

## Appendix A

### IMPACT OF CHILDREN AND SOCIAL WORK ACT 2017 ON CENTRAL BEDFORDSHIRE'S OFFER TO YOUNG PEOPLE LEAVING CARE

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#### A. Purpose of the report

1. This report highlights the impact of the new legislation introduced by Children and Social Work Act 2017. In accordance with the Act the local authority has a duty to assist Care Leavers in, or preparing for, adulthood and independent living up to the age of 25.
2. The report also indicates the support provided to the young people leaving care and makes recommendations regarding exemption from council tax for Care Leavers in Central Bedfordshire.

#### B. Recommendations

3. Note the impact of the new legislation
4. Approve the proposed solution and financial implication in addressing the impact of new legislation by increasing the Leaving Care establishment from 7 Personal Advisers to 9 with a total cost of £57k/year (Section D.1.)
5. Approve the implementation of Council Tax exemption (when appropriate) for Central Bedfordshire Council's Care Leavers up to the age of 25 living within Central Bedfordshire borders. (Section D.3.)

#### C. National context

6. The Children and Social Work Bill was introduced in the House of Lords on 19 May 2016, completed its parliamentary stages on 4 April 2017 and received Royal Assent, becoming law, on 27 April 2017. (The full Act can be found here: <http://www.legislation.gov.uk/ukpga/2017/16/contents/enacted> )
7. The elements of the Law related to Care Leavers became enacted in April 2018

8. The Children and Social Work Act 2017 (the Act) is intended to improve the support for looked after children and Care Leavers, to promote the welfare and safeguarding of children, and to make provisions about the social work regulations.
9. The Act sets out the Corporate Parenting principles for the Council as a whole to be the best parent it can be to children in its care. These are largely a collation of existing duties the local authority has (suggest singular) towards looked after children and those leaving care:
  - 9.1. to act in the best interests, and promote the physical and mental health and well-being, of those children and young people;
  - 9.2. to encourage those children and young people to express their views, wishes and feelings
  - 9.3. to take into account the views, wishes and feelings of those children and young people;
  - 9.4. to help those children and young people gain access to, and make the best use of, services provided by the local authority and its relevant partners;
  - 9.5. to promote high aspirations, and seek to secure the best outcomes, for those children and young people;
  - 9.6. for those children and young people to be safe, and for stability in their home lives, relationships and education or work;
  - 9.7. to prepare those children and young people for adulthood and independent living
10. Section 2 and Section 3 of the Act are directly relevant to young people leaving care.
11. Section 2 requires local authorities to publish information about the services it offers to Care Leavers which may assist them in preparing for adulthood and independent living. These services may include health and wellbeing, education and training, employment, accommodation, and participation in society.
12. Section 3 refers to the reactive duty of the local authorities to appoint a personal adviser for Care Leavers who request this up until the age of 25, regardless of whether the young person intends to pursue education or training. The local authorities also have a duty to carry out an assessment of the young person's needs and to provide the necessary advice and support.

## D. Support offered to young people leaving care

### D.1. Personal Adviser support for young people leaving care

#### D.1.1. Local context of Personal Adviser support

13. In Central Bedfordshire, all young people leaving care receive support and advice from a Personal Adviser (PA).
14. The Personal Adviser is the person appointed to work with the young person when they leave care and occupies a key role in providing support. They hold a pivotal role in the assessment, planning and review of services as set out in the Pathway Plan, The Pathway Plan sets out the ambitions and route to the future for the young people leaving care and states how their needs will be met in their path to independence, including what support is available to them from the local authority.
15. The extent to which the Personal Adviser becomes the main source of advice and support to the young person varies according to individual circumstances and the young person's wishes.
16. In Central Bedfordshire, all young people leaving care receive a multi-agency assessment of their needs including the need for advice, assistance and support they need when leaving care. This is in the form of a Pathway Plan.
17. All young people have a Pathway Plan in place by their 16th birthday.
18. The Pathway Plan is reviewed with the young person and relevant professionals at least every 6 months

