

Children Leaving Care Act

Guidance

September 2001

CHAPTER	CONTENTS
	Foreword
Chapter 1	Background <ul style="list-style-type: none"> ➤ Purpose and aims of the legislation
Chapter 2	Legal Framework <ul style="list-style-type: none"> ➤ Overall legal framework and underlying principles ➤ The new legal framework ➤ Who is affected by the new legislation? ➤ Definitions under the Children (Leaving Care) Act 2000 ➤ The Responsible Local Authority ➤ Who is not affected by this new legislation? ➤ Help for those not affected by the new legislation
Chapter 3	Personal Adviser <ul style="list-style-type: none"> ➤ Introduction ➤ The Functions of the Personal Adviser ➤ Budget Holding ➤ Appointment, training and deployment ➤ Young people being helped under sections 24A and 24B of the Children Act 1989

<p>Chapter 4</p>	<p>Roles and Responsibilities</p> <ul style="list-style-type: none"> ➤ The Role of the Local Authority ➤ Corporate Parenting ➤ Lead role of the Social Services Department ➤ The Role of the Housing Department ➤ The Role of the School ➤ The Role of the Health Service ➤ The Role of the Youth Service ➤ Youth Services for Young People Generally ➤ Targeted Youth Work ➤ The Role of Careers Wales ➤ The Role of the Youth Justice System ➤ The Role of the Department for Work and Pensions ➤ The Role of the Registered Children’s Home ➤ The Role of Foster Care Services ➤ The Role of the Voluntary Organisations ➤ Further Role of the Voluntary Sector
<p>Chapter 5</p>	<p>Preparation for Leaving Care</p> <ul style="list-style-type: none"> ➤ Provision of Information ➤ Local authority planning and policy on leaving care ➤ The nature of preparation for Leaving Care ➤ Building and maintaining relationships with others ➤ Practical and Financial Skills and Knowledge
<p>Chapter 6</p>	<p>Assessment of Need</p> <ul style="list-style-type: none"> ➤ Timing ➤ What should be addressed? ➤ Who should be involved?
<p>Chapter 7</p>	<p>Pathway Plans</p> <ul style="list-style-type: none"> ➤ Purpose ➤ Content of the pathway plan ➤ Personal Support ➤ Accommodation ➤ Education and Training ➤ Employment ➤ Family and Social Relationships ➤ Practical and other skills ➤ Financial Support ➤ Health Needs ➤ Contingency planning ➤ Other contents ➤ Review of pathway plan

<p>Chapter 8</p>	<p>Support and Resources, including new Financial Arrangements</p> <ul style="list-style-type: none"> ➤ New Financial Arrangements ➤ Transparent Criteria ➤ Access to financial support ➤ Leaving Care Grants ➤ Sanctions ➤ Emergency Assistance ➤ Minimum Standards ➤ Exceptions ➤ Disputes ➤ Systems ➤ Financial Assistance for Care Leavers qualifying for advice and assistance under section 24(2) ➤ Accommodation and Personal Support for Relevant Children ➤ Vacation accommodation ➤ Personal Support ➤ Passported Benefits
<p>Chapter 9</p>	<p>Specific Circumstances</p> <ul style="list-style-type: none"> ➤ Young people with Disabilities
<p>Chapter 10</p>	<p>Care Leavers aged 18 – 21</p>
<p>Chapter 11</p>	<p>Representations and Complaints</p>
<p>Annex A</p>	<p>Who is affected? Who gets what?</p>
<p>Annex B</p>	<p>Children First</p>

FOREWORD

This guidance is issued under section 7 of the Local Authority Social Services Act 1970. It is designed to bring to managers and practitioners in local authorities an understanding of the principles behind the Children (Leaving Care) Act 2000 (“the 2000 Act”). It identifies consequential amendments to the Children Act 1989 and the implications of these and associated regulations for policies, procedures and practice. References to section numbers relate to the Children Act 1989 as amended by the 2000 Act. References to the “1989 Act” or the “Children Act” are to the Children Act 1989. References to numbered regulations are, unless the context otherwise requires, references to the Children (Leaving Care) (Wales) Regulations 2001. References to “Regulations” are intended unless otherwise stated to be references to 2001 regulations above.

