

Children (Leaving Care) Act 2000

Regulations and Guidance

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Foreword

This guidance is issued under section 7 of the Local Authority Social Services Act 1970, which means that it *must* be followed by councils unless there are exceptional circumstances which justify a variation. It is designed to bring to managers and practitioners an understanding of the principles behind the Children (Leaving Care) Act 2000 ("the 2000 Act"), and associated regulations, to identify the areas of change where it has amended the Children Act 1989, and to discuss the implications for policies, procedures and practice. References to section numbers relate to the Children Act 1989 as amended by the 2000 Act.

This guidance should be read in conjunction with The Children Act 1989 Guidance and Regulations. It replaces

An Introduction to the Children Act 1989
After-care: when a child ceases to be looked after – paragraphs 5.33-5.37

The Children Act 1989 Guidance and Regulations Volume 3 Family Placements, Chapter 9 After-care: advice and assistance

The Children Act 1989 Guidance and Regulations Volume 4, Chapter 7

Generally, the primary legislation applies only to England and Wales. These regulations and guidance apply only to England. The National Assembly for Wales has produced separate regulations (The Children (Leaving Care) (Wales) Regulations 2001, SI 2001/2189 (W.151)) and guidance for Wales. Section 6 of the 2000 Act (which deals with social security benefits) also applies to Scotland and will take effect there once equivalent support arrangements to those provided for by the 2000 Act for England and Wales are in place through Scottish legislation.

1. Introduction

Policy Context

- 1. The main purpose of the Children (Leaving Care) Act 2000 is to improve the life chances of young people living in and leaving local authority care. Its main aims are: to delay young people's discharge from care until they are prepared and ready to leave; to improve the assessment, preparation and planning for leaving care; to provide better personal support for young people after leaving care; and to improve the financial arrangements for care leavers.
- 2. The legislation is based upon the responses to the consultation document *Me, Survive, Out There? New Arrangements for Young People Living in and Leaving Care* published in July 1999. It followed up the commitments contained within the White Paper *Modernising Social Services* (Cm 4169) and *The Government's Response to the Children's Safeguards Review* (Cm 4105) to legislate for new and stronger duties to support care leavers.
- 3. It also builds upon a number of related initiatives underpinned by the inspection of leaving care services, research findings, development work by First Key, and is informed by the voices of young people themselves.
- 4. These initiatives include: the increasing support for care leavers as a funding priority under the Quality Protects Programme to ensure that young persons leaving care, as they enter adulthood, are not isolated and participate socially and economically as citizens; the National Priorities Guidance target for social services to improve the level of education, employment and training for care leavers; the choice of helping care leavers as the social services priority for the first year of the Beacon Council Scheme; the UK National Standards for Foster Care (especially standard 12); and the publication in July 2000 of Getting it Right: Good Practice in Leaving Care Resource Pack.
- 5. Wider Government initiatives aimed at raising achievement and combating social exclusion will also impact upon care leavers. The most directly relevant initiative is the introduction of the universal Connexions Service aimed at providing advice, guidance, support and personal development as needed to young people aged 13-19, and the wider work to tackle youth homelessness, under-achievement in education, training and employment, and teenage parenthood.

Children Act 1989

- 6. To meet its main purpose and aims the 2000 Act amends the leaving care provisions contained in section 24 of Children Act 1989 (c.41) as detailed below. The Children Act 1989 and its underlying principles provide the overall legal framework.
- 7. Key principles of the Children Act include: taking into account the views of young people, consulting with them and keeping them informed; giving due consideration to young people's race, culture, religion and linguistic background; the importance of families and working with parents; safeguarding and promoting the welfare of young people they are looking after; and the recognition of inter-agency responsibility.

8. This guidance supersedes Volume 3, Chapter 9 and Volume 4, Chapter 7, of the Children Act 1989 Guidance and Regulations.

Local Authority Aims and Objectives

- 9. The essentials of successful practice for helping care leavers have been identified in and supported by a substantial body of research findings. In summary, these are to
 - a) Provide stable placements, continuity of carers and the maintenance, wherever possible, of positive links whilst young people are 'looked after';
 - b) 'Look after' young people until they are prepared and ready to leave care;
 - c) Promote and maintain relationships with carers and families, where possible, after young people leave care;
 - d) Prepare young people gradually to be ready to leave care, paying attention to practical self-care needs health, budgeting, domestic skills and personal and relationship dimensions;
 - e) Enable young people leaving care to fulfil their potential in education, training and employment;
 - f) Ensure young people leaving care have access to a range of accommodation and the support and skills to maintain themselves in their accommodation;
 - g) Ensure that there is a contingency provision to support care leavers in the event of a crisis, including arrangements for respite care;
 - h) Provide or enable ongoing personal support. This may include specialist leaving care scheme support, support by carers and social workers, and support by youth workers, befrienders, mentors or volunteers. This is underlined by the introduction of personal advisers under the 2000 Act;
 - i) Where young people leaving care are entitled to claim welfare benefits, ensure that they receive their full entitlements;
 - j) Involve young people in all assessment, planning, review and decision-making for leaving care;
 - k) Inform young people leaving care of the available services including the provision of accessible leaving care guides and of their right to access their own records; and
 - 1) Monitor and evaluate the outcomes of (a)–(k) above.
- 10. All local authorities should work to meet these aims.
- 11. The culmination of young people's experience of being looked after by a local authority, private foster carers, a voluntary organisation or in a children's home is a successful return to their family or the establishment of a stable and positive relationship with another responsible person. Alternatively, where this is necessary, they should be enabled to become as self-supporting as possible.
- 12. It is of vital importance that young people are properly prepared for this step and are given access to support afterwards. Young people coming towards this stage will do so from a wide variety of backgrounds and in a wide variety of circumstances, at various ages and with various levels of support available to them from family and friends. All this implies the need for a very flexible service to meet such a wide range of potentially differing experiences and needs. The quality of preparation for leaving care, and of the aftercare subsequently provided, may profoundly affect the rest of a young person's life.

- 13. Whether or not the local authority has parental responsibility (under a care order), it adopts, in effect, part of the role of the parent of a young person it is looking after and to whom it will provide subsequent advice and assistance. The legislation lays duties and, in some cases, powers, on each local authority to provide this help until a young person reaches at least the age of 21. (Note: help given to meet expenses concerned with education or training may continue to the young person's 24th birthday see section 24B(3); or, in the case of a former relevant child, to the end of an agreed programme of education or training see section 23C(7)).
- 14. In acting in this way, a local authority will wish to work in partnership with the young person's parents if possible. (It may not, of course, always be possible; for example, they may have died, or they may have rejected the young person or been rejected by the young person). Similarly, if a young person has been fostered, the local authority will also need to work in partnership with the foster-carers.
- 15. These responsibilities are laid on the local authorities as corporate bodies. The social services department (SSD) is likely to play a leading role in discharging them, but it will need to liaise with many other agencies, both internally and externally for example, with housing and education departments, health authorities, the Connexions service/Careers service, and, Benefits Agency, Employment Service and Job Centre Plus.
- 16. The Children Act recognises the need for interagency liaison, and section 27 gives a local authority (in effect the SSD) the right to request help in its discharge of these functions from any other local authority, any local education authority, any local housing authority, any health authority, special health authority, primary care trust or NHS Trust and "any person authorised by the Secretary of State". Any such request is bound to be complied with "if it is compatible with [the other agency's] own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions". With this reservation, therefore, any such request must be complied with as far as possible.

2. The New Legal Framework – Executive Summary

1. The powers and duties of local authorities to prepare young people they are looking after for the time when they cease to be so looked after, and the provisions of after-care advice and assistance, are described in paragraphs 19A to 19C of Part II of Schedule 2 and in sections 23A to 23E and 24, 24A and 24B of the Children Act 1989 as amended by the 2000 Act. A duty to prepare young people for the time they are no longer cared for applies to voluntary organisations (section 61(1)(c)) and those carrying on children's homes (section 64(1)(c)). All of these powers and duties need to be carried out in the light of the general child care principles on which the Children Act is based.

Who is affected?

Eligible children	Children Act 1989 Schedule 2 Part II 19B(2) In sub paragraph (1) "eligible child" means, subject to subparagraph (3), a child who: (a) is aged sixteen or seventeen; and (b) has been looked after by a local authority for a prescribed period, or periods amounting in all to a prescribed period, which began after he reached a prescribed age and ended after he reached the age of 16. Children (Leaving Care) Regulations 2001 Regulation 3 (1) For the purposes of 19B(2)(b) of Schedule 2 to the Act, the prescribed period is 13 weeks	Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who are still looked-after
Relevant children	and the prescribed age is 14. Children Act 1989 23A(2) in subsection (1) "relevant child" means (subject to subsection (3)) 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; and (c) is aged sixteen or seventeen. Children (Leaving Care) Regulations 2001 Regulation 4 (2) For the purposes of section 23A(3), the category of children described in paragraph (2) is an additional category of relevant children.	 Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14, and have been looked after at some time while 16 or 17, and who have left care Additional groups of relevant children are those who Would have been relevant children but for the fact that on their 16th birthday they were detained through the criminal justice system, or in hospital

Relevant children (continued) (3) Any child aged 16 or 17 (not being subject to a care order(1)) who: (a) at the time when he attains the age of 16 is detained or in hospital; and (b) immediately before being detained or admitted to hospital was accommodated by a local authority for a period of at least 13 weeks which began after he reached the age of 14. (4) For the purposes of this regulation, "detained" means detained in a remand centre, a young offender institution or a secure training centre⁽²⁾, or any other institution pursuant to an order of a court. (7) Where a family placement within • Have returned home but the the meaning of paragraph (5) return has broken down breaks down and the child ceases to live with the person concerned, the child is to be treated as a relevant child. Former relevant children Children Act 1989 • Young people aged 18-21 who 23C(1) Each local authority shall have been either eligible or have the duties provided for in this relevant children, or both. If at the age of 21 the young person section towards -(a) a person who has been a relevant is still being helped by the child for the purposes of section responsible authority with 23A (and would be one if he education or training, he or she were under eighteen), and in remains a former relevant child to relation to whom they were the the end of the agreed programme last responsible authority; and of education or training even if (b) a person who was being looked that takes him or her past the after by them when he attained age of 21. the age of eighteen, and immediately before ceasing to be looked after was an eligible child, and in this section such a person is referred to as a "former relevant child" Qualifying children and young Children Act 1989 • Any young person aged under people over 16 24 (1) In this Part "a person 21 (under 24 if in education or qualifying for advice and assistance" training) who ceases to be means a person who: looked after or accommodated (a) is under twenty-one; and in a variety of other settings, or (b) at any time after reaching the privately fostered, after the age age of sixteen but while still a of 16. This includes: child was, but is no longer, Young people who leave care looked after, accommodated after October 2001, at or after or fostered the age of 16, but do not

qualify as eligible childrenYoung people who left care before October 2001

⁽¹⁾ A "care order" is defined in section 105(1) of the Act by reference to section 31(11) of that Act.

For remand centres, young offender institutions and secure training centres, see section 43 of the Prison Act 1952 (15&16 Geo 16 and Eliz 2 c.52) as amended by the Criminal Justice Act 1982 (c. 48) section 11, Criminal Justice Act 1988 (c. 33), paragraphs 11 and 12 of Schedule 15, and the Crime and Disorder Act 1998 (c. 37), paragraph 6 of Schedule 8.

The responsible authority	Children Act 1989 23A(4) In subsection (1) the "responsible local authority" is the one which last looked after the child	The council which last looked after the child or young person
	one which last looked after the child	

Who gets what?

Eligible children	Part II Schedule 2 paragraph 19C A local authority shall arrange for each child whom they are looking after who is an eligible child for the purposes of paragraph 19B to have personal adviser Part II Schedule 2 paragraph 19B(4) For each eligible child, the local authority shall carry out an assessment of his needs with a view to determining what advice, assistance and support it would be appropriate to provide him under this Act (a) while they are still looking after him; and (b) after they cease to look after him. And shall then prepare a pathway plan for him.	 All the provisions of the looked-after system Personal adviser Needs assessment Pathway Plan
Relevant children	Section 23B(2) It is the duty of each local authority to appoint a personal adviser for each relevant child (if they have not already done so under paragraph 219C of Schedule 2). Section 23B(3) It is the duty of each local authority, in relation to any relevant child who does not already have a pathway plan prepared for the purposes of paragraph 19B of Schedule 2 - (a) to carry out an assessment of his needs with a view to determining what advice, assistance and support it would be appropriate for them to provide him under this Part; and (b) to prepare a pathway plan for him. Section 23B(8) The responsible local authority shall safeguard and promote the child's welfare and, unless they are satisfied that his welfare does not require it, support him by - (a) maintaining him (b) providing him with or maintaining him in suitable accommodation; and	 Personal adviser Needs assessment Pathway Plan Accommodation and maintenance Section 23B(8) Assistance to achieve the goals (eg educational goals) agreed and set out in the Pathway Plan The responsible authority must keep in touch

Relevant children (continued)

(c) providing such other support as may be prescribed

Section 23B(11)

If the local authority have lost touch with a relevant child, despite taking reasonable steps to keep in touch, they must without delay-

- (a) consider how to re-establish contact; and
- (b) take reasonable steps to do so, and while the child is a relevant child must continue to take such steps until they succeed

Regulation 11

– For the purposes of section 23B(8)(c) (support for relevant children), the responsible local authority must provide assistance, which may be in cash, in order to meet the child's needs in relation to education, training or employment as provided for in his pathway plan.

Former relevant children

Section 23C(2)

It is the duty of a local authority to take reasonable steps

- (a) to keep in touch with a former relevant child whether he is in their areas or not; and
- (b) if they lose touch with him, to re-establish contact

Section 23C(3)

It is the duty of a local authority -

- (a) to continue the appointment of a personal adviser for a former relevant child; and
- (b) to keep his pathway plan under regular review

Section 23C(4)(a)

It is the duty of the local authority to give a former relevant child –

- (a) assistance of the kind referred to in section 24B(1), to the extent that his welfare requires it;
- (b) assistance of the kind referred to in section 24B(2), to the extent that his welfare and educational or training needs require it;
- (c) other assistance, to the extent that his welfare requires it

Section 23C (7)

If the former relevant child's pathway plan sets out a programme of education or training which extends beyond his twenty-first birthday –

- The responsible authority must keep in touch
- Personal adviser
- Pathway Plan
- Assistance with employment
- Assistance with education and training
- Assistance in general

Former relevant children (continued)

- (a) the duty set out in subsection (4)(b) continues to subsist for so long as the former relevant child continues to pursue that programme; and
- (b) the duties set out in subsections(2) and (3) continue to subsist concurrently with that duty.

Section 23C(9)

Section 24B(5) applies in relation to a person being given assistance under subsection (4)(b) as it applies in relation to a person to whom section 24B(3) applies.

Vacation accommodation for higher education or residential further education if needed

Qualifying children and young people over 16

Section 24A(3)

If the conditions are satisfied -

(a) they shall advise and befriend him if he was being looked after by a local authority or was accommodated by or on behalf of a voluntary organisation; and

Section 24(4)

In the case of a person qualifying for advice and assistance by virtue of subsection (2)(a), it is the duty of the local authority which last looked after him to take such steps as they think appropriate to contact him at such times as they think appropriate with a view to discharging their functions under sections 24A and 24B.

Section 24B(3)

This subsection applies to any person who –

- (a) is under 24; and
- (b) qualifies for advice and assistance by virtue of section 24(2)(a), or would have done so if he were under twenty-one

Section 24B(5)

Where the local authority are satisfied that a person to whom subsection (3) applies who is in full-time further or higher education needs accommodation during a vacation because his term-time accommodation is not available to him then, they shall give him assistance by -

- (a) providing him with suitable accommodation during the vacation; or
- (b) paying him enough to enable him to secure such accommodation himself

- The same benefits as under section 24 before amendment In addition,
- The responsible authority must keep in touch with local authority care leavers as they think appropriate in order to discharge their functions under sections 24A and 24B

- Local authority care leavers are entitled to assistance with education and training up to the age of 24
- Local authority care leavers are entitled to vacation accommodation for Higher Education courses or residential Further Education courses if necessary

Who is affected by the new legislation?

- 2. By regulations, this new legislation applies to all children and young people aged 16 and over who have been looked after by a local authority for at least 13 weeks after they reached the age of 14. Those 13 weeks can be continuous or made up of separate episodes of care, excluding short-term placements made by way of respite care (regulation 3(2)), but must include a period of time after reaching the age of 16.
- 3. The new duties apply whether they are in care because of a care order or are accommodated by a local authority in the exercise of its social services functions such as those under section 20 of the Children Act. Where looked-after children are placed out-of-borough, for example in residential special education placements, the placing authority (as the authority looking after the child and therefore the responsible authority) will be responsible for aftercare under the 2000 Act.
- 4. The new provisions apply regardless of any other special status a child or young person may have. For example, unaccompanied asylum-seeking children who are looked after under section 20 of the Children Act 1989 as looked-after children are also covered by these provisions. Children who are remanded into local authority accommodation are also *looked-after children* and these provisions therefore apply to them if they meet the criteria set out above. Looked-after children who enter the criminal justice system will also continue to qualify for help under the 2000 Act so long as they meet the qualifying criteria: for example, a young person's care order does not lapse if he or she enters a Young Offender's Institute. Regulation 4 defines an additional group of relevant children who would have qualified for help under the 2000 Act but for the fact that on reaching 16 they are detained whether in a remand centre, a young offender institution or a secure training centre, or any other institution ordered by a court. or in hospital.
- 5. The new legislation continues to apply to these young people until they reach the age of 21 or, if they are being helped with education or training, to the end of the agreed programme of education or training even if that takes them past the age of 21.
- 6. Section 24B(5) of the Children Act, which states that a local authority must provide either vacation accommodation or the means to secure it should this be needed by those in Higher or residential Further Education courses, applies to all local authority care leavers up to the age of 24, and to former relevant children to the end of their agreed programme of education or training.

