

**KENT COUNTY COUNCIL POLICY:**  
**Care leavers and transition to adulthood**

## **1. Introduction**

Kent County Council, in partnership with other agencies who have a responsibility to support young people, recognises its responsibility to assist and support our young people who are leaving care make a successful transition to adulthood; either through re-integrating with their families or becoming as self-supporting as possible.

This document refers to care leavers who were looked after by Kent County Council following their 16<sup>th</sup> birthday and are entitled to leaving care support from the local authority. The aim of this document is to set out how Kent County Council will meet its responsibilities to these care leavers.

## **2. Legislative Framework**

The Children Act 1989 and its support regulations and statutory guidance place a legal duty on local authorities to provide support for care leavers. The local authority is the “corporate parent” for children in care and therefore has a responsibility for their wellbeing. The precise level of care required by each care leaver will depend on their assessed needs and on their leaving care “status”, as defined by statute.

The 2010 (and 2011, 2014) regulations set out under Volume 3 of the Children Act 1989 have strengthened an emphasis on leaving care as being a transitional period rather than something that occurs at a particular point in time. Care leavers are expected to receive support from their responsible authority (the local authority that last looked after them) up to their 25<sup>th</sup> birthday if they so wish and are eligible. The aim of such continuing support is to ensure that care leavers are provided with comprehensive personal support so that they achieve their potential as they make the transition to adulthood.

***[Further examples legislation and guidance that underpin Volume 3 of the Children Act 1989 are set out in Appendix 1].***

## **3. Definitions**

Volume 3 of the Children Act 1989 regulations and statutory guidance define 5 categories of care leavers entitled to leaving care services.

***[See Appendix 2].***

#### **4. Equality and Diversity**

This policy has been subject to an equality impact assessment, as set out in the equality impact assessment guidance.

All staff are subject to the [Kent County Council Equality & Diversity Policy Statement and Objectives 2012-2016](#) and all work is undertaken in accordance with the [Cultural Competence in Kent Policy and Guidance](#).

All interactions with care leavers should consider the “About You” monitoring guidance and templates and will be in line with the Kent Code.

#### **5. Care leaver’s entitlement to support from Kent County Council.**

The type and level of support a care leaver can expect from their responsible authority will vary according to their legal status as a care leaver. These areas of entitlement to support are summarised in Volume 3 of the Children Act 1989 statutory guidance.

##### **Eligible children**

These are children in care and they will continue to receive children in care services, including;

- The allocation of a social worker,
- An Independent Reviewing Officer and
- Compliance with statutory minimum timescales regarding visits to them by their social worker.

The responsible authority must provide a range of services dedicated to their successful transition to adulthood. These are:

- A personal advisor
- A pathway plan; this is to be in place at least 3 months following becoming an eligible child (this is to be formulated by the care leaver’s personal advisor or other appropriate worker and based on a comprehensive assessment with the care leaver). Regular reviews and a revision of the pathway plan at least every 6 months (It is usual practice for the review of the pathway plan to take place at child in care statutory reviews, which are overseen by the care leaver’s Independent Reviewing Officer.)

- A duty to keep in touch with the care leaver
- [Kent's Pledge and Leaving Care Charter Commitments](#)

### **Relevant children**

These are no longer children in care and their legal entitlements to services and support from the responsible authority derive solely from the Leaving Care Regulations outlined under Volume 3 of the Children Act 1989.

These are:

- To provide a personal advisor
- To provide a pathway plan (this is to be formulated by the care leaver's personal advisor or other appropriate worker and based on a comprehensive assessment with the care leaver).
- To review and update (where necessary) the pathway plan at least every six months
- A duty to keep in touch with the care leaver
- To provide the maintenance and accommodation costs of the care leaver up to their 18<sup>th</sup> birthday (No relevant child other than single parents and those with a disability can claim state benefits )
- [Kent's Pledge and Leaving Care Charter Commitments](#)

### **Qualifying children and young people under section 24 of the Children Act 1989**

These care leavers are not entitled to a personal advisor or pathway plan. The local authority has a duty to provide advice and support (which at the discretion of the local authority can be financial) to this group of care leavers under section 24 of the Children Act 1989. This also includes:

- A duty to keep in touch
- Provision of vacation accommodation or the means to secure it where needed for young people who are in Higher or Further Education.

### **Former Relevant Children**

Care leavers aged between 18 to 21 years, which can extend up to their 25<sup>th</sup> birthday if they are disabled or engaged in a Higher Education Course that began prior to their 21<sup>st</sup> birthday. The responsible authority is not responsible for meeting all financial needs of former relevant children, although they are expected to provide financial support to assist in

promoting their welfare; especially in relation to maintaining suitable accommodation and promoting their education and training. The responsible authority must provide:

- A personal advisor
- A pathway plan, which must be reviewed and updated every 6 months (this is to be formulated by the care leaver's personal advisor or other appropriate worker and based on a comprehensive assessment with the care leaver).
- To provide assistance with expenses arising from education and training
- The provision of vacation accommodation (only) or the means to secure it for care leavers in Higher or Further Education where needed.
- A duty to keep in touch with the care leaver
- [Kent's Pledge and Leaving Care Charter Commitments.](#)

### **Former Relevant Children pursuing further education post 21 years**

The support for this group of care leavers is focused primarily on assisting them in pursuing their further education needs. The responsible authority must provide the following:

- A personal advisor
- A pathway plan focussed on identifying and promoting the care leaver's further education needs (this is to be formulated by the care leaver's personal advisor or other appropriate worker and based on a comprehensive assessment with the young person).
- To revise and update the pathway plan (at least every 6 months)
- Assistance where a young person incurs expenses arising from their further education course.
- [Kent's Pledge and Leaving Care Charter Commitments](#)

## **6. Personal Advisors**

All **eligible, relevant** and **former relevant children** are required to be provided with a personal advisor. By the time a care leaver reaches the age of 18 the local authority should have appointed a personal advisory to support them. The personal advisor will act as a focal point to ensure that young people are provided with the right kind of personal support.

For **eligible children**, their personal advisor will be their allocated social worker.