### D.1.2. Impact of new legislation on of Personal Adviser support

19. Under previous legislation, local authorities were required to only provide Care Leavers with support from a PA until they reach age 21, with that support continuing up to age 25 if a Care Leaver was engaged in education or training. This support was not available to Care Leavers aged over 21 who were not in education, training or employment.
20. Section 3 of the Children & Social Work Act 2017 has changed this, introducing a new duty on local authorities, which requires them to offer PA support to all Care Leavers towards whom the local authority had duties under section 23C of the Children Act 1989, up to age 25 - irrespective of whether they are engaged in education or training. This includes Care Leavers who return to the local authority at any point after the age of 21 up to age 25 and request PA support.
21. The new duty that extends PA support where requested to all Care Leavers means that the local authority continues to exercise functions in respect of Care Leavers up to the age of 25 and should therefore apply the corporate parenting principles when exercising those functions
22. We estimate that approximately 25% of the young people over the age of 21 up to age 25 whose support has ended under the old legislation will return to the local authority and request support including dedicated PA support as per our local offer.
23. Central Bedfordshire's offer for young people leaving care is centred on the needs of young people and provides generous support to our Care Leavers. Nationally there is a direct link between the number of "returnees" and the quality of the local offer.
24. It is envisaged that the needs of the Care Leavers will vary considerably; some of them will, from time to time, require only limited support to resolve a relatively straightforward query or to be signposted to another specialist service; other young people will require more intensive support for a limited period of time when things go wrong, such as losing a job or receiving a benefit sanction – but then require only limited support once they are "back on track"; and there will be others who have complex needs and will need intensive ongoing support.
25. Taking into account the above, an analysis of our Care Leavers population indicates that in the next years the number of young people receiving support from a Personal Adviser will be as follows:

Date	Number of young people entitled to receive support
31/03/2018	159
31/03/2019	223
31/03/2020	251
31/03/2021	261

26. Currently the young people leaving the care of Central Bedfordshire Council achieve good outcomes as the Social Workers and Personal Advisers have manageable caseloads and they are providing relational social work and support to the young people. This resulted, for example, in May 2018, to 70% of our Care Leavers being in education, employment or training. This compares favourably with local (48.5%) and national (50%) figures
27. Central Bedfordshire Council is committed not to compromise on our offer to our Care Leavers and we will achieve this by keeping the caseloads and the support at the same level going forward to ensure the best outcomes for our young people. In the recent inspection OFSTED found that in Central Bedfordshire ***"Care Leavers are safe and feel safe. They are confident young adults who have pride in themselves"***. Furthermore, it was noted that ***"Personal advisers support Care Leavers very well and help them to understand their choices"***. The full OFSTED report can be found here:

[https://reports.ofsted.gov.uk/sites/default/files/documents/local\\_authority\\_reports/central\\_bedfordshire/052\\_Single%20inspection%20of%20LA%20children%27s%20services%20and%20review%20of%20the%20LSCB%20as%20pdf.pdf](https://reports.ofsted.gov.uk/sites/default/files/documents/local_authority_reports/central_bedfordshire/052_Single%20inspection%20of%20LA%20children%27s%20services%20and%20review%20of%20the%20LSCB%20as%20pdf.pdf)

28. In response to the new legislation, the Department for Education allocated new burden funding to Central Bedfordshire for the current financial year, a nominal amount of £10k, however, this will not fully cover the needs of the service

#### D.1.3. Recommendation regarding of Personal Adviser support

29. In order to meet the needs of our young people leaving care, Central Bedfordshire Council allocates a budget of just over £200k per year for the personal advisers. In order to meet the increase in demand and maintain the level of support to our young people, the base budget will need to increase by £57k per year. This is the total cost of 2 extra Personal Advisers.

#### D.2. Financial support offered to Central Bedfordshire Council' young people leaving care

30. In addition to the PA support detailed above, for the Central Bedfordshire's Care Leavers, the council's offer is extensive and based on the individual needs and achievements of the young people. Support and allowances are based on an assessment of need and set out in the young person's Pathway Plan. The financial strategy document that details the current offer is currently under review. The current offer includes
- the possibility of financially supporting our young people with a weekly allowance when the Care Leaver has no income;
  - engagement incentives when they are undertaking a paid traineeship or apprenticeship;
  - when our young people attend university, if required, they are provided with a suitable laptop and relevant software alongside financial support towards transport when relevant, books and other equipment as needed for their course.
31. In preparation for independence and in support of independent living, a range of support is provided to young people leaving care from the age of 16 onwards: This includes
- Personal luggage allowance is offered to ensure the young person has a suitable luggage when they move from placement.
  - The cost of move is included in the up to £2k home setup allowance.
  - Once the young person moves in, one year content insurance up to £9k is available in some instances.
  - Clothing allowance, including support with winter clothing and interview clothes, if needed.
  - Birthday allowances are also provided as well as Christmas/festival allowances.
  - When appropriate, based on the young person's needs, financial support with Counselling, Health & Therapeutic Needs is available.
  - Support with the cost of a passport,
  - Winter heating allowance and
  - driving lessons, and the cost of taking the exam for the driving licence.
32. In addition to the above, this report recommends that in some instances the Care Leavers who live within Central Bedfordshire borders are exempted from Council Tax when recommended by their heir Personal Advisor and agreed by the Head of Service. (See para D.3 below)

