WELSH STATUTORY INSTRUMENTS

2011 No. 699 (W.106)

CHILDREN AND YOUNG PERSONS, WALES

The Visits to Former Looked After Children in Detention (Wales) Regulations 2011

Made - - - -	*8 March 2011*
Laid before the National Assembly for Wales - -	*10 March 2011*
Coming into force - -	*1 April 2011*

The Welsh Ministers, in exercise of the powers conferred by sections 23ZA(1)(b), (3) and (4), 104(4) and 104A of the Children Act 1989(**1**), make the following Regulations.

Title, commencement and application

1.—(1) The title of these Regulations is the Visits to Former Looked After Children in Detention (Wales) Regulations 2011 and they come into force on 1 April 2011.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

"the 1989 Act" ("*Deddf 1989*") means the Children Act 1989;

"A" ("*A*") means a child who was looked after by a local authority but has ceased to be looked after(**2**) by it as a result of the circumstances prescribed in regulation 3;

"R" ("*R*") means the representative of the responsible authority who is appointed to visit A in accordance with the arrangements made by it under section 23ZA of the 1989 Act;

"institution" ("*sefydliad*") means a young offender institution, a secure training centre or a secure children's home;

(**1**) 1989 c. 41; section 23ZA was inserted by section 15 of the Children and Young Persons Act 2008 (c. 23) ("the 2008 Act"); section 104(4) was amended by sections 39 and 42 of the 2008 Act; section 104A was inserted by section 39 of and paragraphs 1 and 26 of Schedule 3 to, the 2008 Act. The powers are expressed to be exercisable by the "appropriate national authority", defined in section 30A of the Children Act 1989 ("the 1989 Act") as meaning, in relation to Wales, the Welsh Ministers. For the definition of prescribed *see* section 105(1) of the 1989 Act.

(**2**) For the meaning of a child who is "looked after" *see* section 22(1) of the 1989 Act, as amended by section 107 of, and paragraph 19 of Schedule 5 to, the Local Government Act 2000 (c. 22), section 2 of the Children (Leaving Care) Act 2000 (c. 35) and by section 116(2) of the Adoption and Children Act 2002 (c. 38). "Local authority" is defined by section 105(1) of the 1989 Act as, in relation to Wales, "the council of a county or county borough".

"relevant youth offending team case manager" ("*rheolwr achos tîm troseddau ieuenctid perthnasol*") means the person within the responsible local authority's youth offending team(**3**) who is managing A's case;

"responsible local authority" ("*awdurdod lleol cyfrifol*") means the local authority which looked after A immediately prior to A being detained;

"secure children's home" ("*cartref diogel i blant*") means a children's home used for the purpose of restricting liberty, in respect of which a person is registered under Part II of the Care Standards Act 2000(**4**); and

"working day" ("*diwrnod gwaith*") means a day other than a Saturday, Sunday, Christmas Day, Good Friday or a Bank Holiday within the meaning of the Banking and Financial Dealings Act 1971(**5**).

(2) These Regulations do not apply to a child who is a relevant child for the purposes of section 23A of the 1989 Act(**6**).

Circumstances prescribed for the purposes of section 23ZA of the 1989 Act

3. The circumstances prescribed for the purposes of section 23ZA(1)(b) of the 1989 Act(**7**) are that the child is detained pursuant to an order of a court in—

(a) a young offender institution(**8**),

(b) a secure training centre(**9**), or

(c) a secure children's home.

Frequency of visits

4.—(1) The responsible local authority must ensure that its representative ("R") visits A—

(a) within ten working days of A first being detained, in so far as is reasonably practicable; and

(b) thereafter whenever reasonably requested to do so by—

(i) A,

(ii) a member of the staff of the institution where A is detained,

(iii) any parent of, or any other person with parental responsibility for A, or

(iv) the relevant youth offending team case manager.

(2) The responsible local authority may arrange for R to make additional visits to A, having regard to any recommendation made by R in accordance with regulation 6(1)(b).

(**3**) Under section 39(1) of the Crime and Disorder Act 1998 (c. 37) a local authority has a duty to establish one or more youth offending teams for its area.

(**4**) 2000 c. 14.

(**5**) 1971 c. 80.

(**6**) Section 23A(2) provides that a "relevant child" is a child who: (a) is not being looked after by any local authority; (b) was, before last ceasing to be looked after, an eligible child for the purposes of paragraph 19B of Schedule 2 to the 1989 Act; and (c) is aged 16 or 17. Section 23B of the 1989 Act sets out additional functions of the responsible authority in respect of relevant children.

(**7**) Section 23ZA(2) places a duty on the local authority to ensure that a person to whom the section applies is visited by a representative of the authority and to arrange for appropriate advice, support and assistance to be available to them if requested; section 23ZA(1)(b) provides that the section applies to a child who was looked after by a local authority but who has ceased to be looked after by it as a result of prescribed circumstances.

(**8**) A young offender institution is defined in section 43(1)(aa) of the Prison Act 1952 (c. 52) as amended by the Criminal Justice Act 1988 (c. 33), section 170, Schedule 15, paragraph 11, and the Criminal Justice and Public Order Act 1994 (c. 33), section 18(3), and the Criminal Justice and Immigration Act 2008 (c. 4), section 148(1), Schedule 26, Part 2, paragraph 3.

(**9**) A secure training centre is defined in section 43(1)(d) of the Prison Act 1952, as amended by the Criminal Justice and Public Order Act 1994, section 5(2), the Crime and Disorder Act 1998 (c. 3) and the Powers of Criminal Courts (Sentencing) Act 2000 (c. 6).