

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

To: Children's Social Care and Health Cabinet Committee – 20 January 2015.

Decision No: 15/00005

Subject: **CARE LEAVERS SUPPORT POLICY**

Classification: Unrestricted

Summary: Provides information on the new Care Leavers Support Policy and makes recommendations for the policy to be unified for both indigenous and previously asylum seeking children.

Recommendation(s):

The Cabinet Committee is asked to

Endorse or make recommendations on the proposed decision to be taken by the Cabinet Member for Specialist Children's Services to agree and adopt the Care Leavers Support as attached on behalf of Kent County Council as attached at appendix A"

Introduction

- 1 (1) The Children Act 1989 Guidance and Regulations Volume 3 (2011), sets out the requirements on all Local Authorities to provide all eligible Care leavers with both personal advisor support and ongoing financial assistance. In May 2013, the Government published further guidance for local authorities in regards to their arrangements for facilitating care leavers to "stay put" in their foster placements after their reach the age of 18 years.
- (2) Care leavers support has previously been provided by two separate services, Catch 22 and the Service for Unaccompanied Asylum Seeking Children. The creation of a county wide Integrated 18+ Care Leavers Service on the 1st December 2104 now requires that the Council's offer to care leavers is transparent and easily accessible to all.
- (3) The 2011 and 2013 statutory guidance has been applied in different ways within the two old services. This difference has led to multiple challenges from care leavers and was not compliant with Statutory Guidance or the rating of a "Good" Ofsted judgement in this area of work.
- (4) The council has not previously published any policy in regards to care leavers. This lack of a policy is both contrary to the requirements of statutory guidance and has led to a number of complaints from Coram Voice on behalf of care leavers in the recent past.
- (5) This policy document sets out the Council's proposed Care Leaver Offer and addresses the eligibility criteria for access to an assessment for Care Leavers Services.

2. New Policy.

(1) The aim of providing Care Leavers support is to ensure that young people leaving care and preparing to leave care receive support and help to assist them in making a successful transition to adulthood. Ofsted's single inspection framework, introduced in November 2013 also now includes a specific grade judgement on local authorities' services to care leavers, and requires that the plans for young people leaving care are effective and address their individual needs. Local authorities are required to ensure that young people feel safe, particularly where they live and that they acquire the necessary skills and emotional resilience to successfully move towards independence.

(2) The Council has no legal alternative but to provide equitable Care Leavers Services to all eligible young people irrespective of their route into care. Previously unaccompanied asylum seeking children with Leave to Remain (LTR) in the UK must be afforded the same level of services as indigenous young people in accordance with their need.

(3) We are proposing a consistent policy that will:

- Create a single policy for all care leavers.
- Provide consistency of application of the policy between indigenous and previously unaccompanied asylum seeking care leavers.
- Provide clear guidance for staff, care leavers, foster carers, partner agencies and third sector organisations.
- Be clear about the amount of funds available and any legal process that may apply.

(4) The policy sets out which services will be provided to all care leavers, and which will be based on an assessment of need. All financial support is non-repayable, and has been set in line with national minimal guidelines.

Financial Implications.

3 (1) The total cost of supporting Care Leavers to the Council in 2014/15 is forecasted as follows:

UASC Care Leavers	£4.97 m
Indigenous Care Leavers	£4.72 m
Total	£ 9.7 m

These costs are made up of indirect costs of £2.6m for staffing and infrastructure costs, and £7.09m of direct costs for individuals concerned.

The new policy aims to reduce the overall direct costs for eligible care leavers by 5% in 2015/16. In addition to these, work is being undertaken to reduce the £834K costs currently attributable to non-eligible UASC care leavers through the undertaking of Human Rights Assessments.

The Council receives as income £1.89 m from the Home Office towards the cost of supporting Care UASC care leavers.

(2) There are currently 1,873 children in care in Kent. Their age range is between 0-17 years and dependant on their permanence plan could, as post 18 young adults request a care leaver's service from the County.

(3) Based on current data, there are **308** 17 year olds will become eligible for care leaver services during 2015, and a further **239** 16 year olds eligible in 2016. There are **236** 20 year olds who will no longer be eligible for any or full service during 2105 and a further **263** 19 year olds who will leave the service in 2016.

(3) There are currently **905** young people who are currently eligible to request Care leaver Services from Kent County Council. Of these **855** are aged over 18 years with the remaining being under the age of 18 years, no longer in care but classed as relevant children. **338** of the cohort were previously unaccompanied asylum seeking children.

(4) The adoption of the policy will ensure that all financial provision is awarded on the basis of assessed need in line with Children Act statutory guidance and not on the basis of immigration status alone.

(5) The policy will enable the expenditure currently accrued for the over 21 cohort in UASC to be rationalised and reduced in line with Statutory Guidance.

Alternatives and Options

4. (1) Maintain the status quo - this does not address the Council's non – compliance with Statutory Guidance or the differences between the support available to indigenous young people and those with leave to remain in the UK.

(2) Develop two separate policies based on the route into care – This could invite Judicial Review and would not meet the requirements of the Ofsted Single Inspection Framework.

Progress to date

5	(1)	Briefing to lead member	6 th November 2014
		Legal sign off for Policy Document	17 th November 2014.
		Integrated Service restructure complete	1 st December 2014

Legal Implications

6 (1) KCC legal services has reviewed the policy and confirm that it is in line with the minimum requirements of relevant statutory guidance.

(2) The policy meets the requirements of the Children Act, the Immigration Act and the Human Rights Act.

(3) The risk of Judicial Review and /or sanctions by the Local Government Ombudsman are assessed as high if the Council does not publish and implement an inclusive and transparent Care Leavers policy.

Personnel and Training Implications.

7. (1) Once the policy is approved Procedural Guidance will be produced and training offered to children's Social Workers and Personal Advisors.

Property Implication

- 8 (1) None

Customer Impact Assessment.

- 9 (1) An Equality Impact Assessment has been prepared and the risk is determined as low.

Implementation Proposals

- 10 (1) The policy will be implemented from the 1st February 2015.
- (2) Team based workshops will be facilitated during January 2015 to familiarise staff with the new policy.
- (3) Interested 3rd Parties will be signposted to the policy link on the 1st February.

6. Recommendation(s)

Recommendation(s):

The Children's Social Care and Health Cabinet Committee is asked to:

Endorse or make recommendations on the proposed decision to be taken by the Cabinet Member for Specialist Children's Services to agree and adopt the Care Leavers Support as attached on behalf of Kent County Council as attached at appendix A"

7. Contact details

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