For **relevant** and **former relevant children**, an appropriate personal advisor will be appointed for them from the range of professionals/staff within the Care Leaver Service from which they are receiving support. For this group of care leavers, the personal advisor need

not be a qualified social worker but will meet the requirements of a personal advisor set out under volume 3 of the Children Act 1989 statutory guidance (see paragraphs 3.20 to 3.26).

Examples where the personal advisor will be the care leaver's initial source of advice might include:

- i) Basic information and assistance to develop the practical skills they will need as they assume the responsibilities of greater independence;
- ii) Information about financial capability;
- iii) Information about the housing options potentially available to the care leaver and how to access accommodation and advice;
- iv) Support to the care leaver to develop their confidence and decision-making capacity;
- v) Information about education, training and employment opportunities;
- vi) Support in finding and sustaining employment;
- vii) General information about maintaining positive health and wellbeing; knowledge about how to access targeted and specialist health services;
- viii) Information about leisure, sporting and cultural opportunities to enable care leavers to enjoy and participate in community life.

## **7. Pathway Plans**

A pathway plan must be prepared with and for care leavers (Children Act 1989).

The pathway plan should be prepared prior to the care leaver ceasing to be looked after and should be considered at each statutory review. In developing the plan, the personal advisor should involve the care leaver and consult with various others such as parents, current carers, teacher or tutor, nurse, reviewing officer and any advocate.

Ideally, the pathway plan should be produced before the care leaver reaches the age of 18 but if there isn't a pathway plan in place, the personal advisor should develop a plan with the care leaver. The pathway plan is to be reviewed and revised regularly. The care leaver should be asked who they want to contribute to the plan and it will usually include the care leaver's carer along with someone able to advise on the care leaver's education, training and employment pathway.

Each care leaver's pathway plan will be based on and include their care plan and will set out the actions that must be taken by the responsible authority (in this case Kent County

Council), the care leaver, their parents, their carers and the full range of agencies involved/needing to be involved with them.

### **Pathway plan needs assessment**

The pathway plan will be based on an up-to-date and thorough assessment of the care leaver's needs, which will be completed in the following timeframes:

- A) For children in long term care where it is confirmed in their plan more than 6 months prior to their 16<sup>th</sup> birthday that they will continue to be looked after, the pathway plan assessment will be completed prior to their 16<sup>th</sup> birthday so that a pathway plan can be put in place immediately.
- B) For any child in care not coming under (A), the pathway plan assessment should, start prior to their 16<sup>th</sup> birthday, once it is expected they will become an eligible child, and no later than 3 months following the care leaver becoming an eligible child.

The pathway plan must address in particular:

- The care leaver's health and development, (building on the information included in the care leaver's health plan, identified within their care plan)
- The plan should support the care leaver's access to positive activities.
- Education, training and employment. Information within the care leaver's Personal Education Plan (PEP) will feed directly into the pathway plan.
- Contact with the care leaver's parents, wider family and friends and the capacity of this network to encourage and enable the care leaver to make a positive transition to adulthood.
- The care leaver's financial capabilities and money management capacity, with strategies to develop the care leaver's skills in this area.
- The pathway plan should include details about the kind of support that the care leaver can expect their personal advisor to provide.
- The pathway plan will also need to include scope for contingencies that might be required to be followed as the relationship changes over time.

Where the care plan for the care leaver has been maintained and kept up to date, the development of the pathway plan should build on information and services set out in the care plan, incorporating the services that will be provided to the care leaver to develop their resilience and equip them to make a positive transition to adulthood so that they can manage the challenges of more independent living.

A copy of the pathway plan must be given to the care leaver.

Care leavers who are service users of adult social care services should have their own support plan. The additional requirements set out in the pathway plan should be supplementary to the adult social care support plan.

## **8. Review of the Pathway Plan**

It is necessary for every care leaver's pathway plans to be reviewed and updated regularly and at least every 6 months.

For **eligible children**, the review of the pathway plan would normally coincide with the statutory child in care review and would be overseen by the care leaver's Independent Reviewing Officer.

For **relevant** and **former relevant** children, the timeframe for reviewing the pathway plan is the same as it is for eligible children although these care leavers will not have an Independent Reviewing Officer to oversee the review.

For **eligible, relevant** and **former relevant children**, it is recommended that the review of the pathway plan is undertaken by a qualified social worker who is not the allocated personal advisor.

## **9. Eligible and Relevant Children who return home (Regulation 3(2) (B))**

When an eligible person not subject to a care order (section 31 of the Children Act 1989) or a relevant child is successfully living at home for more than 6 months they become a qualifying child/ young person under section 24 of the Children Act 1989.

If the return home breaks down and they are aged 16/17 years old, they will automatically revert to being a relevant child.

## **10. Staying Put arrangements**

The intention of 'Staying Put' arrangements is to ensure that care leavers can remain with their former foster carers until they are 21 or adequately prepared for adulthood, whichever is first. This allows for the care leaver to experience a transition similar to their peers, avoid social exclusion and be less likely to experience a subsequent housing and tenancy breakdown.

It is important that the term 'arrangement' is used rather than 'placement' as once a care leaver reaches 18 they are no longer legally 'in care', and the Care Planning Regulations and Fostering Services Regulations and guidance no longer apply.

Kent County Council's Staying Put arrangements are applicable to all care leavers in the care of the local authority who are living with foster carers on their 18<sup>th</sup> birthday. The carers may be Kent Foster Carers, Connected Person's Carers or Independent Fostering Agency Carers.

This arrangement also applies to unaccompanied asylum seeking children who reach the age of 18, and who have 'leave to remain'.

Care leavers in residential placements are not covered by Staying Put arrangements.

### **Regulatory Framework**

Staying Put enables, supports and encourages care leavers to remain with their former foster carers beyond their 18<sup>th</sup> birthday and is set out in Section 23CZA of the Children Act 1989.

Standard 12.4 of the National Minimum Standards for Fostering Services sets out the service standards to be applied to local authority Staying Put arrangements.