Unaccompanied asylum-seeking children (UASC)

- 7. Unaccompanied asylum-seeking children (UASC) are covered by the Children Act 1989 and the new provisions introduced by the Children (Leaving Care) Act in exactly the same way as other children in this country. However they will also have an immigration status applying for asylum, acceptance as a refugee, granted exceptional leave to remain or refused leave to remain which will need to be taken into account by councils providing services for them.
- 8. The Home Office has responsibility for immigration issues and it has stringent targets for dealing with cases. It aims to resolve all asylum applications within six months; that is, two months for the initial application and four months for any subsequent appeals. Any young person who enters the country as an unaccompanied minor claiming asylum should therefore normally have their case resolved while they are still a minor. While they are under 18 the local authority will be responsible under the Children Act for their care and accommodation. Depending on the council's assessment of their need, applying the *Framework for the Assessment of Children in Need and their Families*, this will normally mean either accommodating them under section 20 of the Children Act 1989, or helping them under section 17. In the former case, these young people will then come within the scope of the 2000 Act.

- 9. However it is possible that someone entering the country might reach the age of 18 without having received a final decision on their asylum application for example, they might arrive and make their claim shortly before their 18th birthday. In such a case, the young person might expect to move on to the support arrangements for adult asylum seekers under the National Asylum Support Service (NASS) (the question of whether the person should apply to NASS or the local authority for support would depend on the date and location of their asylum claim). This might be vouchers only for example, where they can live with family or friends; accommodation and vouchers; or accommodation only for example, where they have been given permission to work but their income is insufficient to meet accommodation costs. At the same time, the responsible authority might have continuing duties towards the young person under the Children Act as amended by the Children (Leaving Care) Act, as a former relevant child, or as a qualifying person under section 24.
- 10. One aspect of the NASS arrangements is that asylum seekers may be dispersed around the country. However NASS will treat such 18 year-old asylum seekers sympathetically, and will not seek to disperse them, except in exceptional circumstances. In such a case NASS would contribute up to a pre-set limit to the cost of accommodation and utilities in the area where the young person was living, and if possible the same accommodation which he was already occupying. The responsible authority would be responsible for identifying and managing suitable accommodation. The responsible authority would invoice NASS for the cost of accommodation and utilities at a rate agreed by the Home Office and the Department of Health. If the actual costs exceeded this agreed amount, the responsible authority would pay the balance using section 23C in the same way as for any other former relevant child, or section 24 for a qualifying person. However, before NASS can make any payment to the local authority it will need to ensure that a valid application has been made using a NASS application form.
- 11. If the young person requires vouchers for support, these will be provided by NASS on receipt of a valid NASS application form. The Children (Leaving Care) Act (Section 23C) gives the responsible authority continuing duties to assist former relevant children with the expenses associated with education and training, with employment and in general. Although the Benefits Agency disregards payments under Section 23C and Section 24 when determining benefits entitlement for former relevant children, because of its duty to consider whether an applicant is destitute, NASS cannot automatically disregard such payments. Where the responsible authority advises NASS that further assistance may or will be provided in accordance with Section 23C the Assessment Caseworker will need to establish as precisely as possible the nature of that support, and whether it has any impact on the young person's entitlement to NASS support. For example, if they are receiving assistance solely and specifically for travel expenses in connection with their education or training, it should not be treated as other income. However, where the responsible authority makes cash payments for essential living needs, they may be treated as income.

Who is not affected by this new legislation?

Regulation 3

- (2) A child falling within paragraph (3) is not an eligible child despite falling within paragraph 19B(2) of Schedule 2 to the Act—
- (3) A child falls within this paragraph if he has been looked after by a local authority in circumstances where—
 - (a) the local authority has arranged to place him in a pre-planned series of short-term placements, none of which individually exceeds four weeks (even though they may amount in all to the prescribed period); and

(b) at the end of each such placement the child returns to the care of his parent, or a person who is not a parent but who has parental responsibility for him;

Regulation 4

- (5) Subject to paragraph (7), any child who has lived with a person falling within section 23(4) (e) of the Act ("a family placement") for a continuous period of six months or more is not to be a relevant child despite falling within section 23A(2) of the Act.
- 12. The 2000 Act is intended to help those children and young people who depend on the council in place of family. The provisions of the new legislation are modelled on what good parents would normally expect to provide for their children. That is why, through regulations, the new provisions do not apply to children who are looked after by way of respite care, but who remain the responsibility of their parents or other carers.
- 13. Regulations also stipulate that a young person who returns home successfully should cease to be a relevant child. This means that he must have been settled for at least six months with a person falling within section 23(4) of the 1989 Act that is, with a parent or other person with parental responsibility, or who had a residence order in respect of the young person before he went into care. The responsible authority will use the review of the Pathway Plan to determine whether the settlement is successful.
- 14. However the provisions of sections 24A and 24B will continue to apply to such children.

Regulation 4

- (7) Where a family placement within the meaning of paragraph (5) breaks down and the child ceases to live with the person concerned, the child is to be treated as a relevant child.
- 15. If a successful return home in fact breaks down and the young person turns again to the local authority for help before reaching the age of 18, they will revert to whatever status they would have had if they had not returned home. For example, someone who returned home at 17 as a relevant child and who came back to the local authority before reaching the age of 18 would be treated as a relevant child, if the authority was satisfied that the home relationship could not quickly be mended.

Help for those not affected by the new legislation

Section 24, 24A and 24B: Local Authority Powers and Duties

16. Broadly speaking, the powers and duties of local authorities in sections 24 and 24A to 24C of the 2000 Act cover all young people leaving a variety of forms of care when aged 16 or over; and they continue until each young person reaches the age of 21. In April 1999, in anticipation of introducing the 2000 Act, the Secretary of State issued statutory guidance (LAC(99)16) instructing local authorities to make full use of their aftercare powers at section 24. There will continue for the future to be care leavers who do not qualify for the new aftercare arrangements introduced in the 2000 Act. This will include young people who left care before October 2001. This guidance therefore restates, at Chapter 7, the description of these residual powers and duties from Chapter 9, Volume 7 of the Children Act Regulations and Guidance with some minor amendments.

New Financial Arrangements

- 17. These are set out in more detail in Chapter 9.
- 18. The new financial arrangements are intended to simplify support for care leavers.
- 19. Financial arrangements for eligible children that is, those who remain looked after are not changed by this new legislation.
- 20. Former relevant children that is, those aged 18 and over who have left care will also continue to receive their principal support from the same sources as they did before this legislation was enacted. However they will also be able to call on assistance from their responsible authority under the duties at sections 23C and 24B(5).
- 21. Relevant children will receive their support from their responsible authority. They will no longer be eligible to claim Income Support, Jobseeker's Allowance or Housing Benefit. Levels of support will be agreed and set out in the Pathway Plan, and should be subject to the minimum standards set out in Chapter 9.
- 22. Lone parents and sick or disabled children (as defined in the Income Support (General) Regulations 1987) are the exception in that they are still able to claim Income Support or Jobseeker's Allowance, including any relevant premiums. This is because such children have special needs, recognised by the benefits system in advance of the 2000 Act. In every other respect their financial arrangements are the same as those for other relevant children. When agreeing the level of support to be provided the council will take into account the sums available through the benefits system. If a young person has a period of sickness and claims benefits the council will need to bear in mind the DWP schedule for payment, to make sure that there is not a gap in the support arrangements.

Representations

Section 24D "Every local authority shall establish a procedure for considering any representations (including complaints) made to them by

- (a) a relevant child for the purposes of section 23A or a young person falling within section 23C
- (b) a person qualifying for advice and assistance; or
- (c) a person falling within section 24B(2), about the discharge of their functions under this Part [of the 2000 Act] in relation to him."
- 23. This allows young people to complain if, for example, they consider that the local authority has not given them adequate preparation for leaving care, or adequate aftercare. It enables them to make a complaint even if they have left the care of the local authority or another agency, enabling them to make a complaint about the services they receive under the new arrangements. (The general complaints procedure specified at section 26(3) of the Children Act only applies to a young person who is a 'child', ie under 18 years of age).
- 24. As this legislation was being enacted, the Department of Health was undertaking a consultation exercise on complaints procedures for looked-after children. This was based on some well-documented problems with the process as it operates at present. In particular, the requirement to appoint an Independent Person at the earliest stage of dealing with every complaint has made it difficult for councils to keep to the deadlines in the system and has worked against swift local resolution of comparatively easy issues.

Regulation 13

- (1) The Representations Procedure (Children) Regulations 1991 shall be amended as follows....
- (5) After regulation 3 (local authority action), there shall be inserted the following new regulation-

"Local resolution

3A.-(1) Where a local authority receive any representation from a person specified in section 24D(1) they shall—

- (a) provide the person appointed under regulation 3(1) with a written summary of the representation;
- (b) endeavour by informal means to reach a settlement to the satisfaction of the complainant within 14 days; and
- (c) if at the end of 14 days no resolution has been achieved, notify the person appointed under regulation 3(1).".
- 25. The Representations Procedure (Children) Regulations 1991 have been amended with this in mind for the purposes of the 2000 Act. At the same time we need to avoid pre-empting developments following the consultation. The regulations therefore introduce an early resolution stage for all complaints brought under the provisions of the Children (Leaving Care) Act. This means that the council and the young person have a fortnight to reach a satisfactory conclusion before invoking the full system as it presently stands.
- 26. Councils should allow young people access to an advocacy service at any or all stages of the complaints process, whether to help them to formulate their complaint in the first place or to present their case at any stage in the proceedings. Young people with communication impairments and/or learning difficulties may be in particular need of an advocate in order to access the complaints system.

Transitional arrangements

- 27. The Children (Leaving Care) Act 2000 is due to be implemented on 1 October 2001. The first "eligible" children to qualify for the new arrangements will be those who on 1 October 2001 are 16 or 17, are being looked after, and have been looked after for the qualifying period. The first "relevant" and "former relevant "children to qualify will be those who on 1 October 2001 meet the criteria to be eligible children and leave care on or after that date.
- 28. Young people who left care before 1 October 2001 will continue to qualify under section 24 for after care services. The new duties will not apply to them, with the exception of the new duty at section 24B(5) to provide vacation accommodation, which applies to all local authority care leavers.

Transitional Arrangements for Children & Young People Looked After or Leaving Care

On 30 September 2001

AGE	LOOKED AFTER?	TOTAL TIME LOOKED AFTER	STATUS
Under 18	Yes	Any period	Looked after child
Under 16	Leaves care	Any period	None/child in need
16–21 or 24 (if in education)	Leaves care	Any period	Qualifying person under s.24

On 1 October 2001

AGE	LOOKED AFTER?	TOTAL TIME LOOKED AFTER	STATUS
Under 16	Leaves care	Any period	None/child in need
Under 18	Yes	Less than 13 weeks	Looked after child
16–17	Yes	13 weeks or more since age 14	Looked after child and/Eligible child
16–17	Leaves care	Less than 13 weeks since age 14	Qualifying person under s.24
16–17	Leaves care	13 weeks or more since age 14	Relevant child†
16th birthday	Detained* or in hospital	13 weeks or more since hospital	Eligible child age 14 (care order)
16th birthday	Detained or in hospital	13 weeks or more since age 14 (accommodated under s 20)	Relevant child
18th birthday	Leaves care	13 weeks or more since age 14	Former relevant child
18th birthday	Leaves care	Less than 13 weeks since age 14	Qualifying person under s. 24

^{*} detained – in a remand centre, a young offender institution or a secure training centre, or any other institution pursuant to an order of a court.

[†] Is a relevant child unless he or she has been placed at home pursuant to a pathway plan for at least six months and review concludes that the return home has been successful.

3. Key Organisations

The Responsible Local Authority

- 1. The responsible local authority is the one which last looked after an 'eligible' or 'relevant' child or young person. Under the new legislation the local authority will retain this responsibility for a care leaver wherever the young person may be living in England or Wales. The aim of this is twofold:
 - first, to reinforce continuity of care. Research suggests that this, along with stability and the maintenance of family links, may contribute to positive outcomes for care leavers, especially in relation to their self esteem and sense of identity; and
 - second, to prevent disputes between local authorities over the issue of who is responsible for services.
- 2. If a young person moves to a different local authority funding can be transferred by the responsible local authority to the local authority where the young person is living so they can provide the services under the 2000 Act, if that is the most convenient way of proceeding.
- 3. Such arrangements are also available as a possible solution in cases where a young person's relationship with the responsible authority breaks down. Under such circumstances the authority will be able to discharge its duties through arrangements made with another authority, though it will still keep ultimate responsibility.
- 4. However, it is essential that young people are provided with support services whilst new arrangements are being made and, where necessary, the funding transferred. In difficult cases this may mean use of the second authority's emergency services.

Duties of Voluntary Organisations

- 5. Section 61(1)(c) of the Children Act stipulates that where a young person of any age is accommodated by or on behalf of a voluntary organisation, it is the duty of that organisation "to advise, assist and befriend him with a view to promoting his welfare when he ceases to be so accommodated". The duty of ensuring that this is done should fall to a designated senior member of staff within the voluntary organisation.
- 6. The voluntary organisation does not have a statutory duty to provide aftercare for young people once they have ceased to be accommodated by the organisation or on its behalf. However, it is desirable to link the provision of care with that of aftercare. As a matter of good practice, the voluntary organisation should consider the provision of appropriate aftercare services for any young person ceasing to be accommodated by it, or on its behalf, after reaching the age of 16. Social services departments of local authorities should therefore encourage the provision of such service by all voluntary childcare organisations within their local authority areas. Young people aged 16–20 who are, or who have been, cared for by a voluntary organisation should be made aware by that organisation of the statutory amenities open to them.

- 7. In addition, a voluntary organisation has a duty under section 24C(2) of the Children Act 1989 as amended to inform the local authority if it is ceasing to accommodate a young person aged 16 or more. The notification should be made by the designated member of staff referred to above. The local authority so informed will be the authority in whose area the young person proposes to live after ceasing to be accommodated by the voluntary organisation.
- 8. The voluntary organisation will need to inform the local authority as early as possible, i.e. as soon as it is known on what date the young person will cease to be accommodated by the organisation or on its behalf.
- 9. This will alert the local authority to the fact that it may have a responsibility to provide after care for the young person under sections 24, 24A and 24B of the Children Act 1989 as amended (see section 24A(2)(b)). The voluntary organisation should also keep the young person informed at all stages, by telling him as early as possible when he is likely to cease to be accommodated by the organisation and by letting him know what provision for aftercare will be made and by which agency.

Further Role of the Voluntary Sector

- 10. The other aspect of the voluntary sector's role lies in the aftercare services provided by it. Voluntary organisations are not under a duty to provide these services, but local authorities will wish to encourage them to provide them for young people whom the organisations concerned formerly cared for. In some cases, local authorities will also be able to "purchase" aftercare services from voluntary organisations to help young people whose care was not provided by those organisations. Local authorities are therefore encouraged to liaise with voluntary organisations in their areas to make use, where appropriate, of any aftercare services they may offer (see in particular section 17(5)).
- 11. These aftercare services may include: drop-in centres; counselling; advocacy for young care leavers both individually and as a group; and various forms of accommodation, e.g. sheltered and half way housing, refuges for young people at risk, supported lodgings and continued foster care. The role of registered social landlords in providing suitable accommodation is particularly important. So, too, is the specialised information and advice that voluntary organisations can give to young people with a wide range of disabilities. It is important for local authorities and other caring agencies to put disabled young people in touch with the appropriate voluntary organisations in order to provide them with additional opportunities for involvement with particular self-help or interest group.
- 12. Voluntary organisations may also be able to provide personal advisers or even a comprehensive leaving care service on behalf of a local authority. Where they are involved in providing personal advisers it would be helpful if they were also a part of the local Connexions partnership in order to maximise coherence for the support given for care leavers and other young people.
- 13. Local authorities will also wish to bear in mind the help that young people leaving care can obtain from the National Homeless Advice. The Service operates through the national network of Citizen's Advice Bureaux. It is particularly concerned with the prevention of homelessness, the provision of advice on the dangers of leaving home without access to accommodation, the provision of access to suitable accommodation and financial counselling. Specialist and detailed advice is provided by the Shelter helpline if necessary. Advice and assistance is also available from local authority homelessness services.

Section 64(1)(c): Duties of Providers of Children's Homes

- 14. Section 64(1)(c) of the Children Act stipulates that where a young person is accommodated in a children's home, it is the duty of the person carrying on the home (i.e. the owner) to "advise, assist and befriend him with a view to promoting his welfare when he ceases to be so accommodated". The person carrying on the home does not have any duty to provide aftercare once the young person has ceased to be accommodated in the home. Again, however, it is desirable to link the provision of care with that of aftercare. As a matter of good practice, the person carrying on the home should consider the provision of appropriate aftercare services for any young person ceasing to be accommodated in the home after reaching the age of 16. Social services departments of local authorities should therefore encourage the provision of such service by all children's homes within their local authority areas.
- 15. In addition, the person carrying on the home has a duty under section 24C(2) of the Act to notify the local authority if the home is ceasing to accommodate a young person aged 16 or more. The local authority so informed will be the local authority in whose area the young person proposes to live after ceasing to be accommodated in the children's home.
- 16. The person carrying on the home will need to inform the local authority as early as possible, i.e. as soon as it is known on what date the young person will cease to be accommodated by the home. This will alert the local authority to the fact that it may have a responsibility to provide aftercare for the young person under sections 24 and 24A-24D of the Act (see section 24A(2)(c)). The person carrying on the home should also keep the young person informed at all stages, by telling him as early as possible when he is likely to cease to be accommodated in the home, and by letting him know what provision for aftercare will be made and by which agency.

