and financial	Difference in current provision within the 1989 Act – no provision within the 2014 Act to enable a charge to be imposed directly upon a person under the age of 18. No charge may be imposed for the

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	assessment)	provision of advice.
Section 24B – employment and training	* Support currently provided under this provision of the 1989 Act will be provided under the 2014 Act to category 5 young persons and to those category 6 young persons who fulfil the criteria set out in section 104(3)(a) of the 2014 Act.	
Section 24B (1)	<p><u>section 114</u> - support for category 5 young people and former category 5 young people, subsections (3) and (4)(b);</p> <p><u>section 115</u> - support for category 6 young people and former category 6 young people, subsections (4) and (5)(b)(i)</p>	
Section 24B (2) and (3)	<p><u>section 114</u> – support for category 5 young people and former category 5 young people, subsections (4)(c) and (d) and (5);</p> <p><u>section 115</u> – support for category 6 young people and former category 6 young people, subsections (5)(b)(ii), (iii) and (6)</p>	
Section 24B (3)	<p><u>section 114</u> - support for category 5 young people and former category 5 young people, subsection (5);</p> <p><u>section 115</u> - support for category 6 young people and former category 6 young people, subsection (6)</p>	
Section 24B (4)	<u>section 114</u> - support for category	

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Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	5 young people and former category 5 young people, subsection (6); <u>section 115</u> - support for category 6 young people and former category 6 young people, subsection (7)	
Section 24B (5)	<u>section 114</u> - for category 5 young people and former category 5 young people, subsection (7); <u>section 115</u> - support for category 6 young people and former category 6 young people, subsection (8)	
Section 24B (6)	<u>section 116</u> – supplementary provision about support for young persons in further or higher education	
Section 24C – information	<u>section 118</u> - information	
Section 24D – representations: sections 23A to 24B		
Section 24D (1)	<u>section 176</u> – representations relating to former looked after children etc, subsections (1), (2) and (5)	
Section 24D (1A)	<u>section 176</u> – representations relating to former looked after children etc, subsection (3)(b)	Section 176(3)(a) of the 2014 Act is a new provision, which gives further examples of how the regulation-making power under subsection (1) may be used – in this example to impose requirements regarding the procedure the LA must establish for

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
		considering representations and complaints.
Section 24D (2)	<u>section 176</u> – representations relating to former looked after children etc, subsection (4)(b)	Section 176(4)(a) contains a new requirement, which requires the LA to give publicity to its procedure for making representations and complaints.
Section 25 – use of accommodation for restricting liberty	<u>section 119</u> – use of accommodation for restricting liberty	<p>Amendments made (with effect from 6 April 2016) by the 2016 Regulations to both section 25 of the 1989 Act and section 119 of the 2014 Act ensure the continued ability of local authorities to place children they look after in secure accommodation cross-border.</p> <p>The amendments require that all applications in relation to applications for secure accommodation situate in England will be made by local authorities in England <u>and</u> in Wales under section 25 of the 1989 Act.</p> <p>All applications in relation to applications for secure accommodation situate in Wales will be made by local authorities in Wales <u>and</u> in England under section 119 of the 2014 Act.</p>
Section 25A – appointment of independent reviewing officer	<u>section 99</u> – appointment of independent reviewing officer	
Section 25B – functions of the independent reviewing officer	<u>section 100</u> – functions of the independent reviewing officer	
Section 25C – referred cases	<u>section 101</u> – referred cases	
Section 26 – review of cases and inquiries into representations		
Section 26 (1)	<u>section 102</u> – review of cases and	

