

**From:** Peter Oakford, Cabinet Member for Specialist Children's Services  
Andrew Ireland, Corporate Director of Social Care, Health and Wellbeing

**To:** Children's Social Care and Health Cabinet Committee – 23 March 2017

**Subject:** **FINANCIAL ELEMENT OF THE UPDATED CARE LEAVER POLICY**

**Classification:** Unrestricted

**Past Pathway of Paper:** None

**Future Pathway of Paper:** None

**Electoral Division:** All

**Summary:** This report details the amendments to the financial elements of the Care Leaving Policy. This policy sets out what young people (both citizen and UASC) are entitled to post 18 through Kent County Council's Leaving Care service.

**Recommendations:** The Children's Social Care and Health Cabinet Committee is asked to **CONSIDER** and **COMMENT** on the proposed guidance documents and the content of this report and **ENDORSE** the proposed changes and the publishing of the attached policy and guidance documents.

## 1. Introduction

- 1.1 Kent County Council's (KCC's) "Care Leaver Offer" was taken to the Children's Social Care and Health Cabinet Committee on 20 January 2015 and the proposed decision (decision number 15/00005) regarding the Care Leaver offer - was endorsed. Prior to February 2015, the council did not have a clear, formal policy on Care Leaver entitlement and what the 'offer' was.
- 1.2 By updating the Care Leavers and Transition Policy, Specialist Children's Services (SCS) seeks to expand on the work already undertaken, and to ensure the information available publically to Care Leaving young people is explicit and clear about what they can expect from the council as they become independent adults. In keeping with this objective, the "Staying Put" policy for 18plus young people wishing to remain with their foster carers is also being amended. Foster carers who are able to support young people to "Stay Put" with them whilst they finish their A-levels (or equivalent qualification), will receive the same level of payment they did prior to the child's 18<sup>th</sup> birthday, as opposed to receive the lower payment for Supported Lodgings providers. This payment recognises the additional support young people require whilst they complete their studies; and is paid until June of the academic year that the young person reaches 18 years and completes their course.

1.3 The changes to the current Care Leaving entitlements, as represented in the appended policy, are detailed at section 6 of this report.

## 2. Additional investment to the 18plus Leaving Care Service

2.1 As members of the Committee will be aware, since 2015, KCC's 18plus Leaving Care Service has seen some fundamental changes. Most notably, in 2015, the council received 948 Unaccompanied Asylum-Seeking Children (UASC) into its care; the majority of whom were older teenagers: aged 16 or 17. In terms of impact, numbers of young adults open to the council's Leaving Care Services have grown from 1007 in January 2016 to 1359 in February 2017. This growth has come as a result of growing numbers of young people who have sought or are seeking asylum or other leave to remain, having their 18<sup>th</sup> birthday and transitioning to Leaving Care.

2.2 As a result of this increased demand, a decision was taken to ensure that the Leaving Care Service had sufficient staffing. This decision demonstrated strong commitment to Corporate Parenting, ensuring caseloads remain manageable and work with young people is meaningful to their needs and timescales. It also ensured compliance with regulation and case law. The council's Leaving Care team consists of team managers, social workers, senior personal advisors, and personal advisors.

## 3. Entitlements as defined by law

3.1 The "Children Act 1989 Volume 3: planning transition to adulthood for care leavers" sets out the statutory obligations to young people who have been in local authority care. The specific support a young person may receive depends on the length of time they spent in care, and whether they were still in care when they had their 18<sup>th</sup> birthday.

3.2 For young people aged 16 or 17

3.2.1 An **eligible child** is a child who:

- At aged 16 or 17 is still a Looked After Child
- Has been looked after by the local authority for a period of 13 weeks, or periods amounting in total to 13 weeks, which began after they reached 14 and ended after they reached 16.

3.2.2 A **relevant** child is a child who:

- Is 16 or 17 years old but is no longer Looked After
- Was, before ceasing to be looked after, an eligible child (i.e. had been in care for 13 or more weeks); and potentially:
  - a) at the time they attained the age of 16 was detained (i.e. remand, youth offending institution, other centre pursuant to a court order or hospital)
  - b) Returned home to live with parents or someone else who has parental responsibility.

3.2.3 But a young person will **not be a “relevant child”** if:

- The child has successfully lived with their family for a period of six months or more, they will be considered “Qualifying for help and advice” only; (but will become a relevant child if the placement breaks down and they return into care)
- Where the total period of 13 weeks was through respite or pre-planned “short breaks”.

3.2.4 A **Qualifying child** is someone who:

- is entitled to an assessment of need by a Kent County Council Leaving Care personal advisor or social worker to determine whether they require ongoing advice or assistance.

3.2.5 Unlike “Eligible”, “Relevant” or “Former Relevant” young people, Qualifying children *may* be entitled to a service, but this is dependent on their needs and more importantly whether they want any help or support. Young people who may qualify for leaving care support are aged 16-21 (or up to 24 if in higher education) and could be:

- A young person who was Looked After for less than 13 weeks at age 16 or 17, and therefore do not qualify as Eligible, Relevant or Former Relevant
- A young person who was Privately Fostered beyond the age of 16 as a result of their disability (private fostering arrangements are mostly considered to end at age 16)
- A young person who was the subject of a Special Guardianship Order (SGO) at age 16 or 17, and was Looked After immediately before the SGO was made
- Was previously an eligible child, but then returned home to someone with Parental Responsibility for more than six months before their 18<sup>th</sup> Birthday.