Note: This section will be amended in due course to take account of the new regulations and standards currently in preparation for children's homes.

The Role of the Health Authority

- 17. Historically, young people who are looked after have had high levels of early parenthood, mental ill-health and stress, loneliness and incidence of risk-taking behaviour. They have also reported that they have been ill-prepared to take responsibility for their own health. There is an important health promotion and health advisory role for the health services in supporting care leavers as they move to independence, including making sure that they are able to access services.
- 18. Every Health Authority is required to work with local agencies and trusts to consider the health needs of their resident population and then determine local priorities and ways to address those needs. In particular Health Authorities and Primary Care Groups and Trusts should ensure that they participate in inter-agency planning and co-operation through Children's Services Plans and Quality Protects Management Action Plans, and that there are clear cross references to the Health Improvement Plan.
- 19. Services for health care for vulnerable children, including children who are looked after and those leaving care, should be described in the HImP and the health authority should ensure that local services and professionals contribute fully and effectively to local inter-agency working to safeguard children and to promote their welfare. Service specifications drawn up by PCG/Ts should include clear service standards for assessments of children in need. This will include contributing to drawing up and to delivering pathway plans for eligible, relevant and former relevant children.

20. Following consultation in 2000 the Department of Health will be issuing detailed guidance for councils and health authorities on improving health for looked-after children in summer 2001.

The Role of the Youth Justice System

21. A minority of young people who are or have been looked after will have committed criminal offences. It is important to note that young people who are eligible, relevant or former relevant children continue to qualify for the duties in the 2000 Act even if they are convicted and sentenced to a community sentence or imprisonment. Indeed, they may be in particular need of help from their responsible authority. Some of these young people will be subject to a probation order, a supervision order or post custody release supervision, all of which will generally be supervised by the relevant Youth Offending Team (YOT). Some of the older young people in their twenties may be supervised by the Probation Service. The YOT or the Probation Service will be concerned to ensure, as far as possible, that these young people do not re-offend. In trying to achieve this aim, they will not only address young people's offending behaviour and its consequence, but also their development into self-reliant adults who have "grown out" of offending. It is therefore important for each local authority to involve the YOT and the Probation Service, and local providers of secure provisions, in drawing up its written statement of policies on leaving care and aftercare services, and its easy to read guide to those services; and to cover their role in both documents. It is also necessary for the SSD or other caring agency closely to involve the YOT, or Probation Service where appropriate, when preparing one of these young people for leaving care or providing aftercare, and to link any Through Care Plan with the Pathway Plan.

The Role of the Housing Department

- 22. Young people who have left care are over-represented amongst young homeless people, including those who are sleeping rough. Studies suggest that between a quarter and a third of people sleeping rough have been looked after by local authorities at some point in their lives. The welfare of these young people is clearly likely to be at serious risk without the provision of suitable accommodation. Guidance issued under Section 189 of the Housing Act 1996 makes clear that the Secretary of State considers that, with very few exceptions, most care leavers are likely to be significantly disadvantaged as a result of their age and circumstance, and he would normally expect authorities to find that such applicants are vulnerable and hence in priority need of accommodation. Regulations to be made under the Housing Act will specifically mention former relevant children as a priority category for accommodation if they are homeless.
- 23. The Government has introduced legislation the Homelessness Bill which will require local housing authorities to carry out a homelessness review and formulate and publish a homelessness strategy. Before publication the authority must consult the social services authority and other appropriate organisations. The social services authority must give such assistance as the authority may reasonably require both in carrying out the reviews and in formulating and publishing the strategy.
- 24. In helping Housing Departments to develop this strategy, social services will wish to seek the views of young people who have had first hand experience of the system. The strategy should be based on an assessment of need which takes into account—
 - the diverse accommodation and support needs of care leavers, including disabled care leavers;
 - the capacity to offer young people a degree of choice of accommodation;
 - existing and planned provision of safe, affordable accommodation;
 - gaps in provision;

- priority setting; and
- the need for contingency arrangements.
- 25. Whilst the primary responsibility for securing accommodation for young homeless people rests with the local housing authority, it is essential that a corporate and multi-agency approach is adopted by the local authority to care leavers. Local authorities should develop a strategy in partnership with housing providers to provide a range of accommodation to meet the assessed needs of relevant children and other care leavers. The housing needs of care leavers should be addressed before they leave care and arrangements made for joint assessment between social services and housing authorities, as part of the multi-agency assessment on which an individual after-care plan or pathway plan should be based. It is important that local housing departments and social services departments have joint protocols in place for dealing with care leavers, to ensure that housing and social services each play a full role in providing support to these young people.
- 26. Because of the diverse needs of care leavers and the way in which these will change over time, local authorities are likely to require a range of accommodation options. The options include
 - enabling young people to remain in the accommodation in which they lived whilst being looked after e.g. foster placement conversion to supported lodgings;
 - supported lodgings;
 - other transitional accommodation with varying degrees of support such as trainer flats or hostels;
 - specialist accommodation such as self-contained accommodation with personal assistance support for young people with particular support needs such as disabled young people, pregnant young women or single parents;
 - foyers and other supported accommodation which combines accommodation with opportunities for education, training and employment;
 - self-contained accommodation with floating support;
 - independent tenancies; and
 - self-build schemes.
- 27. Local authorities should also note that they have powers under section 20(5) to provide accommodation for young people aged 16–20 in their area if this is necessary to safeguard or promote their welfare. The provision of accommodation under section 20 of the Children Act 1989 may be a desirable course of action if it is not possible to provide suitable accommodation in any other way for a young person who has left care. There is, of course, a duty to provide accommodation if a child is in need and section 20(3) applies, and to provide accommodation for relevant children under section 23B(8)(b).

The Role of the Connexions Service/Careers Service and wider youth service provision

28. Connexions Service aims to provide all young people aged 13–19 – up to the age of 25 in the case of young people with learning difficulties or disabilities if they are not yet ready to access adult services – with the advice, guidance, support and personal development they need to prepare them for the

transition to work and adult life. It is a new service in England which brings together a range of public and private organisations involved with young people, including careers services, youth services, and community and voluntary organisations. Its key objective is to encourage and assist more young people to stay in learning (education, training or a job with training), including removing barriers to participation and achievement, so that an increasing number have the qualifications they need for further education or the world of work. It will provide both a universal and a targeted service to cater for the varying needs of young people, including support for looked-after children and care leavers. The Connexions Service is being introduced in phases from April 2001. Local Management Committees, usually at local or unitary authority level, will deliver and monitor the service to young people, working largely through multi-disciplinary teams of Personal Advisers. Details of the service can be found at www.connexions.gov.uk.

- 29. It is expected that in the majority of cases the young person's adviser as set out in the 2000 Act will also act as the Connexions Service personal adviser for these young people, and a common foundation training course is being developed. Local authorities will need to consider in each case the issue of continuity for looked-after children, first at the age of 16 when the requirement in the 2000 Act comes into effect, and again at 20 when they leave the Connexions Service client group. In doing so they will need to take into account existing specialist provision and the knowledge and skills required by Personal Advisers. Where a local authority decides that a particular young person needs a personal adviser in addition to a Connexions adviser, rather than one person filling both roles, there will need to be clear local level protocols to agree ways of working and information sharing so that the young person is able to benefit from the support offered by the Connexions Service and so that coherence can be maintained.
- 30. It is anticipated that the phasing in of the Connexions Service will be complete by the end of financial year 2002/3. In areas where the Connexions Service is up and running, it subsumes the existing Careers Service as a statutory body in that area and will carry out the functions previously delivered by the Careers Service.
- 31. In areas where the Connexions Service is not yet operational, the Careers Service continues. In those areas, local authorities will need to liaise with the Careers Service as a key partner to determine how to work together in the best interests of looked after young people and care leavers.
- 32. The youth service is a key partner in the Connexions Service. Many youth workers in both the statutory and voluntary sector play a very important role in providing support and personal development to a looked after young person or a care leaver. Many youth workers have proven skills in building trusting relationships with young people. Whilst many youth workers will operate for some, or all, of the time as Connexions Service personal advisers, particularly in providing personal development and advocating on behalf of young people, the wider youth service work will continue providing a full range of services for young people.
- 33. Disabled young people in particular may need advice and help to enable them to make use of local youth services, including special youth services if they think these are right for them.
- 34. Young people from ethnic and cultural minorities may also find the youth service particularly helpful in enabling them to meet other young people, and adult youth leaders, from their own ethnic and cultural background.

The Role of the School

- 35. It is essential that every effort be made to enable a young person to fulfil his or her potential and to reduce the degree of disadvantage experienced by many of those leaving care. To this end, SSDs and other caring agencies will need to liaise closely with schools and to support them in promoting the welfare of these young people. For their part, schools should ensure that school policy and procedure are consistent with measures set out in the guidance on the Education of Children and Young People in Public Care available on the DfES website http://www.dfes.gov.uk/incare. They should designate teachers to advocate for young people in and leaving care and liaise with other services.
- 36. Planning is important at a strategic and individual level to help children and young people succeed at school and make successful transitions post-16. Schools should also ensure that every young person in care has a Personal Education Plan which ensures access to services and support; contributes to stability; minimises disruption and broken schooling; signals particular and special needs; establishes clear goals and acts as a record of progress and achievement. Information about developing a PEP can be found on the DfES website at http://www.dfes.gov.uk/incare.pep.htm. The PEP should be sensitive to the diverse needs of children and young people and should focus on the action that is required for them to fulfil their potential. It should be an integral part of the care plan and a basis on which the relevant sections of the pathway plan are developed.
- 37. In its role as a good parent the SSD should ensure that the school is made fully aware of all relevant information regarding the young person's abilities and interests and that the school receives the support and reinforcement that would be expected from a concerned parent. Such support should include supervising homework and attending meetings at school with teachers, headteachers and careers staff. (Note: under education legislation, 'parent' is defined to include the carer).
- 38. The SSD or other caring agency should also encourage young people to continue their education and learning beyond the minimum school-leaving age unless they will quite clearly not benefit from this.
- 39. Where the young person concerned has a statement of special educational needs, the SSD, voluntary organisation or person carrying on a registered children's home will often, in effect, be exercising the responsibilities normally exercised by parents in ensuring that the young person's special educational needs are appropriately identified and met. This includes disabled young people who may need special facilities such as interpreters, note takers and readers, and who will have a Transition Plan covering post-16 education and, if necessary, accommodation. This will entail close liaison with the education department, including attendance at assessment meetings and at annual reviews and ensuring that the SSD liaises closely with the education department in order to discharge its duties under sections 5 and 6 of the Disabled Persons (Services, Consultation and Representation) Act 1986.
- 40. The Connexions Service/Careers Service will help to fulfil the liaison role between schools and SSDs, with looked-after children likely to be a priority. The Connexions service/Careers service will work with schools to bring greater coherence to the learning opportunities for young people, their access to information, advice and guidance on a range of issues and a co-ordinated approach to the school's programme of careers education/Personal Social and Health Education, citizenship and the school's pastoral support system. They can help parents and carers to support the young person's progress, involvement in the wider community, broader youth work, personal development activities, study support, work experience and peer support. The Service also has an important role in influencing the quality of provision and supporting the transition to post-16 learning for all young people.

The Role of the DWP

- 41. The DWP no longer has the primary income support role for relevant children, who can no longer claim Housing Benefit (HB), or (with some exceptions: see Chapter 9) Income Support (IS) or Jobseeker's Allowance (JSA). However, these young people are still entitled to claim any other benefits such as Disabled Living Allowance as appropriate.
- 42. For other care leavers those aged 16 and 17 who do not become relevant children, and those aged 18 and over who become former relevant children the DWP role is unchanged.
- 43. Local authority powers or duties to give assistance in cash or in kind are designed to meet the special needs of young people leaving care over and above the needs of other young people. They are not designed simply to duplicate the social security system, which is why the making of these payments is at the discretion of the local authority.
- 44. Local authorities should advise young people who are in, or have left care, on the social security benefits they may be entitled to and the way in which they can claim them. This advice can most easily be done by obtaining the relevant social security leaflets from the local Benefits Agency, Employment Service or Jobcentre Plus site, or material specially prepared for young people by youth organisations, including the Connexions Service/Careers Service, and making them available to the young people concerned as a first step. This material should be made available in ethnic minority languages where appropriate. Regulations for awarding JSA to 16 and 17 year olds are very stringent and are linked to the provision of guaranteed Government-supported training placements. The Connexions Service/Careers Service plays a key role in claims to JSA and applications for Young Person's Bridging Allowance (YPBA), including registering 16-17 yr olds for work and training, which must be done before a claim to JSA or YPBA is made. Local authorities should familiarise themselves with the overall role the Connexions Service/Careers Service plays in the benefits system for young people and the wider benefits advice and support it is able to provide. Specialist advice is often required to ensure that young people receive their full entitlement to benefits and where advice is not readily available within an SSD, or via the Connexions Service/Careers Service, reference to an agency such as the Citizens' Advice Bureau should be considered.
- 45. If the young person is disabled, advice on disability benefits should be available as a priority. If the local authority has a welfare rights officer, he or she should be able to give this advice. The services of an interpreter, advocate or facilitator may be necessary if the young person is deaf or has a communication impairment or learning difficulties.
- 46. Local authorities will wish to note that any payments made to a young person under sections 23C and 24A or 24B are not regarded as a part of his income or capital when his entitlement to Income Support, Jobseeker's Allowance, Housing Benefit, Council Tax Benefit or Working Families Tax Credit is calculated.

4. Principles Underlying Preparation for Leaving Care

- 1. Councils will be most concerned about leaving care in the case of relevant and former relevant children. However they should also bear in mind the needs of those care leavers who do not qualify for the new arrangements but who will nonetheless qualify for advice and assistance under section 24(1). These young people too may be vulnerable and require good quality services from the council in order to safeguard and promote their welfare.
- 2. The principles underlying preparation for leaving care should reflect good child care practice generally, following the principles of the Children Act 1989.
- 3. Services for young people must take account of the lengthy process of transition from childhood to adulthood, to reflect the gradual transition of a young person from dependence to independence. The support provided should be, broadly, the support that a good parent might be expected to give.
- 4. Young people should be central to discussions and plans for their future. It will be exceptional for decisions to be made without their full participation. Well before a young person leaves care, a continuing care plan should be formulated with him or her. In the case of an eligible child this should develop into the Pathway Plan (see Chapter 45). This should specify the type of help the young person will be receiving and from whom. For young people who will qualify for advice and assistance only under section 24(1) this continuing care plan should incorporate contingency arrangements in the event of a breakdown in the young person's living arrangements after he or she has left care. Such arrangements might include, for example, the possibility of a return to a community home or to foster care.
- 5. As with the Pathway Plan, where it applies, parents should be invited to help formulate the continuing care plan (if they are not estranged from the young person). So, too, should foster carers if the young person is leaving a foster placement (whether local authority or private). If the young person wishes it, his or her foster carer should be encouraged and enabled to play a continuing role in his or her support.
- 6. Preparation for leaving care should help develop young people's capacity to make satisfactory relationships, develop their self-esteem and enable them to acquire the necessary practical skills for independent living.
- 7. In helping young people to develop socially and culturally, carers must be prepared to take some risks and to take responsibility for doing so; to let young people take some risk, e.g. in attempting relationships that ultimately do not work; and to take responsibility for supporting young people through breakdowns in relationships.
- 8. All preparation for leaving care and provision of aftercare must take account of the religious persuasion, racial origin, cultural and linguistic background and other needs of young person (section 22(5)(c)).
- 9. Preparation for leaving care and the provision of aftercare must be planned in conjunction with all other interested agencies, e.g. education and housing authorities, the Connexions Service/Careers Service, health authorities and, where appropriate, other local authorities. These agencies should be invited to contribute to young people's continuing care plans and, as they reach 16, to their Pathway Plans.

Local Authority planning and policy on leaving care

- 10. Each local authority should take the above principles into account in planning and developing leaving care and aftercare policies and in applying those policies to the needs of individual young people.
- 11. To help ensure this, each SSD should provide a written statement of its philosophy and practice on the preparation of young people for leaving care and the provision of aftercare support. It is a requirement of paragraph 1(2) of schedule 2 that each local authority must publish information about services provided by them under sections 23, 23B to 23D, 24A and 24B and take such steps as are reasonably practicable to ensure that those who might benefit from the services receive the relevant information. Such statements need to be placed within the framework of children's services planning required under paragraph 1A of Schedule 2 to the Children Act 1989 .This requires councils with social services responsibilities to review their services for children in need, consult with a range of specified bodies and publish plans. The accompanying guidance suggested that these plans should undergo a major review every three years and it would be appropriate to review the statement of leaving care policy at the same time.
- 12. Planning and the formulation of policy statements require consultation with other agencies and also need to be informed by the views of young people who are, or have been, cared for in those ways referred to in Part II Schedule 2 section 19B(1), 23A(2) or section 24(1). There should be a formal means of ensuring that the local authority continues to take their views into account, both when the statement of policy is being revised and at other times. Examples of arrangements for consulting young people may be found in *Helping Care Leavers*, *Getting It Right: Good Practice and Leaving Care* (published by Department of Health 2000).
- 13. Where appropriate, the views of the parents or carers of these young people should be sought. There may be no formal mechanism for seeking these views. However, a local authority should consider obtaining a sample of views from parents and foster carers whenever a statement or plan is prepared or revised.
- 14. Policy statements and local plans should be drafted so as to be easily comprehensible to young people and to their parents and carers. The local authority will need to provide translations in relevant ethnic minority languages. It will also need to consider how to provide versions that can be understood by young people with communication or learning difficulties.
- 15. The Department of Health has been consulting extensively on guidance on co-ordinated service planning for children and young people in England. The draft guidance proposes a new planning framework which reduces duplication; improved co-ordination and coherence between plans; and ensures that the planning process delivers better outcomes for children. The guidance would not alter the statutory basis for the production of Children's Service Plans but would provide a framework within which the requirement for the Plan can be met with both coherence and economy of effort.