### **Definition of a Staying Put Arrangement**

In the 'Staying Put' Guidance 2013, the Department for Education outlines when the term 'staying put' arrangements can be used, which is as follows:

1. A care leaver who was looked after immediately prior to their 18<sup>th</sup> birthday (as an eligible child) continues to reside with their former foster carers;
2. The carers were acting as foster carers to the child immediately prior to the care leaver's 18<sup>th</sup> birthday, (that is, the carers were approved as foster carers in accordance with the Fostering Service (England) Regulations 2011, and the child had been placed with them by the local authority, or via an Independent Fostering Agency);
3. A care leaver is deemed an eligible child, within the meaning of paragraph 19B(2) of Schedule 2 of the Children Act 1989, immediately before he/she reached 18;
4. The 'Staying Put' arrangement is needs led and is set out in the care leaver's pathway plan;



5. A proportion of the allowance paid to the 'Staying Put' carer is paid by the Local Authority's Children's Services under section 23C of the Children Act 1989;
6. The 'Staying Put' arrangement extends until:
  - The care leaver leaves the 'Staying Put' arrangement;  
Or
  - The care leaver reaches their 21<sup>st</sup> birthday, if continuously, and still living in the arrangement;  
Or
  - The care leaver completes the agreed programme of education or training being undertaken on or before their 21<sup>st</sup> birthday, if continuously living in the arrangement since their 18<sup>th</sup> birthday.

### **Planning for Staying Put Arrangements**

The leaving care 'assessment of need' undertaken around a care leaver's 16<sup>th</sup> birthday should begin to establish the timescale required for a care leaver to be adequately prepared for moving into independence. This will be reviewed via the statutory review of the care leaver's pathway plan, and consideration will be given to the appropriateness of a 'Staying Put' arrangement being agreed once the care leaver reaches 18.

If it is agreed that a 'Staying Put' arrangement is appropriate, the care leaver's pathway plan should set out in detail all the practical arrangements regarding the care leaver remaining as a young adult in the 'Staying Put' arrangement. This will cover arrangements such as:

- Preparation for adulthood and independence skills
- Education, training and employment activities
- Financial issues, such as income and benefits claims
- Health arrangements
- Friends/partners visiting and staying at the address
- Moving on arrangements
- Safeguarding issues including consideration of any younger foster children in placement at the same address

The change from foster child to an adult member of the household, and for the carer from foster carer to landlord (Staying Put Carer), should be carefully and sensitively planned in order to ensure that both parties understand the nature of the arrangement. The positive aspects of the earlier foster placement should not be diminished by the new legal and financial arrangements and terminology.

Following a care leaver's 18<sup>th</sup> birthday, the legal basis on which they occupy the property changes, and they become an 'excluded licensee' who is effectively lodging in the 'Staying Put' carer's home. In accordance with this change, fostering payments will be replaced by funding for a lodging arrangement.

Consideration will need to be given to the impact on the foster carers' terms of approval.

## **11. Financial arrangements for Kent County Council care leavers entering Higher Education**

### **Principles**

- For the purposes of this document Higher Education is divided into two parts:
  1. **Further Education** (FE) includes any study after secondary education that is not part of higher education (that is, not taken as part of an undergraduate or graduate degree). Courses can range from basic English and Maths to Higher National Diplomas (HNDs). FE also includes [technical level qualifications](#) and [applied general qualifications](#), which replace diplomas and vocational qualifications.
  2. **Higher Education** (HE) primarily describes post-18 learning that takes place at universities, as well as other colleges and institutions that award academic degrees, professional qualifications and Continuing Professional Development (CPD).
- The Care Leaver Service, children in care teams and fostering service will work together to ensure that children in care begin preparation for financial independence as early as possible and receive guidance on developing the necessary skills.
- The Care Leaver Service will provide an assessed package of financial support for all care leavers that will contribute to maintaining them up to independence and support their overall pathway plan by meeting their identified needs and helping them to achieve their potential.
- All decisions on eligibility and levels of financial support will be based on a thorough assessment of all the care leaver's needs. The level of financial support available to care leavers will be reviewed on a yearly basis and will involve input by the Children in Care council (OCYPC). The document will be made available to all stakeholders including the care leaver.

- Social workers and personal advisors will ensure that young people are aware of and fully understand the criteria and how decisions have been made regarding any financial support package.
- In order to encourage care leavers to learn budgeting skills, financial support will, where possible, be paid directly to care leavers unless assessment shows that this is not in their best interest.
- Decisions on how financial support will be delivered to a care leaver will be taken by their allocated social worker or personal advisor following assessment of their budgeting skills during the pathway planning process.
- The Care Leaver Service will help care leavers access sound financial advice in relation to investing any other monies they receive.
- Care leavers who are the responsibility of Kent County Council and who live outside of Kent will not be financially disadvantaged and will receive the same level of financial support as if they were care leavers living in Kent.

### **Policy statement**

A key purpose of financial support is to help care leavers transition successfully into adult life, so much of the focus of financial support is around enabling care leavers to make the most of their opportunities for education, training and employment as well as ensuring their maintenance and accommodation and health promotion.

Much of the work carried out with care leavers will focus on learning key budgeting skills so that they are able to manage their finances in the future. Kent County Council believes it is essential that care leavers are aware of their own responsibilities and that financial support is used for the purpose it is given.

The Care Leaver Service will attach conditions, such as attendance at college, to any discretionary payments, and will use a variety of financial sanctions such as reducing maintenance allowances for care leavers who fail to co-operate with the service or do not engage with the pathway plan process. Equally, the Care Leaver Service may also consider payment of incentives to encourage care leavers to commit to education and training plans.

### **Eligibility**

Eligibility for financial support packages is based on the care leavers leaving care status which is described as follows:

- **Eligible children** are eligible for accommodation and living expenses and support with education, training and employment costs if assessed accordingly.
- **Relevant children** are eligible for accommodation and financial maintenance if not living at home, and support with education, training and employment costs if assessed accordingly. Single parents and disabled care leavers can apply for income support but not housing benefit.
- **Former relevant children** are entitled to support with education, training and employment costs and vacation accommodation if in higher education and if assessed accordingly.
- Adults who come within this category are those aged 21-24 years who were former relevant children to Kent County Council and who are looking to return or begin another course of FE/HE or training. They may receive support with education or training costs including support for higher education costs for the duration of the course. This would include any former relevant child whose status as such went past 21 years of age while they were continuing to study for a FE/HE course that began prior to their 21<sup>st</sup> birthday.
- **Qualifying children under Section 24 of the Children Act 1989**; care leavers aged between 16 and 21 who were looked after by Kent County Council but do not qualify as an eligible or relevant child. These care leavers can be assessed for support needs relating to their education and training including travel expenses.

