
Meeting: Executive
Date: 4 October 2011
Subject: Transition to Adulthood for Care Leavers
Report of: Cllr Mark Versallion, Executive Member for Children's Services
Summary: This report sets out the policy for financial support for transition to adulthood for care leavers.

Advising Officer: Edwina Grant, Deputy Chief Executive/Director of Children's Services
Contact Officer: Catherine Parry, Interim Assistant Director Children's Services Operations
Public/Exempt: Public
Wards Affected: All
Function of: Executive
Key Decision Yes
Reason for urgency/ exemption from call-in (if appropriate) N/A

CORPORATE IMPLICATIONS

Strong corporate parenting arrangements are central to improving all services for children and young people in care. All officers and Members of the Council are responsible for corporate parenting in line with current legislation and guidance. One of these core responsibilities is the support financially of care leavers.

Council Priorities:

Central Bedfordshire Council's Strategic Plan 2009-2011, Priority 2 - Educating, protecting and providing opportunities for children and young people (Looked After).

The Children and Young People's Plan 2011-2014, Priority 1 - Increased educational achievement and Priority 2 - Protecting children and keeping them safe.

Financial:

There are usually up to 20 young people receiving Leaving Care Allowance at any one time although these numbers may vary. The current budgetary provision is sufficient although this is a needs led budget.

Legal

The legal framework is laid out in The Children Act 1989, Looked After and Leaving Care Act 2000, Children and Young Persons Act 2008 and the new Care Planning, Placement and Case Review (England) Regulations implemented nationally in April 2011 ("Planning Transition to Adulthood for Care Leavers"). These include increased monitoring and contact requirements. The Human Rights Act 1998, Immigration and Asylum Act 1999, Immigration and Asylum and Nationality Act 2006 also impact on this work.

Two key legal judgements are:

- The Southwark Judgement (the Law Lords decreed that local authorities are obliged to offer accommodation to 16 and 17 year olds with identified needs above housing).
- The Barking and Dagenham Judgement (the Court of Appeal stated that the local authority had a duty to provide former relevant children (care leavers aged 18-21 years old) with accommodation to the extent that their welfare required it).

Risk Management:

There are no new risk management implications arising from the report. The function continues to be subject to announced and unannounced inspections and preparation for this is constantly ongoing.

Staffing (including Trades Unions):

There are no new staffing implications arising from this report. The current resources deployed enable the service to deliver all of its statutory responsibilities.

Equalities/Human Rights:

An Equality Impact Assessment has been undertaken. The review addresses the relevance of the difference in application of the grant entitlements to date for unaccompanied asylum seekers and ensures there are no risks to the council as a consequence, relating these entitlements to relevant immigration and human rights legislation. This policy will be subject to regular review and a regular consultation exercise with the Children In Care Council and current care leavers.

Community Safety:

There are no new community safety implications arising from this report.

Sustainability:

There are no new sustainability implications arising from this report.

RECOMMENDATIONS:

1. **that the policy for financial support for transition to adulthood for care leavers is agreed;**

- 2. that authority to introduce any minor amendments required as a result of the annual consultation with care leavers and the Children in Care Council be delegated to the Deputy Chief Executive/Director of Children’s Services in consultation with the Executive Member for Children’s Services.**