Disabled Young People

- 16. For the purposes of this part of the guidance the term "disabled young person" is taken to mean someone with a physical and/or sensory impairment and/or learning disability (see section 17(11) of the Children Act 1989 for a full definition). For definitions for benefits purposes, see Chapter 2 paragraph 18.
- 17. Disabled young people may well face more barriers than other young people who are being cared for or leaving care, and may also have needs specifically related to impairment. It is essential to ensure that these needs are met when preparing these young people for leaving care and subsequently, providing

- aftercare. At the same time, care must be taken to ensure that these young people do not fail to achieve their full potential as a result of under-expectation on the part of those caring for them.
- 18. The following paragraphs refer specifically to the responsibilities of local authorities (particularly SSDs). However, they also apply to voluntary organisations and children's homes, who have a duty to prepare young people whom they are caring for, for the time when they leave care, and who may also provide aftercare for these young people.
- 19. SSDs should take account of any transition plan drawn up under the SEN Code of Practice. They will need to take any steps necessary to fulfil their statutory obligation to ensure that the views of these young people about their needs, and the ways in which these can be met, are taken into account. This may necessitate the use of skilled appropriate communicators to enable better communication to take place between disabled young people and the various agencies. The Connexions service will continue to help young people with learning difficulties or disabilities up to the age of 25 if they are not yet ready to access adult services and will have a key role to play here (see Chapter 3 para 28) The Careers Service also will have a role, in areas where the Connexions Service does not yet exist.
- 20. Local authorities will need to note, in addition, that they have a duty to assist local education authorities with the provision of services for any young person who is subject to a statement of special educational needs (section 322 of the Education Act 1996).
- 21. SSDs will also need to liaise with housing authorities over the housing needs of young people with disabilities. They should ask the relevant housing authority to consider the particular needs of any disabled young person who is leaving care, in the context of obligations under housing legislation to give priority to vulnerable groups such as disabled young people, including those whose accommodation is unsuitable for them (Code of Guidance, paragraph 13.8(b)) or who cannot stay in their current accommodation because it cannot accommodate their carers (Code of Guidance paragraph 13.2).
- 22. In discharging these responsibilities, local authorities will need to take account of their powers and duties under other Act of Parliaments, as set out below. These powers and duties are not, of course, limited to young people who are being looked after by local authorities. Voluntary organisations and children's homes may therefore consider what help the local authority can give, under these Acts, to young people whom they themselves are preparing for leaving care or providing with aftercare.
- 23. Section 2(1) of the Chronically Sick and Disabled Persons Act 1970 lays on each local authority a duty to provide various welfare services to any person living within its area if this is necessary in order to meet the needs of that person. This includes meeting assessed needs for "practical assistance in the home" (section 2(1)(a)) and aids, adaptations and equipment (section 2(1)(e)).
- 24. Sections 5 and 6 of the Disabled Persons (Services, Consultation and Representation) Act 1986 are also relevant since they are designed to ensure a smooth transition from full-time education to adult life for a young person who is subject to a "statement of special educational needs". Their effect is to require the relevant education department to obtain the view of the SSD as to whether such a young person is disabled. This is done at the first annual review of the statement of special educational needs, or the first reassessment of the young person's educational needs, following the young person's 14th birthday. If the SSD does consider that the young person is disabled, it must assess his needs, before he leaves full-time education, for the welfare services covered under section 2 of the 1986 Act. (See the relevant sections of the 1986 Act for details).
- 25. Local authorities should provide communication support for all young people who require it. This could take many different forms and could include, for instance, the provision of text telephones or interpreters

- 26. The Carers and Disabled Children Act 2000 enables local authorities to make direct payments, in lieu of services, to disabled 16 and 17 year olds so that they have more choice and control over how their needs are met. Direct payments can play a useful part in preparing a disabled 16 or 17 year old for the responsibilities of adulthood. Where local authorities have set up a Personal Assistance Support Scheme in order to implement the Community Care (Direct Payments) Act, the disabled care leaver's personal adviser will need to work with this scheme in order to support the young person to use direct payments. After the age of 18 direct payments can continue under the Community Care (Direct Payments) Act 1996.
- 27. When a child is being looked after by a local authority and placed in accommodation which provides education on the premises, the local authority is required to inform the appropriate education department when the child leaves that accommodation (section 28(3)).
- 28. In deciding the young person's future needs, the SSD should continue to liaise with the education department, which is responsible for providing adequate facilities for further education and for considering the needs of those over compulsory school age who have learning difficulties. (Learning and Skills Act 2000 and Further and Higher Education Act 1992).
- 29. Specific health requirements may also continue into adulthood. The transition from child to adult health services is not always easily made by a young person, who may well require help and support from the local authority, acting as a "good parent". In providing this help and support, local authorities should, of course, liaise closely with health authorities.
- 30. The particular needs of young people with disabilities will as mentioned above need to be taken into account in preparing them for leaving care and also in providing the necessary aftercare. It is important to note that the needs of young people with disabilities will not suddenly and fundamentally cease when they do leave care. Liaison between the various agencies concerned with a young person's welfare should continue after he has left care. The community care or adult services division of the SSD should be included in the pathway planning process to ensure that disabled young people's needs are met and that there is a smooth transition from children's to adults' services.

The Nature of Preparation for Leaving Care

- Part II Schedule 2 Section 19A and Sections 61(1)(c) and 64(1)(c) make it clear that preparation for leaving care must start well before a young person ceases to be looked after or accommodated. In the case of someone who will become a relevant child, support and assistance will continue until well after he or she has done so, and where a young person qualifies for advice and assistance only under Section 24(2) it is likely that it will do so. Preparation for this process should be incorporated in the care plan for young people as soon as they start to be looked after, accommodated or privately fostered. The relevant SSD, voluntary organisation or children's home will play a leading role in preparing young people for the time when they leave care, but other agencies will need to be involved. Normally, the key workers involved with a young person in care would be involved in the development of the Connexions Service, which will need to contribute. Schools will need to be consulted about the long term educational and training needs of a young person; and the relevant health authority may need to be involved if the young person is disabled.
- 32. Thus, preparation should be regarded as an integral part of the care process. A stable care relationship is, in its turn, an important basis on which to plan the preparation of a young person for leaving care.

- 33. There are three broad aspects to preparation for leaving care:
 - enabling young people to build and maintain relationships with others, (both general and sexual relationships);
 - enabling young people to develop their self-esteem;
 - teaching practical and financial skills and knowledge.
- 34. Each of these is considered in more detail below. SSDs, voluntary organisations and children's homes should ensure that social workers, residential staff and foster carers are trained so that they can help young people to be properly prepared for leaving care.

Practical and Financial Skills and Knowledge

- 35. Many young people leave care without adequate preparation in practical and financial skills and knowledge. These include—
 - How to shop for, prepare and cook food;
 - Eating a balanced diet;
 - Laundry, sewing and mending and other housekeeping skills;
 - How to carry out basic households jobs such as mending fuses (which will involve basic electrical and other knowledge);
 - Safety in the home and first aid;
 - The cost of living;
 - Household budgeting, including the matching of expenditure to income, the regular payment of bills and avoidance of the excessive use of credit;
 - Health education, including personal hygiene;
 - Sexual education, including contraception and preparation for parenthood;
 - Applying for, and being interviewed for, a job;
 - The rights and responsibilities of being an employee;
 - The rights and responsibilities of being an employer (disabled young people may use direct payments to employ their own personal assistants);
 - Applying for a course of education or training;
 - Applying for housing and locating and maintaining it;
 - Registering with a doctor and dentist;

- Knowledge of emergency services (fire, police, ambulance);
- Finding and using community services and resources;
- Contacting the social services department and other caring agencies;
- Contacting organisations and groups set up to help young people who are, or have been, in care;
- The role of agencies such as the Citizen's Advice Bureau, local councillors and MPs;
- How to write a letter (a) of complaint; (b) to obtain advice.
- 36. Some young people who are being cared for, particularly those in children's homes, do not have any opportunity of learning such skills. It may therefore be necessary to change the regime at the homes concerned to give them that opportunity. Young people who are being cared for should like any other young people start to learn these skills at a basic level when entering their teens and should be well advanced in them by the time they leave care. Disabled young people may have faced particular barriers to acquiring the skills and experiences listed above. Whatever the reason for them these barriers will need to be addressed, with the aim of increasing the young person's ability to make choices, take risks and assume responsibility. It will be important to ensure that particular needs relating to impairment are met, for example Sign Language Interpreters for BSL users, communication aids and facilitation, information formats suitable for visually impaired people, the provision of personal assistants and so on.

Enabling Young People to Build and Maintain Relationships With Others:

General

- 37. The capacity to form satisfying relationships and achieve inter-dependence with others is crucial to the future well-being of young people. This skill will equip them better for the transition to adulthood and the special difficulties associated with leaving care. It is crucial, therefore, that the experience of being cared for provides both the opportunity for such a personal development and the attention that is required when special help is needed. This experience should be planned so as to cover the following points:
 - Changes in care placement should be kept to the minimum consistent with the young person's
 welfare. This will provide continuity of care and of relationships, thereby showing young people
 how to relate to others.
 - Social workers, residential staff and foster carers, as well as other young people who are being cared for, will therefore be able to help a young person to relate to other people.
 - However, a young person's friends should not all come from the care system since, if they do, he or she may be very lonely on leaving care.
 - It is therefore well worth encouraging young people who are being cared for to make friends with young people outside the care system, e.g. through school, college, or local youth clubs and leisure activities. Disabled young people may need support and assistance to access "mainstream" leisure activities in order to build a wider friendship network.

- Young people who are being cared for should also be encouraged to develop friendships with suitable adults outside the care system who can provide role models. Volunteer adult befrienders who have been carefully vetted through a volunteer befriending scheme and who can stay in touch with young people after they have left care can play a very important role here. The befriender will need to be "matched" with the young person, e.g. he or she should preferably be from the same cultural, linguistic, racial and religious background. Disabled young people may be matched with a befriender or mentor who shares their experience of impairment. It is desirable young people themselves to decide who is to act as their befriender. The befriender should be prepared to give time to make contribution to reviews and on other occasions, if the young person so wishes. (See also Chapter 7 of Volume 3 of the Children Act 1989 Regulations and Guidance "Independent Visitors"). Similar considerations apply to mentors and the use of mentoring schemes.
- The foster carers of a fostered young person should also be encouraged to continue to take an interest in him or her even when the fostering placement has ended.
- A young person's parents (and his or her relatives generally) should also be encouraged to stay in touch with unless this would not be in his or her best interests.
- Young people from ethnic minorities will need to have contact with adults and young people
 from their own cultural backgrounds and may find it helpful to be put in touch with youth
 clubs or other voluntary organisations set up for people from their cultures.
- Foster carers, parents and other important people in a disabled young person's life may need
 assistance or support in order to maintain their relationship, or the young person may need such
 assistance or support. For example, if public transport is not accessible to a young person he or
 she will need assistance in order to visit others.
- 38. The process of preparation should ensure that when young people do leave care, they have a supportive network of friends, many of whom will be from outside the care system, and that they are well equipped to enter into relationships with others.
- 39. A local authority, in preparing a young person for leaving care, should also take account, where appropriate, of the need to enable young people to relate better to their own family. Indeed, the local authority has a duty to make arrangements to enable a young person whom it is looking after live with parents, relatives or friends "unless that would not be reasonably practicable or consistent with his welfare" (section 23(6)). Even if it is proved to be impracticable or undesirable to make such arrangements, any improvement in relationships between a young person and his or her family that can be achieved is usually to be welcomed and will contribute to the young person's capacity to cope in adult life. Similarly, general contact with family and friends should be promoted where consistent with a young person's welfare (paragraph 15 of Schedule 2). Similar responsibilities are reflected in the duties of voluntary organisations and persons carrying on children's homes under Regulation 6 of the Arrangement for Placement of Children Regulations (see Chapter 3 of Volume 3 of the Children Act 1989 Regulations and Guidance).

Sex and Relationships

- 40. The experience if being cared for should also include the sexual education of the young person. This may be provided by the young person's school, but if it is not, the SSD or other caring agency responsible for the young person should provide sexual education for him.
- 41. Sexual education will need to cover practical issues such as contraception. However, it must also cover the emotional aspects of sexuality, such as the part that sexuality plays in the young person's sense of identity; the emotional implications of entering into a sexual relationship with another person; and the need to treat sexual partners with consideration and not as objects to be used. The emotional and practical implications of becoming a parent also need to be explained.
- 42. Those responsible for the sexual education of young people will need to bear in mind the particular needs of different young people: the fact that disabled young people have sexual needs should be acknowledged, for instance. Young people who have been abused, or have been in touch with abused young people, may need special counselling if they are not to regard sexual feelings as a matter for shame or to regard sexual relationships as impersonal and exploitative. The needs and concerns of gay young men and women must also be recognised and approached sympathetically.

Enabling Young People to Develop Their Self-Esteem

- 43. Many young people who are being, or have been, cared for, have described feelings of shame about being cared for. These are frequently compounded by misunderstandings on the part of others, e.g. that most young people being cared for have committed criminal offences, or that there is something wrong with them, or that their parents are inadequate and unable to cope. It is therefore all the more necessary to encourage young people, from the day they begin to be cared for, to value themselves; to regard their experience of being cared for without embarrassment; and to be able to explain to other people why they are being cared for and how they feel about it.
- 44. In doing this, it is particularly helpful if young people are told as much as possible about their family background and about all aspects of their cultural and individual identity, e.g. race, language, culture, sex, gender, religion and any physical or mental disability. It is also helpful for young people to understand how they came to be cared for. Young people's individual identity and cultural background should be presented in a positive light. The use of life-story books may be helpful in achieving this end. Contact with positive role models can also be helpful. Local authorities and other caring agencies will need to note that young people should be enabled to accept themselves emotionally and not simply intellectually.
- 45. Some young people may need considerable counselling before they do come to accept themselves. Young people who have been rejected by their parents may need a lot of help before they can accept, emotionally, that this is no reflection on their own worth. Young people with disabilities may also require counselling to enable them to accept themselves and to develop a sense of self-esteem. Gay young men and women may require help to enable them to accept their sexuality and to develop their own self-esteem. Young people from ethnic minorities may need help preferably from someone with the same background to help them to understand their racial, cultural, linguistic and religious background and to take a pride in themselves.
- 46. If necessary the local authority or other caring agency may also act as an advocate for all young people leaving care in dealing with departments, organisations and people who may display prejudice.

5. Needs Assessment and Pathway Plans

Assessment of Young Person's Needs

- 1. Paragraph 19B(4) of Schedule 2 requires the responsible authority to carry out a needs assessment for each eligible child with a view to determining what advice, assistance and support they should provide both while they are looking after him or her and when they have ceased to look after him or her. The needs assessment will then be the basis for preparing the Pathway Plan. As a looked-after child, an eligible child will already have had a needs assessment in order to formulate a Care Plan, and this should form the basis for the assessment required under the 2000 Act.
- 2. Section 23B(3) makes the same provision for a relevant child for whom this has not already been done while he or she was being looked after.

Regulation 5

- (1) The responsible authority must prepare a written statement describing the manner in which the needs of each eligible and relevant child will be assessed.
- (2) The written statement must include, in relation to each child whose needs are to be assessed, information about, in particular—
 - (a) the person responsible for the conduct and co-ordination of the assessment;
 - (b) the timetable for the assessment;
 - (c) who is to be consulted for the purposes of the assessment;
 - (d) arrangements for recording the outcome of the assessment;
 - (e) the procedure for making representations in the event of a disagreement.
- (3) The responsible authority must make a copy of the statement available to the child and the persons specified in regulation 7(5).
- (4) Nothing in these Regulations shall prevent the carrying out of any assessment or review under these Regulations at the same time as any assessment, review or consideration under any other enactment.
- 3. Paragraph 19B(7) and section 23B(6) provide for Regulations on the needs assessment. Regulation 5 of the Children (Leaving Care) Act 2000 regulations states that each local authority must prepare a written statement setting out how the needs of eligible and relevant children are to be assessed. For each case, the statement must include information about—
 - who will be responsible for co-ordinating and taking forward the assessment;
 - the timetable for the assessment; who is to be consulted for the assessment;
 - how the outcome of the assessment is to be recorded; and

- what the child can do if he or she is unhappy with any part of the process or the outcome of the assessment.
- 4. The authority must make sure that the child and those people whom it consults as part of the assessment process have a copy of the statement.

Regulation 6

- (1) The responsible authority in carrying out an assessment and in preparing or reviewing a pathway plan, shall, unless it is not reasonably practicable—
 - (a) seek and have regard to the views of the child or young person to whom it relates; and
 - (b) take all reasonable steps to enable him to attend and participate in any meetings at which his case is to be considered.
- (2) The responsible authority shall without delay provide the child or young person with copies of—
 - (a) the results of his assessment,
 - (b) his pathway plan, and
 - (c) each review of his pathway plan,

and shall ensure that the contents of each document are explained to him in accordance with his level of understanding unless it is not reasonable practicable to do so.

5. Regulation 6 specifies that the responsible authority should take all reasonable steps to make sure that it seeks out and takes account of the views and wishes of the young person for the assessment, the preparation of the pathway plan, and the review of the plan. Clearly, the further the young person can be involved in the process the more successful it will be. Where these processes involve meetings then the responsible authority should take reasonable steps to make sure that the young person can attend and take part. Such steps might include scheduling meetings at a time which is convenient for the young person, or, if he or she has to travel in order to attend, paying reasonable travel and subsistence costs. If young people have any particular needs related to impairment, the responsible authority should make sure meetings and information are accessible to them. Methods of assessment and review should take full account of any communication or cognitive impairment in order fully to involve the young person.