### **Process for agreeing financial support**

Financial support can only be agreed as part of the care leaver's pathway plan. The care leaver's needs regarding financial support should be assessed within the pathway needs assessment and areas of support plus amounts to be paid, along with the frequency of payment, will be set out in the care leaver's pathway plan.

Many payments made by the Care Leaver Service are discretionary and the amount paid will be dependent on the care leaver's need; payment of discretionary allowances will only be authorised following an assessment of need.

Financial support will be reviewed every 6 months at the pathway plan review but care leavers can ask their social worker or personal advisor to review their support needs earlier where their circumstances have changed or where they are having difficulty in managing their finances.

## **Payments**

All care leavers will be expected to have a bank account and payment of all allowances and grants from the Care Leaver Service will be made directly into this bank account unless there are concerns about the care leaver's ability to manage their money. For those care leavers who are unable to access mainstream banking services, payments will be made through the use of a payment card administered by Kent County Council.

For those individuals about whom concerns exist, the social worker or personal advisor may agree with the care leaver to release small amounts of allowances to them at more regular intervals while they develop the skills to budget more effectively. Social workers and personal advisors should regularly assess how the care leaver is managing their money and whether they need extra support in learning how to budget.

In a crisis or other emergency where a care leaver makes a request for emergency funds, the social worker or personal advisor must carry out an assessment to look into the circumstances of the request before agreeing any support.

Requests for emergency payment may also be indicative of other issues, for example substance misuse or debt, and this should be explored during the assessment. Wherever possible, emergency assistance should be given in the form of a food parcel rather than cash.

In exceptional circumstances, and following assessment, the Care Leaver Service can provide payment for clothing or emergency accommodation, but this must be authorised by the Care Leaver Service Manager.

If payments are to be stopped for any reason, this must be discussed with the social worker or personal advisor's line manager and the social worker or personal advisor should write to the care leaver to explain the reasons for this.

## **Change of circumstances**

It is important that social workers and personal advisors remind care leavers of the need to notify the Care Leaver Service of any change of circumstances that may affect their entitlement to financial support or payments, for example, where they:

- start or finish employment
- start at or leave an educational course or an unpaid training provision

- receive benefits or have benefits stopped
- become pregnant or have a baby
- change accommodation
- Any change to their immigration status.

Also, social workers and personal advisors should be aware of those care leavers who are approaching their 18<sup>th</sup> birthday when eligibility for financial support changes, and ensure that the care leaver receives the right kind of support ahead of this change. This should be addressed at the pathway plan review prior to the care leaver's 18<sup>th</sup> birthday.

## **11 Financial support for eligible young people in foster care**

Eligible care leavers who live with their foster carer will continue to have all payments made directly to their foster carer. However, in order to help them learn budgeting and financial management skills as part of their next steps assessment, care leavers and their foster carers will agree any sums of money to be paid to the care leaver by their foster carer for specific items such as clothing, travel, books or equipment.

## **12 Financial support for eligible and relevant children aged 16 and 17 living in semi-independent accommodation**

### **Accommodation and maintenance**

Care leavers will receive a weekly allowance [*see Appendix 3*] for their maintenance subject to their continued engagement with their education, training or employment plan. The care leaver's social worker or personal advisor will actively seek information from colleges, trainers and employers regarding the young person's level of attendance and commitment to their plan.

The care leaver's social worker or personal advisor should discuss with their supervisor whether or not to reduce the young person's allowance, if any of the following circumstances arise,:

- failure to comply with conditions relating to education, training or employment plans
- failure to stay in pathway accommodation or failure to meet the terms of the licence agreement, including causing damage to the property.
- Failure to engage with the pathway process or attend pathway reviews
- Failure to meet regularly with their social worker, personal advisor (if different) and keyworker.

Care leavers who can demonstrate a commitment to their pathway plan and comply with regulatory requirements to attend statutory medicals, dental check-ups and engagement in Education, Employment or Training can receive up to an additional **[see Appendix 3]** incentive payment per week, on the recommendation of their social worker.

### **Support for education, training and employment**

Care leavers remaining in further education or training will be expected to apply via their school, college or training provider for a 16-19 vulnerable student bursary to fund their education. The social worker or personal advisor will be expected to support care leavers to make the necessary applications in accordance with the [bursary guidance](#).

In the event that a care leaver is refused a bursary, the social worker should actively investigate the reason for this. The Care Leaver Service can contribute towards enrolment costs and equipment for courses following an assessment of the care leaver's need if a bursary is not received.

It is likely that the school, college or training provider will place conditions on the bursary such as levels of attendance and behaviour. Social workers and personal advisors should liaise with colleges to ensure that the care leaver is able to meet the conditions set.

### **Clothing**

- Additional payments may be available to assist with clothing needs **[Appendix 3]**

### **Contact**

The Care Leaver Service has a duty to support contact for eligible care leavers. Any financial support for contact will be based on an assessment of need.

## **13 Financial Support for former relevant children aged 18 to 21 years old.**

### **Accommodation and maintenance**

The use of supported accommodation will be explored where it is identified via the pathway plan that a young person reaching 18 years of age has not yet acquired adequate independent living skills or the emotional resilience to live alone. A support fee will be paid to the supported lodgings provider by Kent County Council and the care leaver will pay the rent element via the housing benefit paid for that area or from the income received if in employment. If a care leaver is in an apprenticeship then consideration will be made to

'topping up' the rent. The placement will be kept under regular review and the development of the necessary skills will be monitored.

At 18, the Care Leaver Service will no longer provide for the care leaver's maintenance and the care leaver will be expected to be self-supporting either through working, claiming benefits or a combination of both unless they are in higher education.