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	inquiries into representations, subsection (1)	
Section 26 (2)	section 102 – review of cases and inquiries into representations, subsection (2)	<p>Paragraph (2)(k) and subsections (2A) – (2D) of section 26 of the 1989 Act were repealed by the Children and Young Persons Act 2008 (section 10) and substituted with the provision made in sections 25A, 25B and 25C of the 1989 Act.</p> <p>The repeal and substitution was not commenced in relation to Wales prior to April 2016. However, the provision in the 2014 Act, sections 99 – 101, replicate the provision made by sections 25A, 25B and 25C of the 1989 Act.</p>
Section 26 (3)	<u>section 174</u> – representations relating to certain children etc, subsections (1)(a) and (3)	<p>The provision made by section 174(3) of the 2014 Act replicates the provision made by section 26(3)(a) – (e).</p> <p>A new category of person qualifying to make representations is included in the list with section 174(3) (at paragraph (e) – a prospective adopter with whom the child is placed in accordance with section 81(11) of the 2014 Act.</p>
Section 26 (3A)	<u>section 174</u> – representations relating to certain children etc, subsection (2)	<p>Section 174(2)(b) contains a new “qualifying function”, which relates to the safeguarding functions under Part 7 of the 2014 Act. There is no analogous provision in the 1989 Act.</p> <p>Subsection (2)(a) and (c) replicate the provision made in section 26(3A)(a) and (b) of the 1989 Act.</p>
Section 26 (3B)	<u>section 174</u> – representations relating to certain children etc, subsections (1)(c) and (5)	
Section 26 (3C)	<u>section 174</u> – representations relating to certain children etc, subsections (1)(b)	

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	and (4)	
Section 26 (4)	<u>section 174</u> – representations relating to certain children etc, subsections (6) and (8)	
Section 26 (4A)	<u>section 175</u> – representations relating to certain children etc: further provision, subsection (3)	
Section 26 (5)	<u>section 174</u> – representations relating to certain children etc, subsection (7); <u>section 175</u> – representations relating to certain children etc: further provision, subsection (1)	
Section 26 (5A)	<u>section 174</u> – representations relating to certain children etc, subsections (6), (7) and (8) <u>section 175</u> – representations relating to certain children: further provision, subsection (1)	
Section 26 (6)	<u>section 175</u> – representations relating to certain children: further provision, subsections (1) and (2)	
Section 26 (7)	<u>section 175</u> – representations relating to certain children: further	

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	provision, subsections (4), (5) and (6)	
Section 26 (8)	<u>section 174</u> – representations relating to certain children etc, subsection (9)	
Section 26ZB – representations: further consideration (Wales)	Section 177 of the 2014 Act replicates the provision made in section 26ZB of the 1989 Act and contains new provision within subsection (4), which permits referral of a representation or matter raised in a representation to the Public Services Ombudsman for Wales (or to any other person or body that is prescribed in regulations which may be made by the Welsh Ministers).	
Section 26ZB (1)	<u>section 177</u> – further consideration of representations, subsection (1)	
Section 26ZB (2)	<u>section 177</u> – further consideration of representations, subsection (2)	
Section 26ZB (3)	<u>section 177</u> – further consideration of representations, subsection (3)(a) – (c)	
Section 26ZB (4)	<u>section 177</u> – further consideration of representations, subsection (3)(d) – (f)	
Section 26A – advocacy services		
Section 26A (1)	<u>section 178</u> - assistance for persons making representations, subsection (1)	
Section 26A (2)	<u>section 178</u> - assistance for persons making representations, subsection (3)	
Section 26A (2A)	<u>section 178</u> - assistance for persons making	

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	representations, subsection (2)	
Section 26A (3)	<u>section 178</u> - assistance for persons making representations, subsections (4) and (5)	
Section 26A (4)	<u>section 178</u> - assistance for persons making representations, subsection (6)	
Section 26A (5)	<u>section 178</u> - assistance for persons making representations, subsection (7)	
Section 27 – co-operation between authorities	<p><u>section 164</u> – duty to co-operate and provide information in the exercise of social services functions, subsections (1), (2) and (4);</p> <p><u>section 164A</u> – duty of other persons to co-operate and provide information</p>	<p>The obligations within section 164 of the 2014 Act, duty to co-operate and provide information in the exercise of social services functions, apply to a wider range of persons and bodies than apply in relation to section 27 of the 1989 Act. This section applies to co-operation between bodies within Wales.</p> <p>The provisions in subsections (3), (5) – (7) of section 164 do not replicate provision made in section 27 of the 1989, they are new.</p> <p>The 2016 Regulations insert a new section 164A into the 2014 Act, which makes provision about the obligations of local authorities and other bodies in England to co-operate in light of requests made by local authorities in Wales.</p> <p>The obligations under section 27 of the 1989 Act continue to apply to local authorities in Wales when requests to co-operate are made by English local authorities.</p>
Section 28 – consultation with local education authorities		Repealed by the Secretary of State in the Local Education Authorities and Children's Services Authorities (Integration of