Regulation 7

- (1) The responsible authority shall assess the needs of each eligible child, and each relevant child who does not already have a pathway plan, in accordance with these Regulations.
- (2) The assessment is to be completed—
 - (a) in the case of an eligible child, not more than three months after the date he reaches the age of 16 or becomes an eligible child after that age; and
 - (b) in the case of a relevant child who does not already have a pathway plan, not more than three months after the date he becomes a relevant child.
- (3) Each responsible authority shall ensure that a written record is kept of—
 - (a) the information obtained in the course of an assessment;

- (b) the deliberations at any meeting held in connection with any aspect of an assessment; and
- (c) the results of the assessment.
- (4) In carrying out an assessment the responsible authority shall take account of the following considerations—
 - (a) the child's health and development;
 - (b) the child's need for education, training or employment;
 - (c) the support available to the child from his family and other relationships;
 - (d) the child's financial needs;
 - (e) the extent to which the child possesses the practical and other skills necessary for independent living; and
 - (f) the child's needs for care, support, and accommodation.
- (5) The responsible authority shall, unless it is not reasonably practicable to do so, seek and take into account the views of—
 - (a) the child's parents;
 - (b) any person who is not a parent but has parental responsibility for the child;
 - (c) any person who is caring for the child on a day to day basis;
 - (d) any school or college attended by the child, or the local education authority for the area in which he lives;
 - (e) any independent visitor appointed for the child;
 - (f) any person providing health care or treatment for the child;
 - (g) the personal adviser appointed for the child; and
 - (h) any other person whose views the responsible authority, or the child consider may be relevant
- 6. Regulation 7(2) specifies the timeframe within which the needs assessment must be completed. If an authority knows that a young person whom it is looking after is about to become an eligible or relevant child at the age of 16, they can undertake any preparatory work ahead of that date but the assessment cannot be finalised until the young person has reached his or her 16th birthday.
- 7. The responsible authority must complete the needs assessment within 3 months of a young person's becoming an eligible or a relevant child whether he or she does so on turning 16 or later. When it puts together the timetable for a young person's assessment the authority should bear in mind any considerations such as forthcoming exams, and take all reasonable steps to avoid disrupting the young person's preparation for them.
- 8. Regulation 7(3) stipulates that the responsible authority must keep a written record of the information obtained during an assessment, of the deliberations of any meeting held in connection with any aspect of an assessment; and the outcome of the assessment.
- 9. Regulation 7(4) deals with the essential issues which the responsible authority should address during an assessment. These are—

- The young person's health and development;
- Needs for education, training or employment;
- The support available from family and other relationships;
- Financial needs;
- The extent to which he or she possesses the practical and other skills necessary for independent living; and
- Needs for care, support and accommodation.
- 10. Individual cases may need more specialist assessment in other areas such as disability, or the young person's sense of identity, self esteem, or parenting skills. Section 23B (4) states that the needs assessment to be carried out under the 2000 Act may be carried out at the same time as an assessment carried out under any other enactment. This is intended to streamline assessments into a single process wherever practicable, so that a child is not subject to a whole succession of overlapping assessments.
- 11. Regulation 7(5) sets out those people, besides the young person him- or herself, who should normally be involved in the needs assessment. These would include parents, or anyone with parental responsibility (where, for example, a residence order has been made), any person who cares for him or her on a day to day basis; a representative of the school or college (such as a class teacher or someone chosen by the young person), an independent visitor if he or she has one, the GP or other appropriate health professional, the personal adviser, the Connexions adviser where there is one, and anyone else whom the responsible authority or the young person considers relevant. If the young person has any particular needs relating to communication or cognitive impairment it will be important that at least one person involved in the needs assessment has a clear understanding of how he expresses his wishes and feelings.
- 12. When deciding who needs to be involved in the assessment, the responsible authority should make every effort to take account of the wishes of the young person. This does not amount to giving young people the right of veto, but if they have strong objections to parents taking part, for example, the authority should balance the desirability of involving them against the risk of alienating the young person and possibly losing his or her co-operation.
- 13, Young people who qualify for the leaving care provision will already have a Care Plan, which has been reviewed regularly and up-dated as part of the process for children who are looked after. The multiagency assessment outlined above, which will be the basis for the Pathway Plan, will follow the dimensions of the 'Framework for the Assessment of Children in Need and their Families' (DH.DfEE and HO, published 2000), with a particular emphasis on those areas which will require intervention in order to support the young person until he or she reaches the age of 21 or, where supported in education and training, up to the end of the agreed programme.
- 14. The new Assessment Framework has been designed to assess young people's needs across the same seven developmental areas as the *Looking After Children* materials. Revisions are currently under way to develop an integrated model (Integrated Children's System), using the Assessment Framework dimensions, for assessing and providing services to all children in need and their families including looked after children.

15. The relationship between the Framework for the Assessment of Children in Need and their Families, *Looking After Children* and the Assessment of Needs and Pathway Plans is outlined in Figure 1.

Figure 1. The Assessment Framework, Looking After Children and the Assessment of Needs and Pathway Plans

Framework for the Assessment of Children in Need	Children (Leaving Care) Act Regulations	
	Needs Assessment	Pathway Planning
Health	Health and development	Health needs, including health promotion and mental health needs, how they are to be met
Education	Education, training. employment	A detailed plan for education or training, or assistance in employment
Emotional and behavioural development including identity	Health and development	Health needs, health promotion mental health needs, how they are to be met
Family and social relationships	Family and other social relationships	Support to develop and sustain family and social relationships
		Nature and level of personal support
Social presentation and self-care skills	Practical and other skills necessary for independent living	Programme to develop practical and other skills to live independently
Parenting capacity		
Basic care, ensuring safety, stimulation, guidance and boundaries, stability	Support available from family Support to sustain other relationships	Family and social relationships Nature and level of personal support
		Contingency plans
Family and environmental factors		
Family history and wider family	Support available from family and other social relationships	Support to maintain family and social relationships
Housing	Care, support, accommodation	Details of accommodation
Employment	Education, training and employment	Assistance in employment
Income	Financial needs	Financial support
Family's social integration	Support available from family and other social relationships	Support to develop and sustain family and other social relationships
Community resources	Support available from within the community	Community resources to provide support

Pathway Plans

16. Regulation 8 and Schedule I deal with the content of the Pathway Plan. Regulation 9 deals with its review. Regulation 6 applies, dealing with the involvement of the young person in preparing and reviewing the plan.

Regulation 8

- (1) A pathway plan prepared under paragraph 19(B of Schedule 2 to, or section 23B of, the act, must be prepared as soon as possible after the assessment, and must include, in particular, the matters referred to in the Schedule.
- (2) The pathway plan must, in relation to each of the matters referred to in the Schedule, set out—
 - (a) the manner in which the responsible authority proposes to meet the needs of the child; and
 - (b) the date by which, and by whom, any action required to implement any aspect of the plan, will be carried out.
- (3) The pathway plan must be recorded in writing.
- 17. Regulation 8 states that the responsible authority must prepare a Pathway Plan for each eligible child, and for each relevant child who does not already have one, as soon as possible after completing the needs assessment. It stipulates that the Plan must cover at least the topics listed in Schedule 1; and for each of those topics must set out how the responsible authority plans to meet the needs identified through the assessment, and the timetable for the actions required to do so.
- 18. The Plan must be recorded in writing. The responsible authority must keep a copy and must provide one for the young person in a form which is accessible to them. The authority should consider whether anyone else should have a copy of all or part of the Plan. If another person or agency (such as a Housing Authority or a school) is identified as playing a role in delivering part of the Plan, they should have a copy at least of the part which relates to their contribution. The authority should seek and take account of the young person's views about who should have a copy of his Plan.
- 19. For children looked after, the Pathway Plan will complement and be part of the Care Plan. The Pathway Plan will, however, extend until the young person is at least 21.

Purpose

20. The Pathway Plan should be pivotal to the process whereby young people map out their future, articulating their aspirations and identifying interim goals along the way to realising their ambitions. It will also play a critical part in making the new arrangements contained within the 2000 Act work. Each young person will be central to drawing up their own plan, setting out their own goals and identifying with their personal adviser how the local authority will help them. The authority should work to ensure that the Plan is owned by the young person and is able to respond to their changing needs and ambitions. It should look ahead at least as far as the young person's 21st birthday and will be in place beyond that where the young person is in a programme of education or training which takes them past that age.

The Content of the Pathway Plan

- 21. Schedule 1 sets out the detail of what each Pathway Plan must cover:
 - 1. The nature and level of contact and personal support to be provided, and by whom, to the child or young person.
 - 2. Details of the accommodation the child or young person is to occupy.
 - 3. A detailed plan for the education or training of the child or young person.
 - 4. How the responsible authority will assist the child or young person in relation to employment or other purposeful activity or occupation.
 - 5. The support to be provided to enable the child or young person to develop and sustain appropriate family and social relationships.
 - 6. A programme to develop the practical and other skills necessary for the child or young person to live independently.
 - 7. The financial support to be provided to the child or young person, in particular where it is to be provided to meet his accommodation and maintenance needs.
 - 8. The health needs, including any mental health needs, of the child or young person, and how they are to be met.
 - 9. Contingency plans for action to be taken by the responsible authority should the pathway plan for any reason cease to be effective.
- 22. The Pathway Plan must also record key details such as the name, age and contact details of the young person, the name and contact details of the personal adviser and those of any other people who will be actively involved in delivering aspects of the Plan. It will note the date due for review.

1. Personal Support

- 23. The personal adviser will have a key role both in relation to providing and identifying personal support and advice. The pathway planning process will be where arrangements for continuing support and contact will be agreed.
- 24. Positive pathway planning, involving all the potential supports that are available to young people, both formal and informal, can identify the areas in which young people are likely to need personal support and present clear arrangements as to who will meet those needs. Although, as detailed above, the personal adviser will have a central link role in being a focus for support, in arranging services and co-ordinating work with other agencies, it is very likely that there will also be other people able to provide the young person with personal support. This may include current or past carers; family members; mentors or befrienders; specialist leaving care project workers. It is important that the roles and responsibilities of all these persons and in particular those of the personal adviser and social worker are made clear both in the initial pathway plan and at subsequent reviews. Where there are specific commitments involving such people they should be recorded in the Pathway Plan.
- 25. Personal support should also include practical issues such as making sure that the young person has a National Insurance Number at the appropriate age and a passport if he or she is likely to need one.

2. Accommodation

- 26. Young people living in and leaving care are a diverse group whose needs will vary according to their care experience, ethnicity, gender, sexuality, contact with their families, degree of preparedness for leaving and any disability they may have. It follows that their accommodation needs will be equally diverse.
- 27. Councils will need to bear in mind the range of needs they may need to meet when they consider how they are going to meet their duty to provide accommodation for eligible and relevant children. The development of accommodation resources will require formal agreements with statutory and voluntary housing providers to plan services, ensure access to a range of tenancies and partnerships or joint ventures to establish a range of accommodation options (see Chapter 3).
- 28. Councils should take steps to make sure that young people have the best chance to succeed in their accommodation. They should—
 - avoid moving young people who are settled unless it is unavoidable or offers clear advantages;
 - assess young people's needs and prepare them for any move;
 - ensure that the accommodation meets any needs relating to physical and/or sensory impairment and/or learning difficulty;
 - where practicable, offer a choice in the type and location of accommodation;
 - set up a package of support to go with the accommodation;
 - have a clear financial plan for the accommodation; and
 - have a contingency plan in case the proposed accommodation breaks down.
- 29. In particular councils should bear in mind that young people who have been fostered may wish to remain in their foster home. Where young people have left care, this may mean converting the arrangement to supported lodgings or other funding arrangements.

3. Education and Training

- 30. Pathway planning for care leavers must build upon the foundation of the educational progress made while the young people were looked after. It will need to take account of the young person's Personal Education Plan. Detailed information and statutory guidance can be found in the pack *Education of Young People in Public Care* issued jointly by the Department of Health and the Department for Education and Employment in 2000. This should include a continuing assessment of the young person's progress using the appropriate recording mechanisms within the Integrated Children's System.
- 31. The Pathway Plan should reflect the needs and potential of each individual which will be identified through the needs assessment. Councils should take all reasonable steps to ensure that the young person is in a stable placement or, if they have left care, in stable accommodation in order to enable them to make the most of their learning opportunities. The personal adviser and the Connexions adviser (if different, though in most cases they will be the same) should take a continuing interest in the young person's progress in learning with a view both to encouraging him or her and to be ready to intervene as necessary in resolving any problems which may arise. This will include keeping in contact with the school or college in the same way that a parent would normally expect to do, such as attending parents'

- events, unless the role is already filled by someone such as a foster carer. Where needed, the Pathway Plan should cover any remedial education.
- 32. Some young people may need special help or encouragement with learning. Many young people have left care without qualification but have effectively returned to school or another learning opportunity in order to obtain qualifications or training. "Lifelong Learning" recognises that learning is not confined to specific age groups. Councils may wish to consider advising those who have left school without qualifications that it is not too late for them to remedy this situation and they may wish to provide advice on finance for educational and training courses. The personal adviser might support the young person by attending meetings at the school to discuss an appropriate programme of study. The SSD may also need to liaise with the education department, which has responsibility for further education. The Connexions Service/Careers Service is the organisation with specialist expertise in providing young people with information and guidance about their learning options across the full range of post-16 routes. Their assistance will cover support in accessing a suitable opportunity, and further advice as needed on related matters such as the finance available and legal issues, for example the employment right to Time Off for Study or Training which applies to 16/17 year old employees without level 2 qualifications.

4. Employment

- 33. Paragraph 4 of Schedule 1 to the Regulations specifies that, where relevant, the Pathway Plan should set how the responsible authority will assist the child or young person in employment or seeking employment. Pathway planning for employment will be greatly assisted by the work already carried out in regard to education and training outlined above. In addition, specific attention should be given to: gathering information about a young person's achievements and potential; carrying out an assessment of young people's capabilities as far as employment is concerned; identifying what work needs to be done to increase a young person's employability; exploring and opening up employment opportunities for young people; developing links with local employers; and identifying the different sources of support for young people.
- 34. Full-time paid employment may not be an option for some young people, such as those with profound learning difficulties, but efforts should still be made to ensure that they have something meaningful to do during the day.

5. Family and Social Relationships

- 35. We know from research that, wherever it proves possible, young people's best interests will be served by efforts to maintain or create links with their families and friends while they are looked after. Even if relationships with a parent have irretrievably broken down, other members of a young person's extended family may be able to offer some support.
- 36. Pathway planning should therefore explore young people's sources of informal support and their ability to make and sustain such relationships. This should include an assessment of the potential for young people to live with, or close to such supports, on leaving care.
- 37. Pathway planning should also assess the potential for foster carers to support young people once they have moved on, where the young people want such support and the carers agree to provide it.
- 38. Specialist leaving care schemes can have an important role to play in helping care leavers combat social isolation and strengthening their resistance to exploitation by others. The Pathway Plan should cover any

planned contribution from such schemes. This might cover issues such as forming new links and relationships, for example through attending groups supported by leaving care schemes to facilitate social contacts and guidance on social skills, or linking young people into local youth and leisure provision. Specialist leaving care schemes may also provide specialist expertise to complement those of the personal adviser where a young person needs help in managing social relationships. They should also address any needs relating to impairment when facilitating social contact for young people.

6. Practical and other skills

- 39. Pathway planning in relation to preparation should be holistic in its approach, attaching equal importance to practical, emotional and inter-personal skills. It should assess and agree a plan in respect of: self care skills personal hygiene, diet and health, including mental and sexual health; practical skills budgeting, shopping cooking, cleaning; inter-personal skills managing a range of formal and informal relationships, including sexual relationships; and identity knowledge of and links with family and community, sexuality, cultural knowledge/skills for young people from minority ethnic communities. Disabled young people may need information about their impairment, and advice, support and information about tackling disabling barriers.
- 40. Pathway planning in this area will be important in order to gauge whether young people are ready to leave care and what work remains to be done; we know that those leaving care with incomplete skills tend to fare worse.

7. Financial Support

41. The Pathway Plan will set out financial support arrangements for the young person, including how it is to be delivered. See Chapter 9 for details of what is to be covered

8. Health Needs

- 42. Pathway planning for the health needs of care leavers should be based on the guidance contained in *Promoting the Health of Looked After Children* to be published by the Department of Health summer 2001.
- 43. A holistic health assessment and the maintenance of detailed health records will provide the platform for pathway plans to promote a healthy lifestyle, ensure appropriate use of primary health care services, plan access to specialist health and therapeutics services where necessary and promote leisure interests. It is especially important the young people are helped to take responsibility for their own health care. The Pathway Plan should note where a young person is entitled to free prescriptions and the action taken to obtain and update the necessary forms. Completion of the form to access the NHS Low income Scheme, where appropriate, should be considered a routine part of the pathway planning process. See Chapter 9, paragraph 23.
- 44. Pathway planning should also pay attention to the need for young people to have accessible information on healthy living, sexual health and sexuality, and mental health as well as the health, dietary and cultural needs of young people from minority ethnic communities. It should also ensure that disabled young people obtain access to mainstream healthcare services (GP, dentist, optician etc) as well as to any specialist service related to their impairment.