Where appropriate, care leavers will be expected to apply for either Income Support or Job Seekers Allowance and Housing Benefit to cover whole or part of the costs of their accommodation.

The Care Leaver Service will ensure that all care leavers get expert advice on maximising their income and claiming any benefits to which they are entitled. Social workers should ensure all benefits have been applied for prior to handing over the case to the personal advisor.

The Care Leaver Service will pay up to 4 weeks subsistence **[Appendix 3]** while a benefit claim is being processed. If payment of benefit is delayed following 4 weeks, the Care Leaver Service will continue to pay a subsistence rate but only if the care leaver has complied with all the requirements from the DWP regarding the claim. After 4 weeks the payments would be reduced and a food voucher to a specified value **[Appendix 3]** plus utility meter card would be provided rather than money.

In individual circumstances and depending on assessment, the care leaver may be expected to sign a "benefit waiting loan agreement" stating that they will pay back any monies advanced by the Care Leaver Service once benefits are paid, and should agree to share information about the claim with the Care Leaver Service so that their personal advisor can liaise with the DWP regarding the progress of the claim.

If the loan is not repaid, the Care Leaver Service may deduct the amount from the care leaver's setting up home allowance and any further requests for financial help may not be considered until the money is repaid.

The exception to this are UASC care leavers who are all rights exhausted and have no recourse to public funds prior (NRPF) to a human rights assessment being undertaken.



### **Support for education, training and employment**

The Care Leaver Service will carry out a needs assessment and may make a contribution to the young person's enrolment, travel and equipment costs.

### **Savings and other monies**

Any savings that have been accrued on behalf of the care leaver whilst in care will be paid to them on their 18<sup>th</sup> birthday unless there are concerns about a care leaver's lifestyle, for example substance misuse, that means it would not be in their interests to do so. A decision may then be taken by the Care Leaver Service to hold the money until it is thought the care leaver is financially competent.

Where a care leaver has received other monies, either from the Criminal Injury Compensation Board or by way of inheritance, the Care Leaver Service will help them to access independent financial advice on investing this money.

### **14 Financial support for former relevant children aged 21-24 (incl) years returning to education or training**

The Care Leaver Service can consider providing financial support for care leavers aged 21 to 24 who wish to pursue a programme of education and training for the duration of the course.

The provision of financial assistance will be based on a needs assessment and may be agreed in order to cover enrolment fees, equipment and travel allowances. Other alternative funding streams will be also sought by the personal advisor. The level of financial support provided would be identified in the amended pathway plan.

If the care leaver is not provided with financial assistance based on their needs assessment, the care leaver would be expected to be self-funding through income or savings.

If the care leaver wishes to pursue a higher education course, see section 19 onwards.

### **15 Birthday allowances**

Birthday gifts, gift vouchers or a cash payment will be given to the care leaver by their social worker or personal advisor following a discussion as to what their preference is but only if

the care leaver has remained in contact with the 16+ service. ***[The gift rates are set out in Appendix 3]***

## **16 Travel expenses**

All eligible care leavers in foster care or children's homes have their travel costs met through the allowances provided.

All care leavers aged between 16 and 21 years who are in care or are care leavers are eligible for a passport. The care leaver will be expected to provide a passport photograph and the social worker or personal adviser will then forward the application.

If the care leaver travels to College in an area not covered by their Young Persons Travel Pass then the Care Leaver Service will assess the travel costs and all available options for paying for travel. The best route and cheapest means of travel will be taken into consideration as will their income. A care leaver may also be expected to use part of the bursary payments as a contribution to the travel costs.

Transport costs can be supported in order to maintain a care leaver in education training or employment. This payment is discretionary and based on the care leaver's continued engagement with their education, training and work programme.

Social workers and personal advisors should therefore regularly check with colleges, training providers and employers to monitor engagement.

Where the care leaver is not engaged, the social worker or personal advisor will discuss this with their supervisor and a decision made about whether or not to stop the payment.

The costs of any travel will not be routinely paid for unless:

- The necessary travel is not covered by the Kent Young Persons Travel Pass (or equivalent)
- The travel is to support contact arrangements for an eligible child
- Where assessment shows the care leaver needs support for travel due to any additional needs.

## **17 Allowances related to accommodation**

### **Setting up home allowance**

A setting up home allowance [*as specified in Appendix 3, with conditions*] is available to care leavers aged 18 plus who have been nominated for their own tenancy or approved long-term private rented property before their 21<sup>st</sup> birthday (up to 24 years if the care leaver is engaged in a HE course that began prior to their 21<sup>st</sup> birthday).

It is expected that care leavers moving on from foster care will have basic items. Other funding streams to compliment the allowance will be sought by the social worker or personal adviser.

### **Deposits for private rented accommodation**

The Care Leaver Service will:

- Pay any accommodation related administration fee to the landlord or agent. (In addition to the Setting up Home allowance.)
- Pay for the first month's rent, which will be deducted from the Setting up Home allowance on the assumption that the young person will recoup this money from benefits, salary if in paid employment or a mixture of both.
- Pay the deposit for the private rented accommodation if all other avenues to pay for this have been exhausted.

It is important that care leavers and their social worker or personal advisor check that the rent payable will be covered by housing benefit before taking on any tenancy. The Manager of the Care Leavers Service must agree to any advance under this scheme having considered all the facts.

### **Moving costs**

Costs incurred by 16 and 17 year olds moving on and former relevant children aged 18 plus who are moving to their own independent tenancy will be paid on a discretionary basis following an assessment of need by the Care Leaver Service.

### **Staying Put arrangements**

Kent County Council's "Staying Put" arrangement allows care leavers to remain with their foster carer post 18 because they are classed as vulnerable and unable to move on to independence, because they need continuity while completing higher or further education or simply because both the care leaver and the foster carer are in agreement to the arrangement continuing until the care leaver reaches the age of 21 and this is thought to be in the care leaver's best interest.