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
...		Functions) Order 2010 (S.I. 2010/1158) in accordance with powers in sections 162 and 181(2) of the Education and Inspections Act 2006 with the consent of the Welsh Ministers
Section 29 – recoupment of cost of providing services etc		
Section 29 (1)	<u>section 59</u> – power to impose charges; <u>section 60</u> - persons upon whom charges may be imposed; <u>section 17</u> – provision of information, advice and assistance	A charge may no longer be imposed directly upon a person under the age of 18 for services received under the 2014 Act. This does not prevent, in appropriate cases, charges for such services being imposed upon a person with parental responsibility for such a child (unless the person with parental responsibility is under the age of 18).
Section 29 (2)	<u>Part 5</u> – (charging and financial assessment); In particular – <u>section 63</u> – duty to carry out a financial assessment; <u>section 66</u> – determination as to a person’s ability to pay a charge	
Section 29 (3)	<u>Part 5</u> – (charging and financial assessment)	
Section 29 (3A)	<u>Part 5</u> – (charging and financial assessment)	
Section 29 (3B)	<u>Part 5</u> – (charging and financial assessment)	
Section 29 (4)	<u>section 60</u> – persons upon whom charges may be imposed, subsection (3)	
Section 29 (5)	<u>section 70</u> – recovery	Any sums due to a local authority under

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	of charges, interest etc, subsections (1) and (3)	section 64 of the 2014 Act, provision can be recovered either in the civil court or via the magistrates court
Section 29 (6)*	<u>section 85</u> - contributions towards maintenance of looked after children, This subsection introduces Schedule 1 to the 2014 Act - contributions towards maintenance of looked after children	* Subsection (6) introduces Part 3 of Schedule 2 to the 1989 Act.
Section 29 (7)	<u>section 193</u> – recovery of costs between local authorities, subsection (3)	Section 193 of the 2014 Act will be amended in the 2016 Regulations (with effect from 6 April 2016) to ensure that the current cross-border effect.
Section 29 (8)	<u>section 193</u> – recovery of costs between local authorities, subsections (4) and (5)	
Section 29 (9)	<u>section 193</u> – recovery of costs between local authorities, subsection (6)	
Section 29 (10)		There is no equivalent to section 29(10) of the 1989 Act within the 2014 Act. Section 29(10) applies to request for the recovery of costs where the requesting authority and the authority from whom payment is sought are both situate in England. See <u>section 193(7)</u> of the 2014 Act for analogous provision which applies where the local authority requesting the reimbursement and the local authority from whom the payment is sought are both situate in Wales.
Section 29 (11)	section 193 –	Subsection (11) is inserted into section 29

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	recovery of costs between local authorities, subsection (8)	of the 1989 Act by the 2016 Regulations. This applies where a local authority in England is seeking reimbursement from a local authority in Wales. Subsection (8) is inserted into section 193 of the 2014 Act by the 2016 Regulations.
Section 30 – miscellaneous		
Section 30 (1)		Not required to be replicated
Section 30 (2), (2A), (2B) and (4)	<u>section 195</u> – disputes about ordinary residence and portability of care and support	
Section 30A – meaning of appropriate national authority		Not required to be replicated in 2014 Act. Section 30A of the 1989 Act is repealed by the 2016 Regulations.
Section 85 – children accommodated by health authorities and local education authorities	<u>section 120</u> – assessment of children accommodated by health authorities and education authorities	Both section 85 of the 1989 Act and section 120 of the 2014 Act are amended (with effect from 6 April 2016) by the 2016 Regulations to ensure continued cross-border effect.
Section 86 – children accommodated in care homes or independent hospitals	<u>section 121</u> – assessment of children accommodated in care homes or independent hospitals	Section 86 of the 1989 Act is amended so that the obligations within that section apply in relation to accommodation situated in England only.
Section 86A – visitors for children notified to a local authority	<u>section 122</u> – visitors for children notified to a local authority <u>section 123</u> – services for children notified to a local authority	Both section 86A of the 1989 Act and section 122 of the 2014 Act are amended (with effect from 6 April 2016) by the 2016 Regulations to ensure continued cross-border effect. Accordingly, the heading to both section 86A of the 1989 Act and sections 122 and 123 are amended in the 2016 Regulations to reflect that notifications can also be made to officers of local authorities under provisions in both the 1989 Act and the 2014 Act.