9. Contingency planning

- 45. Most young people experience difficulties and the occasional crisis during their journey to adulthood, but they are usually able to return home and often have a wide network of support to help them get back on their feet. Young people leaving care, whose own lives have not been easy, may lack these supports and yet be expected to cope with major changes in their lives, often at a younger age than other young people.
- 46. It is therefore very important that potential crises are foreseen as far as possible and contingency arrangements built into the pathway planning process. For example, young people may need more than one attempt at finding educational courses that suit them, Contingency arrangements need to be holistic, capable of responding to difficulties in any of the core areas of young people's lives social relationships, accommodation, finance and employment since, for example, loss of a job or the breakdown of an important relationship may stimulate crises in other areas of young people's lives. Where crises do arise, such as a young person's becoming involved with the criminal justice system, plans may need to be revised rapidly to respond to the new circumstances.
- 47. Contingency plans also need to be flexible and sensitive. Young people may find it difficult to admit failure or to acknowledge the need for extra help. Contingency planning should therefore acknowledge the right of young people to try to live independently where this is feasible but also have arrangements in place that make it easy to return for subsequent support.

Review of the Pathway Plan

Regulation 9

- (1) The responsible authority shall review the pathway plan of each eligible, relevant and former relevant child or young person in accordance with this regulation.
- (2) The responsible authority shall arrange a review—
 - (a) if requested to do so by the child or young person;
 - (b) if it, or the personal adviser considers a review necessary; and
 - (c) in any other case, at intervals of not more than six months.
- (3) In carrying out a review, the responsible authority shall, to the extent it considers it appropriate to do so, seek and take account of the views of the persons mentioned in regulation 7(5).
- (4) The responsible authority conducting a review must consider—
 - (a) in the case of an eligible or relevant child, whether, in relation to each of the matters set out in the Schedule, any change to the pathway plan is necessary; and
 - (b) in the case of a young person who is a former relevant child, whether in relation to the matters set out in paragraphs 1, 3 and 4 of the Schedule, any change to the pathway plan is necessary.
- (5) The results of the review must be recorded in writing.
- 48. Regulation 9 deals with the review of the Pathway Plan.
- 49. Regulation 9(2) states that the responsible authority shall arrange a review if the young person asks for one; if the personal adviser asks for one; or at least every six months.

- 50. Regulation 9(3) states that the responsible authority should seek and take account of the views of the same people as were involved in the assessment, so far as it considers this to be appropriate. This means that those involved in the review should be the personal adviser, the case holder (if different), the social worker (if applicable) and the young person. It may also be appropriate for other people also to attend if, for example, they are contributing to one of the elements in the Pathway Plan or if they played an important role at the needs assessment. Barriers to communication should be tackled in the same way as when constructing the Pathway Plan.
- 51. Clearly, it is most desirable that the young person should also be involved. If a relevant or former relevant child needs to travel for this purpose, the responsible authority should cover reasonable travel and subsistence. If a relevant or former relevant child cannot or will not discuss face to face, the responsible authority should try to find an acceptable alternative way of reviewing the Plan with him or her, such as by telephone, by letter or by e-mail. If none of this is possible the responsible authority should review the Plan without the young person's help.
- 52. Regulation 9(4) states that the responsible authority conducting a review must, so far as reasonably practicable in collaboration with the child or young person, consider whether there is any need to change any of the elements of the Pathway Plan prescribed in the Schedule.
- 53. The purpose of regular review is to check that the goals and milestones are still right for the young person, and that they are being met. It will make sure that levels of support, both financial and other, are adequate and are being delivered according to plan. It will take account of any unexpected developments and will revise the Plan accordingly. For example, a young person might do better in exams than expected and wish to undertake higher education, which would then need to be built into the revised Plan. Conversely, the responsible authority might become aware that the young person was abusing funds supplied for a specific purpose. Under such circumstances they would wish to make every effort to persuade the young person to comply with the Plan, or, if there were good reasons why this was not possible, to revise the Plan so that he or she could work with it. The final sanction would be for the responsible authority to withdraw that particular item of support and revise the Plan accordingly.
- 54. The responsible authority might expect the personal adviser to take charge of setting up the review and to be responsible for recording the outcomes. However this need not always be so. It will be a matter for each local authority how it runs its leaving care service and it might be that someone other than the personal adviser has case responsibility especially in the case of an eligible child who will still have a social worker. Under such circumstances it might be that the case holder is best placed to run the review. Authorities may have dedicated review staff who perform this function for all looked-after children and care leavers.
- 55. The results of the review must be recorded in writing (Regulation 9(5)). The responsible authority and the young person should each have a copy. Other copies should be available as set out for the Plan itself at paragraph 18.

6. Personal Advisers

Introduction

1. The Children (Leaving Care) Act requires the responsible authority to arrange for each eligible and relevant child to have a personal adviser and to continue the appointment for former relevant children. The appointment of a personal adviser is therefore a statutory requirement. This emphasises the importance of the role and reflects the belief that young people living in and leaving care should be able to identify someone as committed to their well being and development on a long term basis.

Functions

- 2. Regulation 12 sets out the functions of the personal adviser. All the functions are to be exercised in relation to eligible and relevant children; and to former relevant children with the exception of 12 (2)(b).
- 3. 12 (2)(a) To provide advice (including practical advice) and support. The extent to which the personal adviser becomes the main source of advice and support for the young person will clearly vary according to individual circumstances. Much will depend on the extent and strength of the young person's existing network of support. It should not be expected, for example, that a young person who has a well established and trusting relationship with a carer should turn instead to the adviser for support. Indeed for some young people their adviser may, in these terms, be a largely peripheral figure in their lives. For others, however, the adviser will be the first person to whom they turn and with whom they may develop a close, long-term relationship. Even in these circumstances the aim should be for the adviser to build a network of support for the young person whose needs will inevitably change over time. Clarity about the nature and source of advice and support to be provided will be an essential element of the pathway plan and subsequent reviews. Whatever the degree of support and advice offered it is expected that the personal adviser should act as the young person's principal source of contact in any matter relating to the pathway plan.
- 4. **12** (2)(b) where applicable, to participate in his [the child's or young person's] assessment and the preparation of his pathway plan. The personal adviser will play a key role in the assessment and pathway planning process although it is not envisaged that they will necessarily take responsibility for its conduct and management. Since the assessment and pathway plan will build on the young person's existing care plan (see Chapter 5, para 1 et seq.) it is open to the social worker to continue to take responsibility. In this circumstance, the personal adviser is likely to play a negotiating role on behalf of the young person, ensuring that the plan is realistic and deliverable whilst meeting assessed needs. Whilst there is an element of advocacy in this, it would be wrong to construe the role primarily as that of an advocate. Moreover, the personal adviser's role is likely to change, particularly when the young person ceases to be an eligible child and becomes a relevant child (i.e. when the young person leaves care). It is likely that at this point the personal adviser will take on the responsibility for the maintenance and review of the pathway plan from the social worker.
- 5. **12 (2)(c) To participate in reviews of the pathway plan.** The regulations require pathway plans to be reviewed at no less than 6 monthly intervals. Reviews will continue until young people are 21 or beyond if they are in an agreed programme of education or training. The requirement that the personal adviser participates in these reviews ensures that the adviser is a constant presence who is likely to have

a unique perspective on the young person's progress and future. It is expected that the adviser will take responsibility for agreeing with the young person and the local authority the revisions to the pathway plan, including expenditure to meet the young person's needs. In the cases of most relevant and former relevant children it is likely that the personal adviser will convene review meetings and take responsibility for communicating the outcomes to other agencies and individuals as necessary.

- 6. **12 (2)(d) To liaise with the responsible authority in the implementation of the pathway plan.**The personal adviser is accountable to the responsible authority for the effective implementation of the plan. Monitoring progress is therefore a key function of the role both through direct contact with the young person and with those agencies and individuals identified in the plan as delivering a service. It should be noted that under Regulation 9(2)(b) the responsible authority is required to arrange a review if, in the light of changed circumstances, the personal adviser considers that a review is necessary.
- 7. **12** (2)(e) To co-ordinate the provision of services and to take reasonable steps to ensure that he [the child or young person] makes use of such services. The range of services required to meet the young person's needs will be identified in the pathway plan and agreed by those responsible for the services. The role of the personal adviser in this context is to act as a broker in securing the collaboration of other agencies and individuals; to ensure that services are provided at the right time; and to make other agencies and individuals aware of each other's contribution. Fully engaging the young person in drawing up the pathway plan and in subsequent reviews will clearly assist the take up of services. The personal adviser may also have an important role in facilitating a young person's access by, for example, helping with travel arrangements and fares.
- 8. **12 (2)(f) To keep informed about the his [the child's or young person's] progress and wellbeing.**This is essential if the local authority is properly to fulfil its duty under the 2000 Act to safeguard and promote the child's (young person's) welfare. The adviser will need to monitor progress through regular contact with the young person and with those agencies and individuals identified in the pathway plan as supporting the young person.
- 9. **12 (2)(g) To keep written records of contact with the him [the child or young person].** Records provide the basis for demonstrating that the local authority is discharging its statutory duties and as a means of providing important management information about care leavers. They may also contain information which the young person, him- or herself, may find useful.

Budget-holding

10. In order to avoid setting up conflicts of interest, the personal adviser should not also be the budget-holder.

Appointment, training and deployment

- 11. The wide range of functions to be carried by the personal adviser and the key role that he or she may be expected to play in most cases have considerable implications for the appointment, training and deployment of advisers.
- 12. Given the history and circumstances of many young people living in and leaving care, personal advisers will generally require high levels of knowledge and skill to work effectively with them. Personal attributes which engender trust and confidence in the adviser will also be very important, given that in many cases the contact between adviser and young person is likely to be close and may continue over many years. For this reason it is imperative that appointment processes include a police check together with the check which will be required by the Protection of Children Act 1999.

- 13. It is the responsibility of local authorities to appoint and train people whom they consider to be suitable as personal advisers. There is no prescribed professional or occupational qualification for the post of personal adviser. However, given the level of knowledge and skill required, it is likely that many personal advisers will have qualifications and/or extensive experience in working with adolescents, for example as social workers, teachers or youth workers. Many specialist leaving care services both in the statutory and voluntary sector already have staff of this kind who are carrying out similar functions to those envisaged for the personal adviser and who have established effective, authoritative relationships with other agencies. It is anticipated that such services will provide an important source of suitable people. Councils may wish to contract with voluntary organisations for the provision of personal advisers.
- 14. In making appointments there will be a need to ensure that the range of advisers is sufficiently wide to provide young people with a choice of adviser, bearing in mind the considerations of gender and ethnic origin. It may also be the case that young people ask that a person who is already providing them with support e.g. a mentor/befriender, foster carer, social worker or residential key worker becomes their personal adviser. These requests should always be considered seriously and the young person's wishes accommodated as far as possible but the local authority must be satisfied in every case that the person has the requisite abilities and the necessary availability. For example, local authorities should ensure that a personal adviser is familiar with a young person's way of communicating if he or she uses Makaton or other augmentative communication methods, or has access to appropriate training, interpretation or facilitation. The final decision rests with the responsible authority. In reaching these decisions it should be borne in mind that the personal adviser is not intended to supplant existing sources of support. There is no reason why a young person should not continue to derive support from a mentor or other significant person whilst also having a personal adviser provided the roles are clear and agreed with all involved, including the young person, as part of the pathway plan.
- 15. There are other considerations which affect both the appointment and deployment of personal advisers. The troubled history and circumstances of many of these young people suggests that in addition to being highly skilled, personal advisers will need to offer continuity of support as young people move on from care; to be accessible during the day and at other times in the event of crisis in young people's lives; and to ensure that young people have access to appropriate help in their absence. All this points strongly to advisers working as members of teams or as part of a network. Such arrangements would also enable advisers to provide support and cover for each other.

Personal Advisers and the Connexions Service

- 16. The Connexions service, announced by the Government in February 2000 is being introduced on a phased basis from April 2001. This will be a universal service, available to all young people aged 13–19 in England who will have access to a personal adviser to support them in the transition from adolescence to adulthood and working life. Because of the close correspondence between the role of the personal adviser and that envisaged for the Connexions Service personal adviser, it would clearly prevent confusion and duplication if one person fulfilled both roles. It is expected, therefore, that the leaving care personal adviser will normally also act as the young person's Connexions adviser.
- 17. Young people looked after by local authorities will, like other young people, have access to a Connexions personal adviser from the age of 13. Because of their particular needs, they will be considered by the Connexions service as a priority group for the provision of services, including personal adviser resources. At 16 a personal adviser must be appointed under the provisions of the Children (Leaving Care) Act and a decision will need to be taken about whether the existing Connexions adviser has the requisite qualifications to take on the new functions. At the same time the young person will have the right to express a preference in the choice of their personal adviser. An attempt should be made to accommodate the young person's wishes although the judgement about who is to be the personal adviser must

- ultimately be a matter for the local authority. The proposed developments in Connexions personal adviser training may in time enable the same adviser to work with a young person from the age of 13 to 19 (or up to 25 in the case of some disabled young people), although advisers working with care leavers will be required to keep in touch with the young person until the age of 21 or beyond if the young person is in an agreed programme of education or training.
- 18. The Connexions adviser working with the young person before the age of 16 will have a major contribution to make to the assessment and pathway planning process. In areas where the Connexions Service does not yet exist, the Careers Service will have an important contribution to make, particularly in relation to the young person's participation in learning, including their career goal and determining steps towards it.

Careers advice

- 19. Careers services, both those who have been subsumed within the Connexions Service and those who continue as a statutory service pending the introduction of Connexions in their area, provide a vital link between education and the world of work. A key element of the service is providing information, advice and guidance to help young people make informed choices about learning and career options, including both the short-term and long-term prospects in any particular career, plus providing a placing service for those who want help with accessing their chosen option. The service is in a unique pivotal position in that it has contact with a wide range of relevant partners including teachers, those involved in further and higher education, employers, training providers, local Learning and Skills Councils (LSCs), parents and carers as well as the young people themselves. The process starts while young people are in school from Year 9. Careers services will provide impartial careers information and guidance to all young people about their learning options across the full range of post-16 opportunities, both academic and work-based. They act as the main placing agency into Government-supported work-based training opportunities such as Modern Apprenticeships, working in close conjunction with local LSCs who provide funding to employers and training providers for these opportunities.
- 20. SSDs and other caring agencies will, as good parents, need to ensure that all young people whom they are caring for do receive careers advice through the Connexions Service/Careers Service. Disabled young people should receive careers advice like other young people in care, and careers services usually have advisers who specialise in helping those with disabilities. It is important to ensure that they are not advised to take up an undemanding job unless their impairment really does prevent them from embarking on a challenging career. Since personal advisers will normally act also as Connexions advisers they will be well placed to ensure young people receive the careers advice they need.

Keeping in Touch

21. The 2000 Act places a duty on the responsible authority to keep in touch with young people up to the age of 21 or beyond if in an agreed programme of education or training. Where, in the case of a relevant child, they lose touch, the authority must immediately take reasonable steps to re-establish contact and to continue doing so until they succeed in making contact. Similarly the local authority must take reasonable steps to keep in touch with a former relevant child, wherever he might be living and if they lose touch, to re-establish contact. This duty reflects the underlying philosophy of the 2000 Act that local authorities should treat care leavers in the same manner as a responsible parent by being proactive in expressing interest and concern.

22. In practice it is the personal adviser who is likely to carry the responsibility for keeping in touch with the young person and taking action if they lose contact. The adviser's knowledge of the young person and his or her circumstances should enable them to judge the appropriate degree of contact and the extent to which the young person is likely to welcome contact. It is important that the young person's wishes are respected and that attempts to maintain or re-establish contact by the adviser are not perceived as harassment. Equally, it is important that the adviser continues to convey an interest in the young person's well being. In many cases, the level and nature of contact will be specified in the pathway plan and agreed with the young person. This might mean face to face contact, contact by telephone, by letter or by e-mail, or a combination. Where an authority uses letters or e-mail it must have a response of some kind in order to qualify as keeping in touch. Where it is not possible to establish such an understanding, the personal adviser will have to balance the risk of alienating the young person with the need to maintain contact.

Young people being helped under sections 24A and 24B of the Children Act

23. Councils also have a duty to contact young people whom they have looked after but who are not eligible, relevant or former relevant children and therefore do not have a personal adviser under the Children (Leaving Care) Act. Section 24(4) of the Children Act says that it is the duty of a local authority which last looked after a young person who qualifies for advice and assistance under section 24(2)(a) to take such steps as they think appropriate to contact him at such times as they think appropriate so that the council can discharge its functions under sections 24A and 24B.

7. The Delivery of Services

- 1. Many local authorities have developed specialist services for young people leaving care. There are various models, including those where the local authority provides the service "in house" and others where the service is bought in from the voluntary sector. Where authorities have established separate aftercare teams, it is important that the person who has been most closely involved with the young person whilst in care maintains contact and provides continued support directly to him as well as contributing to the team's planned approach. For eligible children this will be a role for their personal adviser, to maintain close liaison between the aftercare team and the social services staff responsible for fostering and for residential child care. The principle that preparation for leaving care is to be regarded as an integral part of any care placements from the outset should underpin the development of specialist services. (See principle 15 on page 9 of "The Care of Children: Principles and Practice in Regulations and Guidance" (HMSO, 1990)).
- 2. In discharging the responsibilities outlined above, the personal adviser or other "key person" (in the case of someone who is not an eligible child) working with a particular young person will need to liaise closely with any service provided by the local authority and the voluntary sector for young people with special needs such as disabled young people.
- 3. It is important that managers provide sufficient time and resources for staff, including staff of residential establishments and also foster parents, to undertake and develop the necessary skills associated with leaving care and continuing support. Local authorities should take account of the need to train and supervise staff and foster carers to do this difficult job properly. The local authority's designated officer will need to assume responsibility for ensuring that all this is done.
- 4. The authority's policy statement on leaving care and aftercare services, and its easy to read guide to those services, needs to refer to the role of other agencies in helping young people who are leaving care. In preparing both documents, and providing services accordingly, the local authority will wish to note the help that it can require from other agencies under section 27 of the Children Act.
- 5. These other agencies will include those who are caring for young people, who might be encouraged to assume responsibility for preparing the young people they are caring for, for the time when they leave care (voluntary organisations and children's homes do, of course, have a duty to do this). Local authorities will also wish to encourage them to provide aftercare for young people who have left their care.