3.3 For young people aged 18+

3.3.1 A **former relevant** child is a child who:

- Has been a relevant child and would be one if s/he were under 18
- Was looked after immediately before their 18<sup>th</sup> birthday, and was an eligible child.

#### **4. Legal Implications - Draft legislation that may affect Leaving Care financial entitlements in the future**

4.1 Members of the Cabinet Committee may be aware, that the Children and Social Work Bill [2017] currently at the Report Stage in the House of Commons, proposes:

- i. Corporate Parenting principles be enshrined in primary legislation at s.1;
- ii. That the Local Authority must publish its’ “local offer for care leavers” at s.2, including financial entitlements;

- iii. To extend the offer of local support from 21 up to the age of 25 for *all* Former Relevant young people if they so request it, regardless of whether they are in full-time education or not; at s.3.

4.2 This Bill has not yet received Royal Assent however, and members of the Committee will be kept aware of developments.

## **5. Financial support: the relationship between the Immigration Act 2017 and the Children Act 1989**

5.1 As members of the Cabinet Committee will be aware, an increasing number of the council's Care Leavers are young people who were formerly UASC. Prior to 2015, 389 former UASC were open to the council's 18plus service. Many young people who arrived into the council's care during 2015 and 2016 have since had their 18<sup>th</sup> birthdays. As such, in February 2017, the council has over 710 Care Leaving young people who have sought, or are continuing to seek, asylum nearly double the number of young people within an 18 month period.

5.2 The Immigration Act 2016 received Royal Assent in May 2016. Schedule 12 of this legislation proposes that the local authority can cease giving a care leaving service to young adults aged 18+ (regardless of how long they were in care) if the Home Office refuses them any further leave to remain, and any right to appeal this decision. The Immigration Act 2016 essentially overrides the Children Act duties in those specific circumstances.

5.3 The Statutory Instrument to bring these specific provisions into force has not yet been released, but it is anticipated this will be made available later in 2017. In the meantime, the council's Leaving Care team conducts Human Rights Assessments when a young person no longer has any neither leave to remain, nor right of appeal and faces removal from the UK. This assessment considers on a person-by-person basis whether a young adult's needs can be met through the existing Home Office-led support networks for individuals who have been refused leave to remain, or whether additional, local authority support is still required. Once the Statutory Instrument for Schedule 12 comes into force, the need for Human Rights Assessments will be greatly reduced.

## **6. The key changes proposed within this policy**

6.1 The council's Care Leaving policies have been updated in line with and influenced by the best practice of local authorities (such as Trafford who were found to have "Outstanding" Care Leaving Services by Ofsted). These new documents are attached as appendices to this report.

6.2 The document at Appendix 1 has been updated to ensure compliance with the regulations. Appendix 1 primarily proposes an increased focus on discretionary payments tailored to an individual's assessed needs. Additional to the Policy are a Care Leaving Entitlement document which clearly notes for Young People what the Kent offer is; this is attached as Appendix 2.

- 6.3 In reviewing the entitlements amendments have also been made to the Pocket Money and Savings Policy. This is attached at Appendix 3. Some revision has been made to the payments that can be made to Care Leavers; savings in this area will be reflected in the extra costs associated with the staying put increases.
- 6.4 The staying put policy is also attached at Appendix 4 highlighting the changes in payments providing clarity of expectations for young people and for foster carers including Independent Fostering Agencies (IFA). Residential establishments are not currently subject to staying put regulations but maybe in the future.
- 6.5 These changes do not require any increase in the budget for Leaving Care currently.

## **7. Equality Implications**

The proposed policy changes ensure that financial support available has parity for both citizen and non-UK born young people, except in specific circumstances (such as an emergency clothing allowance for asylum-seeking children). These two considerations, assist Specialist Children's Services in meeting its' equalities obligations, eliminating unlawful discrimination (s.149 Equality Act 2010), and the wider Equalities and Human Rights objectives for Social Care Health and Wellbeing.

## **8. Conclusions**

- 8.1 The entitlements contained within these policy and guidance documents are in line with the practices of the best performing local authorities, and ensures that support available is in an accessible, straight-forward format. The information is being given to those in Kent County Council's Young Adult's Council (YAC) in order to gather their views on format and content.
- 8.2 Furthermore, the proposed policy changes ensure that financial support available has parity for both citizen and non-UK born young people, except in specific circumstances (such as an emergency clothing allowance for asylum-seeking children). These two considerations, assist Specialist Children's Services in meeting its' equalities obligations, eliminating unlawful discrimination (s.149 Equality Act 2010), and the wider Equalities and Human Rights objectives for Social Care Health and Wellbeing.
- 8.3 Equally the proposed policy and guidance notes are in line with KCC's practice and Corporate Parenting ethos, encouraging young people to work towards independence, and become self-supporting(for instance claiming Housing Benefit to fund the placement costs of a Staying Put arrangement), just as parents would.

## 9. Recommendations

9.1 Recommendation: The Children's Social Care and Health Cabinet Committee is asked to **CONSIDER and COMMENT ON** the proposed guidance documents and the content of this report and **ENDORSE** the proposed changes and the publishing of the attached policy and guidance documents.

## 10. Background Documents

Care Leavers Support Policy Executive Decision

<https://democracy.kent.gov.uk/ieDecisionDetails.aspx?ID=814>

## 11. Contact Details

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