Background

1. The current financial policy for care leavers was last refreshed in early 2009 by the legacy authority, Bedfordshire County Council, and it was subsequently adopted by Central Bedfordshire Council. New legislation and guidance requires the policy to be updated.
2. The publication of the “Planning Transition to Adulthood for Care Leavers” guidance in April 2011 extends the duties of the Council to care leavers. This policy relates specifically to care leavers whose legal status falls within one of the categories below, as laid out in The Children Act 1989:
 - Eligible young people: Young people who have been in care for at least thirteen weeks from the age of 14 and who are still in care (looked after) and are age 16 or 17. (Section 31 and Section 20).
 - Relevant young people: Young people who have left care and are aged 16 or 17 and were previously eligible or young people who are/were detained and were looked after for thirteen weeks immediately before being detained. (Section 23).
 - Former relevant young people: Young people aged 18 to 21, or 24 if they started a designated education course before the age of 21 and were previously either eligible or relevant, or both. (Section 23C).
3. Those who qualify are young people aged 16 to 21 who were looked after for less than thirteen weeks (after his or her 14th birthday), but more than twenty four hours after the age of 16 (Respite Care, Special Guardianships Orders, young people who have returned home [Section 20] for more than six months and young people who have been living at home for more than six months and his or her Section 31 Care Order is discharged) are entitled to advice, assistance and guidance. The aim of providing an advice, assistance and guidance service is to supplement the primary source of support that should come from the family with a ‘safety net’. In situations where a 16 and 17 year old qualifying young person is unable to remain living at home before his or her 18th birthday they revert to, or become “a relevant young person”.
4. Care leavers are particularly vulnerable to social exclusion as they usually make the transition to adulthood sooner than most young people. The Leaving Care Grant provides them with the secure financial support that any parent would usually afford their child. Appendix A outlines the proposed payments accounting for those elements required as universal to all care leavers and elements requiring support based on assessed need.

5. Governance suggests that payments should mirror the types of support that families would usually provide. The policy should be flexible in its application and recognise the needs of the young person as an individual as they progress into adulthood, employment, training and further education.
6. Councils have a duty to support Looked After Children and care leavers to manage their financial resources and money, gradually helping them to take responsibility for themselves, but recognising that taking risks, making mistakes and needing second chances are all elements of that journey that most young people obtain support from their parents to address.

Comments

7. *Comments from the Children's Services Overview and Scrutiny Committee will be inserted after its meeting on 6 September 2011.*

Requirements

8. It is a statutory requirement that the Council begins to consider independence preparation for young people from the age of 16 onwards. This can continue up to the age of 25 years in some cases pending the young person's education, employment and training status. This provision is monitored through robust care planning processes and each young person will have an individual assessment made.
9. Young people and their support workers will be made fully aware of the financial support and entitlements that they will be able to access during their transition to adulthood.
10. Young people and those working with them will be made aware that a clear and transparent policy is in place and that it sets out what entitlements young people have, what conditions are attached to these and how any payments will be made.
11. The Schedule of Payments will set out how the Council, as a "good corporate parent", will assist the young people with financial support to achieve economic well being and make a positive and successful transition to adulthood. It will be reviewed every year.
12. As an absolute minimum, the support will provide a leaving care maintenance allowance (equivalent to the prevailing Income Support/Job Seekers Allowance benefit rate) and the provision of a suitable and appropriate placement/accommodation or the financial means to secure the accommodation (up to the young persons 18th Birthday). Care leavers are not able to access any public funding through the benefits system until 18 years old.
13. The policy for payments will be accessible and be easily understood by young people. It will be published on the Council's website and a copy given to all Looked After Children and care leavers. Young people should be consulted with and asked to assist in the development of age appropriate versions of the publication of the published payments policy.

14. The published payments policy should set out how the Council will support the young person to enhance their life chances and make a successful transition to adulthood in collaboration with all of the corporate parenting partners including education and health.

Vulnerable Groups

15. Support will be available for specific groups of care leavers such as lone parents, detained young people in custody or hospital, disabled young people and unaccompanied asylum seeker children. Young people who may be in receipt of means tested benefits as a result of their vulnerability may also seek to change their entitlements.
16. Entitlements to young people, who have been placed at home, or returned home in a planned or emergency manner, will also be addressed in the context of their presenting legal status.

Governance

17. The policy should provide equity, and, in order to be transparent and ensure fair access, should be reviewed every year and be open to independent audit and scrutiny, including the Children In Care Council.

Recommendations

18. The Executive is recommended to agree:
 - a) The policy for financial support for transition to adulthood for care leavers;
 - b) That authority for introducing any minor amendments required as a result of the annual consultation with care leavers and the Children in Care Council is delegated to the Deputy Chief Executive/Director of Children's Services in consultation with the Executive Member for Children's Services.

Appendices:

Appendix A – A Financial Model for Care Leavers to Support Their Transition to Adulthood

Background Papers: (open to public inspection)

Bedfordshire Financial Policy 2008/2009

Location of Papers:

Priory House, Chicksands