Support and Accommodation for Relevant Children

- 6. When a young person leaves care, it may not be possible for them to return to their family: they may have none, or they may be estranged. Councils have a duty to meet the needs of—
 - relevant children where the 2000 Act requires the responsible local authority to support them by providing them with or maintaining them in suitable accommodation unless they are satisfied that their welfare does not require it (Section 23B(8)(b)); and
 - former relevant children where the local authority is required to assist them to the extent that their welfare requires it (Section 23C (4))

7. The 2000 Act also requires a local authority to ensure that any local authority care leaver in full-time further or higher education has suitable accommodation if they need it during a vacation. The authority may discharge this responsibility either by providing the young person with accommodation or by paying them enough to secure suitable accommodation. (Section 24B(5))

Regulation 11

- (1) For the purposes of section 23B(8)(c) (support for relevant children), the responsible local authority must provide assistance, which may be in cash, in order to meet the child's needs in relation to education, training or employment as provided for in his pathway plan.
- (2) For the purposes of section 23B(10), "suitable accommodation" means accommodation—
 - (a) which so far as reasonably practicable is suitable for the child in the light of his needs, including his health needs;
 - (b) in respect of which the responsible authority has satisfied itself as to the character and suitability of the landlord or other provider; and
 - (c) in respect of which the responsible authority has so far as reasonably practicable taken into account the child's—
 - (i) wishes and feelings; and
 - (ii) educational, training or employment needs.
- (3) For the purposes of section 24B(5) (provision of vacation accommodation)—
 - (a) "higher education" means education provided by means of a course of a description referred to in regulations made under section 22 of the Teaching and Higher Education Act 1998;
 - (b) "further education" has the same meaning as in the Education Act 1996 save that for the purposes of this regulation it only includes further education which is provided on a full-time residential basis.
- 8. Regulation 11 explains the requirement to provide support under Section 23C(8)(c); defines the meaning of "suitable accommodation" at Section 23B(8)(b); and defines higher and further education for the purposes of Section 5.
- 9. Chapter 3 sets out the role of the Housing Department in meeting local authorities' duties to accommodate young people leaving care.
- 10. Regulation 7(4)(f) requires the local authority to take account of an eligible or relevant young person's need for accommodation when carrying out an assessment of needs under the 2000 Act. Schedule 1 of the regulations requires the pathway plan to contain details of the accommodation which the young person is to occupy and to specify the financial support to be provided to meet the need for accommodation. The assessment and pathway planning process is considered in Chapter 5.
- 11. In relation to a relevant young person, the accommodation agreed in the pathway plan must be suitable accommodation as defined in the regulations. Regulation 11(2) sets out the meaning of suitable accommodation as accommodation—
 - (a) which so far as reasonably practicable is suitable for the child in the light of his identified needs, including his health needs;

- (b) in respect of which the responsible authority has satisfied itself as to the character and suitability of the landlord or other provider;
- (c) in respect of which the responsible authority has so far as reasonably practicable taken into account the child's
 - (i) wishes and feelings;
 - (ii) his educational, training or employment needs.
- 12. The assessment should therefore determine the type of accommodation, where ideally it should be located and the degree of support required. The pathway plan will specify the particular accommodation which, as agreed with the young person, most closely matches the assessment requirement, including needs relating to impairment, and the young person's wishes. These might include consideration of the young person's ethnic origin and whether or not he or she wishes to be accommodated close to members of that community; consideration of whether or not a young person wishes to be accommodated in their area where he or she grew up; and whether or not a young person wishes to be accommodated near his or her family members. If possible, the young person should have the opportunity to visit different types of accommodation available and make an informed choice between them.
- 13. As soon as the particular accommodation is identified the responsible authority must satisfy regulation 11(2) (b) by carrying out appropriate checks and taking up references of those persons coming into direct contact with the child as a result of providing the accommodation.
- 14. Whilst regulation 11 does not prohibit the use of certain types of accommodation, as a general rule it would not be sensible for 16 and 17 year olds to live independently and to carry the responsibility of sustaining their own tenancy without appropriate support. Similarly, bed and breakfast accommodation would not be regarded as suitable although very occasionally its use may be justified as a short-term emergency measure. The development of a multi-agency accommodation strategy should be the means whereby recourse to bed and breakfast provision or other unsuitable accommodation becomes unnecessary. The strategy should aim to develop provision in such a way as to permit young people to return to more supported accommodation in the event of crisis.
- 15. Even with the help offered through the personal adviser it is likely that some young people will not succeed in their first or even their second attempt at living independently. The responsible authority should be prepared through its contingency plans to handle this failure and to allow for subsequent attempts.

Vacation accommodation

- 16. The 2000 Act provides for any local authority care leaver who comes within the scope of the 2000 Act, irrespective of whether they are a former relevant young person, to receive assistance with accommodation during vacations in full-time further or higher education. The local authority must be satisfied that the young person needs accommodation because their term-time accommodation is not available. The assistance may take the form of either providing the young person with suitable accommodation or paying them enough to secure suitable accommodation themselves.
- 17. Regulation 11 defines the meaning of higher education and further education courses which, in the case of the latter, only includes full time residential courses.

18. These provisions apply to every vacation and are intended to ensure that the young person is not homeless during that time. An assessment of whether there is likely to be a need for this assistance should be undertaken when the young person is making a decision about which course to pursue and when the pathway plan is being reviewed to establish an appropriate package of student support. The requirement to assist, if necessary, with vacation accommodation lasts for as long as the young person continues on the course which has been agreed as part of their pathway plan.

Support

- 19. In addition to the support required to help young people maintain settled accommodation, other forms of personal support comparable to that provided by most families should also be available. For example, care leavers who enter the armed forces may find themselves with nowhere to go when they are on leave, although they may have the funds to support themselves. Pathway planning for such young people should address this issue. Given the range of support needs which may have to be met it is important that services are provided in a flexible and responsive way. Typical examples of the way in which support may be delivered include drop-in centres, out of hours and outreach support, mentoring and befriending schemes and programmes of life skills training. Specialist support services will be required for some young people. The nature, extent and source of support are matters for agreement and inclusion in the after-care or pathway plan.
- 20. Regulation 11 applies to relevant children and states that for the purposes of section 23B(8)(c) the responsible local authority must provide assistance, which may be in cash, in order to meet the child's needs in relation to education, training or employment as provided for in his or her pathway plan. The intention here is not that the local authority should take on all the costs associated with the young person's education, training or employment but that it stands ready to assist with those expenses which cannot be met through other means. Relevant young people will be eligible for Education Maintenance Allowances (where these are payable) in the same way that other young people on low incomes are eligible; and they should also apply if necessary for college access funds.

Care leavers qualifying for advice and assistance under section 24

- 21. Section 24(1) states that someone qualifies for advice and assistance under this part of the legislation if they are under 21 and have, after the age of 16, ceased to be looked after, accommodated or fostered.
- 22. Section 24(2) defines "looked after, accommodated or fostered" as
 - (a) looked after by a local authority;
 - (b) accommodated by or on behalf of a voluntary organisation;
 - (c) accommodated in a children's home;
 - (d) accommodated by any health authority, Special Health Authority, Primary Care Trust or local education authority, or in any residential care home, nursing home or mental nursing home, or in any accommodation provided by an NHS Trust (provided that he was accommodated for at least 3 months); or
 - (e) privately fostered.

- 23. Section 24(3) states that subsection 24(2)(d) applies even if the 3 month period began before the young person reached the age of 16.
- 24. Section 24(4) provides that in the case of a young person formerly looked after by a local authority, the local authority which last looked after him must take such steps as they consider appropriate to keep in touch with him in order to discharge their functions under sections 24A and 24B.
- 25. Section 24(5) sets out which local authority is responsible for providing aftercare services under section 24A and 24B to a qualifying young person. In the case of a young person formerly looked after by a local authority, the relevant authority is the one which last looked after him. In the case of someone qualifying for advice and assistance under any of the other provisions at section 24(2) the relevant authority is the authority in whose area the person has asked for help.
- 26. These responsibilities may be a duty or a power, according to the form of care that the young person has left (see sections 24A(2) and (3) below).
- 27. Sections 24A(2) and (3): Where a local authority knows that a person described in section 24(2) is in their area, they have:
 - (a) a duty to advise and befriend him if he was formerly looked after by a local authority or accommodated by or on behalf of a voluntary organisation; and
 - (b) a power to advise and befriend him in all other cases, provided that in both cases (a) and (b):
 - the authority considers that he needs help; and
 - in the case of a child who was not looked after by a local authority, the person who
 formerly looked after him does not have the necessary facilities for advising and
 befriending him.
- 28. Sections 24A(4) and (5): If a local authority has a duty or a power to advise and befriend someone, they may also give him assistance. This assistance may be in kind or, in exceptional circumstances, in cash.
- 29. Section 24B: A local authority also has a power to give assistance to anyone who "qualifies for advice and assistance" and who was formerly looked after by the local authority (section 24(2)(a)) in the following ways:
 - by contributing to expenses incurred by him in living near the place where he is, or will be, employed, or seeking employment, or in receipt of education or training;
 - by making a grant to enable him to meet expenses connected with his education or training.
- 30. Section 24B(3): If a local authority is making a contribution or grant under section 24B(2) to meet expenses connected with education or training, it may continue to do so until the young person reaches the age of 24. It may also disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable (section 24B(4)).
- 31. Section 24B(5): This section introduces a new duty on councils to provide local authority care leavers in Higher Education, or pursuing such residential FE courses, with vacation accommodation or the means to secure it, should this be needed.

- 32. Section 24A(6): Assistance given by a local authority under section 24A or 24B may be given unconditionally or may be repayable in part or in whole. However, no-one shall be liable to repay any assistance at any time when in receipt of Income Support, Jobseeker's Allowance or Family Credit. Before giving any assistance or imposing any conditions about repayment, the local authority shall take into account the means of the young person concerned and of each of his parents.
- 33. Section 24C(1): If a local authority has been advising and befriending a young person under section 24A or 24B and becomes aware that he proposes to live, or does live, in the area of another local authority, it must inform the other local authority.
- 34. Section 24C(2): If a young person ceases, after reaching the age of 16, to be accommodated:
 - (a) by a voluntary organisation or in a children's home; or
 - (b) by any Health Authority, Special Health Authority, Primary Care Trust or local education authority; or
 - (c) in any residential care home, nursing home or mental nursing home, or any accommodation provided by an NHS Trust;
 - then the organisation, authority or person carrying on the home (as appropriate) must inform the local authority in whose area the young person proposes to live.
- 35. Section 24C(3): sections 24C(2)(b) and (c) only apply if the accommodation has been provided for a consecutive period of at least 3 months.

8. Care leavers aged 18-21

Introduction

- 1. The Children Act 1989 as amended by the Children (Leaving Care) Act 2000 requires the responsible authority to continue to provide various forms of assistance to care leavers from the age of 18, if they have previously been *eligible* or *relevant* children. They are described in the 2000 Act (section 23C) as *former relevant children*.
- 2. These duties run until the young person reaches the age of 21 except for the duty to assist with education and training, which carries on to the end of the programme agreed and set out in the Pathway Plan.
- 3. Section 24B(2) also gives councils a power to assist with the expenses associated with education and training up to the age of 24. For the most part this will apply to young people who do not qualify as former relevant children. However if a young person who had been a former relevant child decided after the age of 21 that they wished after all to take up educational opportunities, the council which had been their responsible authority would be able at its discretion to provide assistance until that young person reached the age of 24, though it would not be under a duty to do so.

Duties

- 4. The responsible authority will continue—
 - To provide the young person with a Young Person's Adviser (23C(3)(a));
 - To review and revise the Pathway Plan regularly (23C(3)(b)); and
 - To keep in touch (23C(2) (a) and (b)).
- 5. Responsible authorities' duty to provide accommodation and maintenance for care leavers ends when they reach 18. However they have duties—
 - To provide general assistance (23C(4)(c));
 - To provide assistance with the expenses associated with employment (23C(4)(a));
 - To provide assistance with the expenses associated with education and training (23C(4)(b)); and
 - To provide vacation accommodation (or the funds to secure it) to care leavers in Higher Education or in residential Further Education (24B(5)).
- 6. Local authorities also have a power under section 20(5) of the Children Act to accommodate young people over the age of 16 up to the age of 21 in a community home.

- 7. Each of the duties in this group is dependent on the young person's needing the assistance. It will normally be linked to the Pathway Plan and to the young person's educational or welfare needs.
- 8. The duty to provide vacation accommodation applies to all local authority care leavers aged 16 and over, not just to former relevant children.

The personal adviser

- 9. The personal adviser will normally be the same person who has been acting in that capacity while the young person was an eligible or relevant child. However councils will wish to bear in mind the links with the Connexions service which will already have been made in each case. A decision will have been made as to whether the Connexions adviser who will have been working with a young person from the age of 13 should take on the role of Young Person's Adviser from their 16th birthday. The alternative would be to identify a new person to be the personal adviser once a young person reaches the age of 16. In either case, there will normally be one person fulfilling the role of personal adviser and Connexions adviser.
- 10. The Connexions service ceases when someone reaches their 20th birthday although it can continue up to the age of 25 for a young person with learning difficulties or disabilities if they are not yet ready to access adult services. However a former relevant child will continue to need a personal adviser until they are at least 21, and possibly for longer if they are still being helped with education or training. Responsible authorities will need to manage the interface at age 20 in much the same way as that at 16, bearing in mind the needs and preferences of the young person and the relationship which they have established with their existing personal adviser.
- 11. The functions of the personal adviser will be the same for this older group as for those aged 16–17 except for those functions (needs assessment and preparation of the Pathway Plan) which only apply for eligible or relevant children.

The Pathway Plan

- 12. These young people will continue to have a Pathway Plan which will cover the same topics and fulfil the same function as described in Chapter 5. Since this group will normally be significantly more mature, confident and independent than the younger children, responsible authorities should be sensitive to their increasing need to take control in matters such as who should be consulted when the Plan is to be reviewed, and what the Plan is to cover. Where the responsible authority is continuing to provide assistance the Plan will need to be clear what that assistance consists of and what goals it supports. Where appropriate the responsible authority will still wish to encourage young people to be ambitious for their futures, as a parent would be, while being ready to step aside where someone shows that they are capable of taking responsibility for their own life.
- 13. The Pathway Plan must still be reviewed and revised as necessary at least every six months and more often if needed. This duty continues to apply until the young person reaches 21 and ceases to be a former relevant child, even if the responsible authority has lost contact with the young person. However under such circumstances they will not be able to do more than record what steps they have taken to try to get in touch.
- 14. As for eligible and relevant children, the purpose of regular review is to check that the goals and milestones are still right for the young person, and that they are being met. It will make sure that any assistance due from the responsible authority, whether financial and other, is being delivered according to plan. It will take account of any unexpected developments and will revise the Plan accordingly.

For example, a young person might do better in exams than expected and wish to undertake higher education, which would then need to be built into the revised Plan. Conversely, the responsible authority might become aware that the young person was abusing funds supplied for a specific purpose. Under such circumstances they would wish to make every effort to persuade the young person to comply with the Plan, or, if there were good reasons why this was not possible, to revise the Plan so that he or she could work with it. The final sanction would be for the responsible authority to withdraw that particular item of support and revise the Plan accordingly.

Keeping in touch

- 15. The responsible authority must still keep in touch with the young person. This contact should take place at least once every six months, linked to the review of the Pathway Plan. Normally this task will fall to the personal adviser.
- 16. The responsible authority must be sensitive to the needs and wishes of the young person on keeping in touch. It is important to remember that these care leavers have reached the age of majority and are adults. Many young people value keeping in touch but they also have a right to privacy if they wish it. This means that the responsible authority should not insist on a face to face meeting against the young person's wishes, although this would be the preferred means of contact. If this means that the young person has to travel, the authority should meet reasonable travel and subsistence costs.
- 17. However, if the young person prefers it, contact may be made by other means such as by telephone or in extreme cases even by letter or by e-mail. Methods should meet any communication needs the young person may have. A young person with significant learning difficulties may require face to face contact rather than contact by telephone; the personal adviser may need access to a textphone to communicate with a deaf or hearing impaired young person. For contact to qualify as keeping in touch the council must receive some response from the young person. Contact may also be as brief as the young person wishes. In this, as in the rest of the amendments made by the Children (Leaving Care) Act, the responsible authority should take the good parent as its model: it should be patient and should persevere with keeping in touch even if the young person seems to be unresponsive, while respecting the young person's right to be unresponsive.

General assistance

- 18. The responsible authority does not have a primary financial-support role for this group. Former relevant children should derive their income from the same sources as their peers through employment, student loans, welfare benefits and so on.
- 19. However, the same considerations continue to apply to this group's special needs as set out in paragraph 9.70 et seq of Volume 3 of *The Children Act 1989 Guidance and Regulations*. The power described there to provide assistance in kind or in cash becomes a duty under this 2000 Act in respect of former relevant children. The transparent criteria set out in Chapter 9 should cover assistance available under this provision.
- 20. In the same way that the DWP disregards payments made to young people under Section 24 of the Children Act 1989, it will also disregard payments made under section 23C. Assistance from the responsible authority will therefore not affect a young person's benefits claim.

Assistance with employment

21. Councils have a duty to provide assistance to former relevant children with the expenses associated with employment. This provision covers contributions towards the cost of accommodation which enables the young person to live near the place where he is employed or seeking employment.