TABLE OF DESTINATIONS

<i>Section / paragraph of the 1989 Act</i>	<i>Corresponding reference in the 2014 Act</i>	<i>Comment</i>
SCHEDULE 2 – LOCAL AUTHORITY SUPPORT FOR CHILDREN AND FAMILIES		
PART 1		
Provision of services for families		
paragraph 1 – identification of children in need and provision of information		
subparagraph (1)	<u>section 14</u> – assessment of needs for care and support, support for carers and preventative services	
subparagraph (2)(a)	<u>section 16</u> - promoting social enterprises, co-operatives, user led services and the third sector, subsection (1); <u>section 17</u> – provision of information, advice and assistance, subsection (1)	
subparagraph (2)(b)	<u>section 17</u> – provision of information, advice and assistance,	
paragraph 2 – maintenance of a register of disabled children	<u>section 18</u> – registers of sight-impaired, hearing-impaired and other disabled people	
paragraph 3 – assessment of children’s needs	<u>section 21</u> – duty to assess needs of a child for care and support; <u>section 22</u> – refusal of a needs assessment for a child aged 16 or 17; <u>section 23</u> – refusal of a needs	

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	assessment for a child aged under 16; <u>section 24</u> – duty to assess the needs of a carer for support; <u>section 26</u> - refusal of a needs assessment for a carer aged 16 or 17; <u>section 27</u> - refusal of a needs assessment for a carer aged under 16; <u>section 28</u> – combining needs assessments for a carer and a cared for person; <u>section 29</u> – combining needs assessments and other assessments	
paragraph 4 – prevention of neglect and abuse		
subparagraph (1)	<u>section 15</u> – preventative services, subsections (1) and (2)(e)	
subparagraph (2)	<u>section 130</u> – duty to report children at risk	
subparagraph (3)	<u>section 130</u> – duty to report children at risk	
paragraph 5 - provision of accommodation in order to protect a child		
subparagraphs (1) and (2)	<u>section 34</u> – how to meet needs, in particular, subsection (1)(c)	
subparagraph (3)	<u>Part 5</u> – (charging and financial assessment)	
paragraph 6 – provision for disabled		

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
children		
subparagraph (1)(a) and (b)	<u>section 15</u> – preventative services, subsections (1) and (2)	
subparagraphs (1)(c) and (2)	<u>section 145</u> – power to issue codes	The current duty under the paragraph 6 is not replicated in terms in the 2014 Act.
paragraph 7 – provision to reduce need for care proceedings etc.	<u>section 15</u> – preventative services, subsections (1) and (2)	
paragraph 8 – provision for children living with their families	<u>section 34</u> – how to meet needs	
paragraph 8A – provision for accommodated children	<u>section 123</u> – services for children notified to a local authority <u>section 34</u> – how to meet needs	
paragraph 9 – family centres	<u>section 15</u> – preventative services, <u>section 34</u> – how to meet needs	Paragraph 9 of Schedule 2 to the 1989 Act is not replicated in terms within the 2014 Act.
paragraph 10 – maintenance of family home	<u>section 39</u> – duty to maintain family contact	
paragraph 11 – duty to consider racial groups to which children in need belong		Paragraph 11 of Schedule 2 to the 1989 Act is not repeated in terms in the 2014 Act. Section 6 of the 2014 Act (other overarching duties: general) requires a person exercising functions under the Act to have regard to characteristics, culture and beliefs of an individual (including, for example, language).
PART 2		
Children looked after by local authorities		
paragraph 12A* – regulations as to conditions under which child in care is allowed to live with parent, etc.	<u>section 87</u> – regulations about looked after children; <u>section 88</u> - regulations as to	* There is no paragraph 12