- Care leavers remaining with their foster carer during Year 13 (A Level) or final year BTEC year will continue to receive their fostering allowance up to their 18<sup>th</sup> birthday or until the end of June to cover the exam period. If they are going on to university in the September/October of this same year the Care Leaver Service will pay a Staying Put Allowance for the summer period, with it being specified in each circumstance what this allowance is paid to cover.
- Former relevant children remaining with their former foster carers because they are still in further education can claim benefits. Care leavers in full time further education can also claim income support. Care leavers in part time education need to claim Job Seekers Allowance and seek part time employment.
- Care leavers who are eligible to claim benefits will be expected to make the necessary claims, supported by their personal advisor, including a claim for Housing Benefit that should be paid in full to the carer. Disability allowance must be retained by the young person. If the foster carer is claiming benefits, being in receipt of Housing Benefit for the care leaver will have to be taken into account for their own benefit entitlement.
- Care leavers who work will be expected to pay a contribution to the carer for their rent and maintenance.

## **18 Care leavers in exceptional circumstances**

It is recognised by the Care Leaver Service that care leavers have a variety of needs stemming from exceptional circumstances and to reflect this, the finance policy will be as flexible as possible based on assessment of the care leaver's circumstances.

### **Young Parents**

Care leavers who are single parents are expected to maximise their income and may claim the following benefits:

- 16 and 17 year old eligible and relevant children may claim income support but not housing benefit; accommodation costs will be met by the Care Leaver Service.
- Care leavers aged 18 and over may claim income support if they are a lone parent with a child under the age of 5 and will also need to claim housing benefit. Once the child is 5 years the care leaver will be expected to transfer to Job Seekers Allowance.
- Mothers to be aged 16 or 17 living in semi-independent accommodation will receive a one-off payment from the Care Leaver Service once they have passed 20 weeks of the pregnancy ***[specified in Appendix 3]***.

- Young parents may also claim a Maternity Grant ***[specified in Appendix 3]*** on the birth of their first baby (or subsequent multiple births e.g. twins) if they are in receipt of benefits to help pay for essential equipment. A claim should be made as soon as a claim for income support is submitted.

The Care Leaver Service will help parents who wish to take up education, training or employment opportunities to identify possible funds to cover child-care costs. The Care Leaver Service will carry out an assessment of the young parent's needs and decide what contribution will be made to other costs of education such as enrolment fees, travel and equipment.

- Care leavers in higher education who have dependent children can claim a Childcare grant available from the DWP for help with childcare costs.
- Care leavers who wish to return to or remain in further education can apply for a Care to Learn grant available from the DWP for help with child-care costs.

### **Unaccompanied Asylum Seeking Children (UASC)**

Ordinarily, the Care Leaver Service will support UASC aged 16 and 17 in a manner consistent with all children in care and the provisions mentioned above. In circumstances where additional support is required this will be subject to agreement by the relevant Assistant Director.

At, or immediately before the age of 18 the care leaver's immigration status will be determined. When applying the guidance above, it is important that planning for UASC reflects the various options around that determination of immigration status. It is also important to understand that post 18, the status will affect their entitlement to benefits in the UK.

It is important that in order to ensure the care leaver can access financial support, their personal advisor encourages them to pursue relevant immigration applications and appeals to secure their right to residence in the UK. This includes supporting them to access a solicitor so that they can get legal advice.

The cost of access and advocacy support from a solicitor in relation to their asylum claim/immigration status is funded solely by legal aid and KCC will not ordinarily provide any additional funding for this.

Once UASC are 18, their entitlement is as follows:

- UASC whose immigration status beyond the age of 18 has been resolved and who have right of residency in the UK are expected to claim benefits and can receive support from the Care Leaver Service as for any other former relevant child.
- UASC who are still waiting to hear the outcome of their application for asylum or extension of leave to enable them to remain in the UK beyond the age of 18 can be supported by the Care Leaver Service as a former relevant child.
- UASC whose application for asylum has failed or who are unlawfully in the UK because they have exhausted all rights to appeal will have no recourse to public funds and legally, should not be supported by the Care Leaver Service. They should agree to a voluntary return to their country of origin and be referred to the National Asylum Support Service (NASS).
- However, the care leaver could be entitled to support under the Human Rights Act 1998. The social worker or personal advisor will carry out a human rights assessment in all cases where this is applicable to ensure that the young person's basic needs are met up to the point that they are removed from the UK by the Home Office or choose to leave independently, in which case the Home Office should be informed by the social worker or personal advisor.

Social workers and personal advisors should seek specialist advice if necessary given the complexity of immigration law.

### **Eligible Children returning home**

Eligible children aged 16 or 17 who are returning home as part of a planned reconciliation become relevant children and will receive financial support from the Care Leaver Service initially whilst their parents re-apply for appropriate benefits such as child benefit.

The care leaver will be expected to be in education, training or employment and should be receiving a bursary or other financial support or income or should be being supported by their parents. However, the Care Leaver Service can carry out an assessment of need and provide financial support in order to support the reconciliation plan.

Where the care leaver returns home in an unplanned manner, the Care Leaver Service will continue to pay their weekly allowance and any other discretionary payments for 6 weeks until it is established whether the care leaver will remain at home. In these circumstances, the social worker should convene an early pathway review to consider the situation and adjust the pathway plan.

Once a child remains at home for 6 months, their status under the Children (Leaving Care) Act 2000 (amending the Children Act 1989) changes to Qualifying Young Person and the Care Leaver Service will cease to provide financial support except under exceptional circumstances and following an assessment of need.

If the placement breaks down prior to the care leaver's 18<sup>th</sup> birthday, and they need to be provided with accommodation, they would return to being a former relevant child.

### **Care leavers who are detained**

Care leavers who are detained are likely to need financial support to cover the costs of clothing, personal items and toiletries but all other payments will be suspended.

All eligible children who receive a custodial sentence will be entitled to an assessment of their needs while detained regardless of their care status, and this assessment should include what personal allowance they will need subject to any rules the secure establishment has on what monies young people are allowed to receive.

Relevant children will also be entitled to an assessment of need and will receive pocket money each week at a set rate [**see Appendix 3**] a lower amount if this exceeds the rules of the youth detention institution.

If the care leaver is subject to a care order or is a relevant child who will continue to be eligible for birthday and Christmas allowances, these allowances should continue to be paid into their bank account or set aside for them on release.