Assistance with education and training

- Councils have a duty to assist former relevant children with the expenses associated with education and 22. training. Unlike the other duties, which cease when the young person reaches 21, this duty runs until the young person has completed the programme of education and training agreed with the responsible authority and set out in the Pathway Plan. Since young people who have been looked after are liable to have suffered disruption to their education, they are quite likely to be embarking on Further Education, for example, later than their peers, and this will be reflected in their Pathway Plan. Given that the Plan must be reviewed and revised at least every six months, there is scope to take account of a former relevant child's educational achievement should this qualify them, say, to undertake a degree course and then postgraduate work. The responsible authority would not be expected to provide accommodation and maintenance for those in Higher Education: under such circumstances, the prime funding must come from whatever mainstream sources would be available to support anyone else. However should the young person's welfare or educational or training needs require it the responsible authority would be under a duty to provide assistance such as travel or equipment costs as well as contributing to the expenses incurred by the young person in living near the place where he or she is, or will be, receiving education or training. Former relevant children in Further Education may not have access to any other help - Income Support and Housing Benefit are not available for those aged 19 and over in full time Further Education – and in such circumstances the responsible authority would need to provide them with maintenance and accommodation.
- 23. In addition, authorities are under a duty to provide vacation accommodation, or funds to secure it, to all local authority care leavers in Higher Education who need it. The duty also extends to Further Education courses which require a student to live away from home. The duty applies in relation to all vacations within a course but not any time immediately preceding the first term or after the final term of the course as a whole.

9. Financial Arrangements

Introduction

- 1. The 2000 Act introduces new financial arrangements affecting *relevant children*. Section 23B(8) makes clear that while a young person is a *relevant child* the responsible authority will normally be his or her primary source of income. The access which relevant children would previously have had to Income Support, Jobseeker's Allowance and Housing Benefit is removed by section 6. This new income will cover accommodation and maintenance, and other expenses such as travel and leisure costs.
- 2. For each young person the responsible authority will have to consider and agree with them how their support is to be delivered. Each young person will have a different set of needs and different capacity to manage a budget. Some young people will be capable of budgeting for themselves. In such cases the council might agree to provide them with cash with which to support themselves for rent, bills, general living expenses and so on. In other cases young people may not be ready for so much independence and the council might need to handle all significant expenses on their behalf. Other young people will fall somewhere on a line between the two extremes. The aim in each case must be to foster independence and to help the young people learn to handle money wisely so that they are able to cope with the greater independence of being a former relevant child when they reach the age of 18.
- 3. Some young people may have funds of their own such as legacies, or income through employment. The council should treat capital and income according to the DWP regulations governing Income Support (the Income Support (IS) (General) Regulations 1987). This sets out a scale whereby capital up to £3,000 is disregarded and someone with capital assets of £8,000 or more is not entitled to assistance. Where a young person's capital exceeds £3,000 but is not more than £8,000 an amount corresponding to the excess is treated as a weekly contribution against council support. The details will be recorded in the Pathway Plan.
- 4. However where a young person has been awarded a sum in compensation for a criminal injury, the council should disregard that capital entirely in the case of a relevant child. The council should ensure that such a young person has access to sound financial advice about the best use for such funds, bearing in mind that normal rules in respect of benefit entitlement, student loans etc will apply when the young person reaches 18.

Transparent criteria

- 5. It is important that young people are clear about the funding duties owed to them by their responsible authority, and about what the authority would normally expect to provide funds for. It is also self-evident that the authority operates within limited resources and that there will from time to time be competing demands on those resources from different children, and that they may not always be able fully to meet all those demands.
- 6. Authorities should therefore produce a written schedule of the areas where they would normally provide funding. They should also be clear about the treatment of young people's own funds, whether these come from employment, inheritance, Criminal Injuries Compensation, or other sources. Accommodation and maintenance are essentials which must always be provided unless the child's

welfare does not require it. Regulation 11(1) states that the responsible authority must provide assistance, which may be in cash, to meet the relevant child's needs in relation to education, training and employment as set out in the Pathway Plan. Below, that, however, all other areas need to be set out in priority order. These need not be absolute: when the Pathway Plan is being negotiated a young person and their personal adviser may argue for different priorities for different cases, linked to the findings of the needs assessment.

- 7. Items to be considered a priority for funding would include—
 - Travel costs for eg education;
 - Educational materials/special equipment;
 - Other educational costs;
 - Costs associated with special needs (such as a disability or pregnancy);
 - The costs of childcare;
 - Clothing;
 - Contact with family or other significant relationships;
 - Cultural/religious needs;
 - Counselling or therapeutic needs; and
 - Hobbies/holidays;
- 8. This list is not intended to be exhaustive.
- 9. This information should be available to all interested parties and in particular should be explained clearly to the young people themselves.

Access to financial support

- 10. The aim of these arrangements is to help young people who have been looked after to play a full and productive part in society. They have been put in place in response to evidence that care leavers are especially vulnerable to social exclusion. One aspect of social exclusion is being outside normal financial management arrangements bank accounts and so on. Responsible authorities should therefore make every effort to help care leavers to open and manage bank accounts and, as far as possible, should channel assistance through them. This will be especially helpful where a young person is living in a different area from his or her responsible authority.
- 11. The extent to which this is feasible will vary from case to case. For the most able, it should be applicable to all the support from the responsible authority. For the less able, authorities may need themselves to handle payments such as rent on behalf of the young person. In extreme cases they may need to deal with all significant financial matters on the young person's behalf. Young people who demonstrate an inability to manage money might be given travel tickets, for example, rather than funds to buy them. Authorities should aim to minimise the amount of support provided as cash in hand but at the same time recognise that there will be occasions where this is the most appropriate course, and they will need to have systems in place possibly linked to their out of hours service to provide it.

- 12. Young people do not have to be living in their responsible authority's area in order to receive their financial support. The responsible authority will continue to be the source of support for its relevant children wherever they move in the country. Depending on where and how far they move, and their relationship with their authority, it may be most sensible for the support to be administered by the authority in whose area they are living. However in the case of someone who is managing money competently and has their own bank account there may be no need to transfer funds through a second authority. In such a case the responsible authority would be able to continue to provide support even if it lost touch with the young person. In such a case, however, they would probably not be able to give support beyond the basic amounts for accommodation and maintenance since the rest will be linked to the Pathway Plan. If they are not in touch with the young person it is unlikely that the reviews of the Plan would be able to deal in enough detail with the agreed goals to allow the authority to continue providing resources for them.
- 13. Disabled young people may need particular help in identifying and accessing potential sources of financial support. This would include the benefits system, and also sources such as the Independent Living Fund and the access to work scheme, as well as charitable sources for communications equipment, for example.

Leaving Care

14. Many authorities operate a system of leaving care grants. For care leavers qualifying for advice and assistance under section 24(1), see para 25 below. For relevant and former relevant children, the Pathway Plan should cover the help which the responsible authority is to provide when they leave care, such as the resources needed to set up home. Authorities should be clear about what they would expect to provide for this purpose. They will also need to recognise that not all young people will be successful the first time they try to live independently, and that they may need this help more than once.

Minimum standards

- 15. The responsible authority should always use its best efforts to ensure that the package of support for any individual young person is the one which will best meet their needs, wants, circumstances and abilities. Since the package will normally include help linked to specific areas, such as education, and since the responsible authority will not be bound by the DWP rules limiting accommodation options for this group of young people, the value of the package should generally be well above the level which would have been supplied through the benefits system. These minimum standards are intended to protect young people against the possibility that they might be offered inadequate assistance. They are not to be seen as the norm.
- 16. No young person should receive a package for their accommodation and maintenance whether paid directly to them, provided by a third party such as parents, or handled on their behalf by the responsible authority which comes to a value less than they would have received if they had been entitled to claim Income Support or Jobseeker's Allowance, and Housing Benefit (or equivalent successor benefits) at the rates and with any premiums which would have applied to them and their circumstances.

Sanctions and Rewards

17. A relevant child has an absolute right that accommodation and maintenance should be provided by his or her responsible authority so long as his or her welfare requires it. This duty on the responsible authority is not qualified by any requirements on the young person.

- 18. However other support will normally be linked to the Pathway Plan. Councils may wish to set up a system of rewards and incentives linked, for example, to attendance for education. In this way support will be given for specific purposes and the reviews of the Plan will make sure that this is working as intended. If this is not the case, the Plan may need to be revised to reflect the new situation.
- 19. This is based again on the good parent model. A good parent uses rewards and incentives to encourage a child in achievement. In more difficult circumstances though a parent would not make children homeless, or cease to feed them, if they behaved badly. However, the parent might apply sanctions such as loss of privileges or would withdraw funding if it was being abused.

Emergency assistance

- 20. If a relevant (or eligible) child turns up in another authority's area and needs help, the second authority should provide short-term assistance under section 17 of the Children Act 1989.
- 21. The second authority should make contact with the responsible authority and the two should agree, with the young person, on next steps which might be for the young person to return to the responsible authority, or to stay in the new authority's area, or to move somewhere different again. In either of the last two cases the responsible authority may wish to make arrangements with the new authority about handling day to day issues through them and transferring to them the resources dedicated to delivering the young person's Pathway Plan.

Exceptions

22. Lone parents and sick and disabled young people who meet the criteria described in Schedule 1B of the Income Support (General) Regulations 1987 will still be eligible to claim Income Support or Jobseeker's Allowance, though not Housing Benefit. The responsible authority will simply take this into account when deciding with the young person what additional support will be provided through the Pathway Plan. The Benefits Agency will disregard any such support payments made by the responsible authority when determining the young person's entitlement to Income Support or Jobseeker's Allowance.

Access to help with health costs

- 23. Some young people coming within the scope of the 2000 Act will be entitled to help with health costs, for example NHS prescription or dental charges, because they continue to receive Income Support or income based Jobseeker's Allowance, or are otherwise exempt from charges. Full details of the help available is in leaflet HC11 *Are you entitled to help with health costs?* which is available from main post offices, social security offices and some NHS practitioners. It is also on the DH website at www.doh.gov.uk/nhscharges/hc11.htm . It can be ordered from: Department of Health Publications, PO Box 77, London SE1 6XH by post, FAX: 01623 724 524 or by Email: doh@prolog.uk.com.
- 24. For other young people coming within the scope of the Act, who do not receive Income Support or Jobseeker's allowance but who receive financial support from their responsible authority there are new arrangements for claiming help with health costs. Such young people will be fast-tracked to help through the NHS Low Income Scheme. They will need to fill in a short claim form HC1(SC) to give details of their name and address and the name and address of the Local Authority which supports them. The form should then be sent off in the envelope provided. It will be dealt with immediately on receipt and an NHS charges certificate for full help sent to the young person. These certificates will last for 12 months or until the young person's 18th birthday, which ever is longer.

- 25. Claim forms HC1(SC) should be ordered from: Department of Health Publications, PO Box 77, London SE1 6XH by post, FAX: 01623 724 524 or by Email: doh@prolog.uk.com.
- 26. Authorities should hold a small supply of these forms and give one to each young person as soon as a decision to provide any form of financial support is made.
- 27. If a young person is not entitled to any form of financial support and would otherwise have to pay NHS charges, the responsible authority should give them a leaflet HC11 and the normal (somewhat longer) HC1 claim form. This form and the leaflet are also available from the above address.

Disputes

28. If the young person has a complaint about financial matters he or she may invoke the complaints procedure set out in the 1991 Representations Procedure (Children) Regulations 1991 as amended by the Children (Leaving Care) Regulations 2001. See also Chapter 10.

Financial Assistance for Care Leavers qualifying for advice and assistance under section 24(2)

- 29. For care leavers who do not become relevant children but who qualify for advice and assistance under section 24(2) the primary financial-support role remains with the Department for Work and Pensions. However local authorities may also give financial assistance to these young people on account of their particular needs over and above those of other young people.
- 30. Where a local authority has either a duty or a power to advise or befriend young people who have left care (section 24(1)(b)) it may also give assistance which may be in kind or, in exceptional circumstances, in cash (sections 24A(4) and (5)). It should, however, be borne in mind that the local authority's power to provide assistance to these care leavers extends until they reach the age of 21. Where a young person has no parent to turn to for help, or where the parent does not have the capacity to provide assistance, it is to be expected that they will turn to the local authority for help.
- 31. Local authorities are encouraged to be pro-active in advising young people of the circumstances in which assistance can be provided and to take into account the fact that the reference to the provision of financial assistance in "exceptional circumstances" (section 24A(5)) refers to the individual young person rather than to the general policy of the authority. It will be for the authority to decide in each case whether the provision of financial assistance would be appropriate, but the presumption should be that such assistance should be provided where this is necessary to protect the young person's welfare and it cannot be made available by any other agency. Local authorities are encouraged to be flexible in deciding what leaving care grants can be given for; and to consider a young person's wishes about the way in which any grant given should be spent.
- 32. In addition to the general powers to provide assistance under section 24A(4), local authorities have a specific power to provide assistance to these care leavers where this is connected with the young person's employment (section 24B(1), education, or training (section 24B(2). It should be noted that any such financial assistance or grant provided under section 24B(2) where this is connected to a course of education or training may be given up to the age of 24 (section 24B(3).

- 33. It is important that young people, residential and field social workers, parents and foster carers and staff in the secure estate should be aware of the assistance which the local authority can provide. This can be achieved through the provision of a clear statement of policy on financial assistance, which should be incorporated in the published statement of the authority's services under sections 24, 24A and 24B and in the easy to read guide to those services. Young people with disabilities may be particularly in need of financial assistance, especially if they have communications problems that make it difficult for them to apply to other agencies, such as voluntary organisations, for help.
- 34. It should be noted that assistance provided under sections 24, 24A and 24B is disregarded for the purpose of calculating entitlement to Income Support, Housing Benefit, Jobseeker's Allowance, Council Tax Benefit or Working Families Tax Credit. It is also disregarded in assessing the student support entitlement of an eligible higher education student attending a designated course.
- 35. Section 24B(5) provides that the responsible authority must provide vacation accommodation, or the means to secure it, to any care leaver qualifying for advice and assistance under section 24(1), who is between the ages of 16 and 24, who is in higher education or in residential further education and who needs it.

10. Representation and Complaints

- 1. Regulation 13 deals with representations and complaints.
- 2. Each SSD should provide an easy to read guide to its services for young people when they leave care. Like the children's service plan, this should include a brief guide to services available from other agencies, based on information provided by those agencies. The guide should be informed by the views of young people who are being, or have been, cared for, and their parents and foster carers. The local authority will need to provide translations of the guide in relevant ethnic minority languages. It will also need to consider how to provide the guide in a form that can be understood by young people with communication problems. For instance, a large print, Braille or tape version may be helpful for blind or visually-impaired young people, or advice and information could be provided by workers trained in the needs of, and communication with, hearing-impaired young people.
- 3. Guidance on the content of the guide may be found in *Research on Leaving Care Guides:*Recommendations and Findings Getting it Right: Good Practice on Leaving Care (published Department of Health 2000).
- 4. Each local authority should nominate a designated officer in the social services department, of sufficiently senior rank, to ensure that the authority fulfils the responsibilities set out above. In fulfilling his responsibilities, the designated officer may need to persuade the authority that it is legitimate to use staff time both to carry out aftercare work and to train staff to carry out this work properly. It may be useful if the designated officer is also the local authority's 'Appropriate Officer' for the purpose of the Disabled Persons (Services, Consultation and Representation) Act 1986.

Future developments

5. As this guidance is being prepared, the Department of Health is considering possible changes to the complaints system for Part III of the Children Act, following a wide consultation exercise. It will be desirable for the complaints system for the provisions of the Children (Leaving Care) Act to be consistent with whatever new system is to be put in place.

14-day Informal resolution stage

Regulation 13

—1. The Representations Procedure (Children) Regulations 1991⁽¹⁾ shall be amended as follows.

"Local resolution

- **3A.**—(1) Where a local authority receive any representation from a person specified in section 24D(1) they shall-
- (a) provide the person appointed under regulation 3(1) with a written summary of the representation;
- (b) endeavour by informal means to reach a settlement to the satisfaction of the complainant within 14 days; and
- (c) if at the end of 14 days no resolution has been achieved, notify the person appointed under regulation 3(1).".
- 6. In the meantime, the regulations amend the regulations for the Children Act by introducing a new regulation 3A. This provides that where a young person makes a complaint, the responsible authority must put it into writing and submit it to their complaints officer. They must then try to reach an acceptable solution with the young person. They have 14 days to reach this informal resolution. If they cannot do so, then they must move to the full complaints system as set out in the Representations Procedure (Children) Regulations 1991.

Advocacy

- 7. One of the roles the young person's adviser is likely to play on a young person's behalf is to act as an advocate for them when they need help making a case, both in formulating the case and presenting it. However the young person's adviser might not be best placed to help when the young person wishes to bring a complaint against their responsible authority, possibly even about their adviser.
- 8. Under such circumstances, in line with the Government's emphasis on the participation of young people who are or who have been looked after, the responsible authority should make sure that young people have access to independent advocacy services to provide this help for them. Young people's wishes should be taken into account when choosing an advocate. The Quality Protects programme encourages the growth of high quality independent advocacy services and allocates special grant funding for this purpose. There are already many good examples of independent advocacy in social services. 'Independent' advocacy means making sure there are no conflicts of interest (organisational or staffing) which might conflict with the meeting the needs of the young person.

Children (Leaving Care) Act 2000

- 9. The Government expects advocacy services to provide children and young people with independent and confidential services as follows:—
 - Information;
 - Advice;
 - Legal representation and advice;
 - Welfare rights;
 - Individual support;
 - Advice and support in complaints processes.
- 10. The Government expects advocacy services to be accessible to all care leavers who request it. Services should be young people friendly, safe, welcoming and there should be clarity of role and purpose. Confidential services should be provided which are consistent with the Government's statutory guidance on child protection in 'Working Together'. When planning children's services, local authorities should find out what advocacy, welfare rights and legal services exist in their locality and ensure that their information systems work well so that young people can access these services. It is important to make sure that young people with communication impairments have full access to the complaints procedure.