## D.3. Council tax discretionary scheme

### D.3.1. National context regarding council tax

33. All Councils in the UK have the discretion to reduce council tax liability for individuals or prescribed groups. The Council can exercise discretion, in accordance with section 13A of the Local Government Finance Act 1992, in respect of local council tax support and for ad hoc cases of extreme financial hardship.
34. The last Children's Society's published information, lists over 70 local authorities who have decided to exercise their discretion relating to the Council Tax for Care Leavers.  
<https://www.childrenssociety.org.uk/what-you-can-do/campaign-for-change/a-fairer-start-for-care-leavers#map>  
Based on the information available, in the region Milton Keynes are already exempting Care Leavers from Council Tax. In addition to this, Hertfordshire and Suffolk have committed to Council Tax exemption, however is not yet implemented.
35. When Care Leavers move from care to live independently they manage their own budget for the first time. They are, therefore, a particularly vulnerable group when it comes to council tax. The 'Wolf at the Door' report published by The Children's Society into council tax debt showed that the pace of escalation of debt could be frightening for Care Leavers - what can start out for many Care Leavers as falling slightly behind can very quickly escalate to a court summons and enforcement action being taken.
36. Care Leavers are eligible for a range of benefits, including Housing Benefit, Jobseeker's Allowance and Universal Credit. However, if Care Leavers fail to meet benefit regulations, such as being late for a meeting at the job centre or not updating their CV, they can be sanctioned and have vital benefits stopped. Many Care Leavers don't know that they can challenge these sanctions and as a result they are much less likely than other groups to appeal a decision.
37. The Children and Social Work Act 2017 places corporate parenting responsibilities on Councils for the first time, requiring them to have regard to children in care and Care Leavers when carrying out their functions:  
*"...will introduce a set of corporate parenting principles that will require all departments within a local authority to recognise their role as corporate parents, encouraging them to look at the services and support that they provide through the lens of what a reasonable parent would do to support their own children"*

### D.3.2. Local context regarding council tax

38. At the end of May 2018, 109 Central Bedfordshire Council's Care Leavers are living within the borders of the Council, of which 36 Care Leavers (between 18 and 25 years old) live in accommodations eligible for council tax.
39. Based on the current care leavers cohort the introduction of Council Tax exemption will lead to a yearly reduction of council's income between £30k - £40k.

### D.3.3. The principles of the proposed scheme

40. The discount will not be means tested, however, will take into account the individual circumstances of the young people and the outcomes of the assessments.
41. The exemption will be part of the Care Leavers' Pathway Plan alongside the expectation to take up the support offered by the Personal Adviser in meeting the outcomes set in the Pathway Plan.
42. The discount will apply to young people who leave the care of Central Bedfordshire and are between the ages of 18 and 25 and not exempted on any other basis;
43. Where a care leaver in Central Bedfordshire moves out of the local authority area the discount can be reclaimed should they return before their 25<sup>th</sup> birthday.
44. Young people will be exempted from 100% of council tax after taking into account any other discounts/exemptions to which the young person may be entitled to.

45. The scheme would be administered by the Council's revenue department. Arrangements will be put in place to ensure that relevant Care Leavers are supported to apply for the discount.
46. These arrangements and the impact on the young people and the council will be kept under regular review.

#### **D.3.4. Recommendation regarding council tax**

47. It is proposed that, as part of the offer to Care Leavers, when appropriate to do so, the Council exercise its discretionary powers to award a 100% relief for Central Bedfordshire young people who are leaving care and reside within the borders of Central Bedfordshire.