Care leavers who are sentenced to more than 6 months in custody will receive if the need arises their clothing allowance entitlement on release or during sentence if the secure establishment does not provide a uniform.

Whilst detained in prison, care leavers will be expected to take up and engage fully with any education and training opportunities and to earn money by working in the institution where possible.

## **19 Higher education costs**

Care leavers entering higher education will receive:

- A yearly grant. The amount paid for the duration of the 3 year degree course is inclusive of the government bursary [**see Appendix 3 for rates**]
- Travel costs to return during holiday periods
- Reasonable accommodation costs during holiday periods.
- All relevant Pledge commitments, including the provision of a lap-top (from the 2<sup>nd</sup> year of A level or equivalent BTEC).
- Assistance from their personal advisor to apply for all available student loans and bursaries to cover fees and maintenance.

The costs of term time accommodation must be met by the student through the use of the student maintenance loan, the yearly grant and/or part time working.

## **20 Identification documents**

The Care Leaver Service will ensure that all care leavers are supported to obtain important documents such as birth certificates, passports and other documents that prove their identification.

The Care Leaver Service will pay for each care leaver's copy birth certificate and fund applications for passports or travel documents on a discretionary basis following an assessment of need.

## **21 Suitability of accommodation**

In determining the suitability of accommodation for relevant children (under schedule 2 of the Care Leavers Regulations 2010 and Schedule 6 of the Care Planning, Placement and Case Review Regulations 2010) regard should be had to:

- A. In respect of accommodation:
  - a) The facilities and services provided
  - b) The state of repair
  - c) The safety
  - d) The location
  - e) The support
  - f) The tenancy status, and
  - g) The financial commitments involved for the relevant child and their affordability
- B. In respect of the relevant child:
  - a) His or her views about the accommodation
  - b) His or her understanding of their rights and responsibilities in relation to the accommodation, and



- c) His or her understanding of funding arrangements

## **22 Children in Care with a disability – transition to Adult Services**

This section applies to Children in Care with a Disability (CWD) meeting Specialist Children's Service eligibility criteria who are supported by the Disabled Children's Service (DCS).

At the age of 16 or shortly after, DCS start the planning of a child's leaving care with a Year 11 (Y11) review and the development of a pathway plan.

- A. If a Kent Child in Care with a Disability at 18 is assessed as being eligible for Kent Adult Service Support (KASS) then KASS are responsible for their:
- Eligible adult service support
  - Care leaving support entitlements (18-25)
- B. If a Kent Child in Care with a Disability at 18 is not eligible for (KASS) then the Kent 18+ Care Leaver Service are responsible for their:
- Care Leaving support entitlements(18-25)

### **Service Procedures**

***See Appendix 4***

## **APPENDIX 1**

### **Examples of legislation and guidance that underpin Volume 3 of the Children Act 1989**

- The Care Leavers (England) Regulations 2010
- The Children Act 1989
- The Children (Leaving Care) Act 2000
- Volume 2 of the Children Act 1989 regulations and statutory guidance: Care Planning, Placement and Case Review
- The Carers and Disabled Children Act 2000
- Valuing People: The Learning Disability Strategy for the 21<sup>st</sup> Century
- Promoting the educational achievement of looked after children; statutory guidance for local authorities, 2010
- Working Together to Safeguard Children, 2013

## **APPENDIX 2**

### **DEFINITIONS OF CARE STATUS FOR FORMER RELEVANT CHILDREN AND QUALIFYING YOUNG PEOPLE**

#### **Eligible Children**

Young people aged 16 and 17 years of age who have been looked after for at least 13 weeks (with at least one episode of care lasting more than 4 weeks) since the age of 14 years and who continue to be looked after for at least 24 hours following their 16<sup>th</sup> birthday.

Children or young people receiving a number of short term breaks, none longer than 4 weeks and who return to their parents or someone with parental responsibility, do not meet the criteria of an eligible child.

Time spent by a young person in a hospital or in custody immediately prior to being looked after does count as time looked after for the purposes of defining entitlement to services and support as a care leaver. These young people would become eligible if they met the 13 week requirement and, after discharge/release from hospital/custody, they become Relevant Children following their 16<sup>th</sup> birthday if under 18 years, and a former relevant child following their 18<sup>th</sup> birthday.

#### **Relevant Children**

Children and young people aged 16 and 17 years of age who met the criteria as an eligible child but ceased to be looked after prior to their 18<sup>th</sup> birthday.

#### **Qualifying children and young people over 16**

This refers to young people between the ages of 16 and 21 who have been looked after for at least 24 hours following their 16<sup>th</sup> birthday and do not meet the 13 week criteria necessary to become an eligible or relevant child.

Young people who have been privately fostered or were looked after immediately prior to becoming subject to a Special Guardianship Order also come under these criteria following their 16<sup>th</sup> birthday.

An eligible or relevant child who successfully returns home to their parents would revert to the care leaver status of a 'qualifying child/young person' if their return home was deemed permanent (usually determined as a minimum of 6 months);

- If a young person was looked after following their 16<sup>th</sup> birthday for any period over 24 hours but less than a total of 3 months.

- If a young person, since age 14 years has been looked after but has not been looked after for more than a month in any single period.
- Young people who were eligible but returned home permanently, prior to 18th birthday.
- Any young person who is subject to a Special Guardianship Order who was immediately prior to the making of the order looked after.

This status lasts until the young person's 21st birthday. Other than those in Higher Education (university) where there is an entitlement for the Local Authority to pay for their accommodation costs over the vacation periods, the level of support provided by the Local Authority is significantly less than it is for former relevant children.

### **Former Relevant Children**

Young people who are not children but rather young adults aged between 18 and 20 who met the criteria of an eligible and/or relevant child prior to their 18<sup>th</sup> birthday and who have subsequently reached 18 years of age.

The category extends up to a young person's 21<sup>st</sup> birthday or 25<sup>th</sup> birthday if they are disabled or engaged in Higher Education and (since April 2011) if after 21 they wish to pursue some form of Further Education.