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	conditions under which child in care is allowed to live with parent, etc	
paragraph 12B – regulations as to placements of a kind specified in section 22C(6)(d)	<u>section 87</u> – regulations about looked after children; <u>section 89</u> – regulations as to placements of a kind mentioned in section 81(6)(d)	
paragraph 12C – placements out of area	<u>section 87</u> – regulations about looked after children; <u>section 90</u> – regulations about placements out of area	
paragraph 12D – avoidance of disruption in education	<u>section 87</u> – regulations about looked after children; <u>section 91</u> – regulations about avoidance of disruption in education	
paragraphs 12E and 12F – regulations as to placing of children with local authority foster parents	<u>section 87</u> – regulations about looked after children; <u>section 92</u> – regulations about the placing of children with local authority foster parents; <u>section 93</u> – regulations providing for approval of local authority foster parents	
paragraph 12G	<u>section 87</u> – regulations about looked after children; <u>section 94</u> – regulations about agency arrangements	

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
paragraph 15* - promotion and maintenance of contact between child and family	<u>section 87</u> – regulations about looked after children; <u>section 95</u> – promotion and maintenance of contact between child and family	Paragraphs 12A-12G of Schedule 2 to the 1989 Act were substituted for paragraphs 12-14 of that Schedule by Children and Young Persons Act 2008. Sub-paragraph (6) of paragraph 15 of Schedule 2 to the 1989 Act is not replicated in the 2014 Act.
paragraph 16 – visits to or by children: expenses	<u>section 87</u> – regulations about looked after children; <u>section 96</u> – family visits to or by children: expenses	
paragraph 17* - appointment of visitor for child who is not being visited		This provision is not replicated in the 2014 Act. Instead provision analogous to that made in sections 23ZA and 23ZB (inserted into the 1989 Act by sections 15 and 16 of the Children and Young Persons Act 2008), which make provision about visits to, and contact with, looked after or accommodated children has been included (see notes to sections 23ZA and 23ZB earlier in the table).
paragraph 18* - power to guarantee apprenticeship deeds etc		* This provision is not repeated within the 2014 Act.
paragraph 19 – arrangements to assist children to live abroad	<u>section 124</u> – arrangements to assist children to live outside England and Wales	
paragraph 19A - preparation for ceasing to be looked after	<u>section 103</u> – befriending, advising and assisting looked after children	
paragraph 19B – preparation for ceasing to be looked after		
subparagraphs (1) and (2)*	<u>section 104</u> – young people entitled to support under sections 105 to 115, subsections (1) and (2)	Paragraph 19(1) and (2) of Schedule 2 to the 1989 Act make provision about the duties of a local authority towards an “eligible” child. In the 2014 Act the concept of an “eligible child” has been replaced with that of a

TABLE OF DESTINATIONS		
Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
		"category 1 young person" although the qualifying criteria remains the same – see section 104 of the Act (young people entitled to support under sections 105 to 115).
subparagraph (3)	section 104 – young people entitled to support under sections 105 to 115, subsection (6)	
subparagraph (4)	section 107 – pathway assessments and plans, subsections (1) and (3)	
subparagraph (5)	section 107 – pathway assessments and plans, subsection (10)	
subparagraph (6)	section 107 – pathway assessments and plans, subsection (11)	
subparagraph (7)	section 107 – pathway assessments and plans, subsection (8)	
subparagraph (8)	section 107 – pathway assessments and plans, subsection (9)	
paragraph 19C – personal advisers	section 106 – personal advisers	
paragraph 20 – death of children being looked after by local authorities	section 125 – death of children being looked after by local authorities	
PART 3 – Contributions towards maintenance of children		
paragraph 21 – liability to contribute	Schedule 1 – contributions towards	Schedule 1 is introduced by section 85 of the 2014 Act (contributions towards

TABLE OF DESTINATIONS

Section / paragraph of the 1989 Act	Corresponding reference in the 2014 Act	Comment
	maintenance of looked after children, paragraph 1 – liability to contribute	maintenance of looked after children).
paragraph 22 – agreed contributions	<u>Schedule 1</u> – contributions towards maintenance of looked after children, paragraph 2 – agreed contributions	A person under the age of 18 is not liable to contribute to maintenance of a looked after child.
paragraph 23 – contribution orders	<u>Schedule 1</u> – contributions towards maintenance of looked after children, paragraph 3 – contribution orders	
paragraph 24 – enforcement of contribution orders	<u>Schedule 1</u> – contributions towards maintenance of looked after children, paragraph 4 – enforcement of contribution orders	
paragraph 25 – regulations	<u>Schedule 1</u> – contributions towards maintenance of looked after children, paragraph 5 - regulations	