### **Former Relevant Children pursuing Further Education post 21 years**

This refers to young people aged 21 to 24 years of age who met the criteria of a former relevant child prior to their 21st birthday and who have subsequently returned to further education or expressed a desire, to the responsible authority, to pursue further education beyond their 21<sup>st</sup> birthday.

### **Responsible Authority**

This is the council/local authority that last looked after the young person and therefore remains responsible for providing the Care Leaver Service to the young person as a qualifying, relevant or former relevant child wherever they are living.

## **APPENDIX 3**

### **Financial Support to Care Leavers**

For eligible and relevant children aged 16 and 17 living in semi-independent accommodation; a weekly allowance of £57.35 for accommodation and maintenance is payable.

Care leavers can receive up to an additional £20 per week incentive payment on the recommendation of their social worker for demonstrating a commitment to their pathway plan and compliance with regulatory requirements and engagement in Education, Employment or Training

Subsistence payments paid at a rate of; £57.35 per week, while a benefit claim is being processed (for up to 4 weeks). Then at a rate of £25 plus utility meter card thereafter (if benefit payments are still delayed).

### **Clothing**

- Care leavers living in supported lodgings or semi-independent accommodation will receive a clothing allowance of £100 per annum.
- Emergency clothing to the value of £50 will be given to Unaccompanied Asylum Seeking Children if they arrive in the UK with limited clothing. This will be based on an assessment of their needs.
- If a care leaver has no suitable clothes, a discretionary £50 one off allowance may be provided to purchase clothing on a needs basis.

### **Birthday Allowances:**

17 <sup>th</sup> birthday	£30
18 <sup>th</sup> birthday	£60
19 <sup>th</sup> birthday	£30
20 <sup>th</sup> birthday	£30
21 <sup>st</sup> birthday	£75

### **Setting up home allowance:**

A setting up home allowance of up to £2000 (or £2200 for single parents)

The following conditions apply:

- The allowance should only be used to purchase household items.

- Up to £500 can be accessed in advance to buy essential items (as defined by the Care Leaver Service).
- At least £50 should be spent on health and safety items such as smoke alarms.
- Some of the money should be used to purchase a TV licence and home contents insurance.

**Young Parents:**

- Mothers aged 16 or 17; living in semi-independent accommodation will receive £150 one-off payment from the Care Leaver Service once they have passed 20 weeks of the pregnancy.
- Maternity Grant rate of £500

**Care leavers who are detained**

- Pocket money is payable at a rate of £7 a week or a lower amount if this exceeds the rules of the youth detention institution.

**Care leavers entering higher education payments:**

- A £1000 yearly grant. The £3000 paid for the duration of the 3 year degree course is inclusive of the £2000 government bursary.

## **Appendix 4**

### **Service Procedures**

#### **A. Child in Care with a Disability – Eligible for Adult Service Support at 18**

Refer to: Kent Transition Protocols - Supporting Disabled Young People from Adolescence to Adulthood. Handbook for Professionals 2008

If after the Y11 Review the DCS case manager thinks that the 16 year old child may meet the eligibility criteria for Kent Adult Social Service (KASS) support when they are 18, they will notify the KASS service manager by completing a Y11 Transition Notification Form (Appendix 1b, Kent Transition Protocol 2008). This will be signed off by the Team Manager or Service Manager.

They will record this on the electronic case management information system (Liberi).

KASS will be able to assess information on those CWD in care potentially eligible for future KASS support and give them early consideration.

The following year the DCS case manager will invite a KASS representative to the 17 year old child's Y12 Transition Review and receive information on the child's progress, ongoing development needs and Pathway Plan.

After the Y12 Transition Review meeting the DCS case manager will follow this up by making a formal referral for KASS support for the child as soon as practicable after his/her 17<sup>th</sup> birthday via the County Duty Service. They will record this on the electronic case management information system (Liberi).

KASS will undertake an assessment of the 17 year olds needs and if eligible for KASS support when they attain adult status at 18, a KASS care manager will be allocated by the time they are 17 years and 6 months old to support the transfer in collaboration with the DCS case manager.

The child's Transition Plan and Pathway Plan should be amended accordingly.

On the care leaver's 18<sup>th</sup> birthday they become an adult and if eligible for adult service support, case responsibility transfers to the KASS Case Manager who leads the Y13 Transition Plan Review. The care leaver also becomes a care leaver on his/her 18<sup>th</sup> birthday. The KASS is responsible for coordinating actions agreed to implement the eligible care leaver's Community Care Plan and Pathway Plan. The KASS is responsible for implementing the care leaver's Leaving Care entitlements in the 18-25 phase. These are detailed in a corresponding KASS protocol for Care Leavers with a Disability eligible for adult service support.

#### **B. Child in Care with Disability – Not Eligible for Adult Service Support at 18**

If after the Y11 Review the DCS case manager thinks that the 16 year old child is unlikely to meet the eligibility criteria for (KASS) support when they are 18, they will notify the Kent 18+ Care Leaver Service Manager by completing a Y11 Transition Notification Form. This will be signed off by the Team Manager or Service Manager. They will record this on the electronic case management information system (Liberi). The Kent 18+ Care Leaver Service will give early consideration to the individual's future support needs.

The following year the DCS case manager will invite a Kent 18+ Care Leaver Service representative to the 17 year old child's Y12 Transition Review and receive information on the child's progress, ongoing development needs and Pathway Plan. The Kent 18+ Care Leaver Service will allocate a case manager to each case before the child is 17 years and 6 months old to support the transfer in collaboration with the DCS case manager. The child's Transition Plan and Pathway Plan should be amended accordingly by the DCS case manager and recorded by them on the electronic case management information system (Liberi).

On the care leaver's 18<sup>th</sup> birthday they become an adult and if not eligible for (KASS) support, the case responsibility transfers to the Kent 18+ Care Leaver Service who leads the Y13 Transition Plan Review. The Kent 18+ Care Leaver Service is responsible for coordinating actions agreed to implement the care leaver's Pathway Plan and delivering the care leaver's Leaving Care entitlements in the 18-25 phase. The Kent 18+ Care Leaver Service may seek specialist advice from Children's and Adult's Disability Services to help them support care leavers in the 18-25 phase.