This guidance should be read in conjunction with The Children Act 1989 Guidance and Regulations. It replaces:

- *An Introduction to the Children Act 1989, After-care: when a child ceases to be looked after – paragraphs 5.33 – 5.37*
- *The Children Act 1989 Guidance and Regulations Volume 3 Family Placements, Chapter 9 After-care: advice and assistance*
- *The Children Act 1989 Guidance and Regulations Volume 4, Chapter 7.*

Generally, the primary legislation applies only to Wales and England. This guidance and “regulations” which support it apply only to Wales. The Department of Health is responsible for producing separate regulations and guidance for England. In Scotland separate arrangements are being made for young people leaving care. Section 6 of the 2000 Act (which deals with social security benefits) also applies to Scotland and will be commenced there once equivalent support arrangements to those provided for by the 2000 Act for Wales and England are in place.

CHAPTER 1

BACKGROUND

1.1 The under-achievement of looked after children, and the failure of agencies to work together in meeting their needs, is well documented. The Department of Health and Social Services Inspectorate report *“When Leaving Home is also Leaving Care”*¹ found that:

- More than **75%** of care leavers have no academic qualifications of any kind;
- More than **50%** of those leaving care after 16 years are unemployed;
- **17%** of young women leaving care are pregnant or already mothers;
- **10%** of 16-17 year old claimants of DSS severe hardship payments have been in care;
- **23%** of adult prisoners and **38%** of young prisoners have been in care;
- **30%** of young single homeless people have been in care.

1.2 The Children’s Safeguards Review, *“People Like Us”*², concluded that:

“the care system provides many children with better support than is available to them anywhere else, but children leaving care are deprived of it at the most critical stage of their lives”

1.3 The legislation fulfils commitments in the *Government’s Response to the Children’s Safeguards Review and the White Paper for Wales - Building for the Future*. The report of the Tribunal of Inquiry into the abuse of children in care in the former county council areas of Gwynedd and Clwyd since 1974, *Lost in Care*³, supported a recommendation on the Children’s Safeguards Review in making the following recommendation:

“The duty upon local authorities under section 24(1) of the Children Act 1989 to advise, assist and befriend a child with a view to promoting his welfare when he ceases to be looked after

¹ Department of Health, CI (97) 4, 1997.

² Department of Health and Welsh Office, ISBN 011 322101, July 1997

³ National Assembly for Wales, June 2000

by them should be extended so as to ensure that placing authorities provide the level of support to be expected of good parents including (where appropriate) help to foster parents to provide continuing support”.

1.4 The legislation is based upon the responses to the consultation document *New Arrangements for Young People Living in and Leaving Care*. It is underpinned by the findings of inspection of leaving care services and of research and is informed by the voices of young people.

Purpose and aims of the legislation

1.5 The main purpose of the Children (Leaving Care) Act 2000 is to improve the life chances of children and young people living in and leaving local authority care and to:

- delay their discharge from care until they are prepared and ready to leave;
- improve the assessment, preparation and planning for leaving care;
- provide better personal support for children and young people after leaving care; and
- improve the financial arrangements for care leavers.

LEGAL FRAMEWORK

Overall legal framework and underlying principles

2.1 To meet its main purpose and aims, the Children (Leaving Care) Act 2000 amends the leaving care provisions contained in section 24 of the Children Act 1989 (c.41) as detailed below. The Children Act 1989 and its underlying principles provide the overall legal framework.

2.2 Key principles of the Children Act include:

- taking into account the views of children and young people, consulting them and keeping them informed;
- giving due consideration to children and young people's race, culture, religion and linguistic background;
- the importance of families and working with parents;
- safeguarding and promoting the welfare of children and young people who are looked after; and
- recognition of inter-agency responsibility.

The new legal framework

2.3 The powers and duties of local authorities to prepare children and young people they are looking after for the time when they cease to be looked after, and the provisions of after-care advice and assistance, are described in paragraphs 19A to 19C of Schedule 2 to the 1989 Act **Annex A** summarises the position.

2.4 A duty to prepare children and young people for the time they are no longer cared for also applies to voluntary organisations⁴ and to those carrying on registered children's homes⁵. All of these powers and duties need to be carried out in the light of the general child care principles on which the Children Act is based.

⁴ Section 61(1)C

⁵ Section 64(1)C

2.5 The Children (Leaving Care) Act 2000 amends the Children Act 1989 to introduce the following new provisions:

- the **responsible local authority** to be under a **duty to assess** and meet the care and support needs of **eligible, relevant and former relevant children**;
- the responsible local authority to be under a **duty to keep in touch** with all its care leavers who qualify for the new arrangements;
- all eligible, relevant and former relevant children must have a **Pathway Plan**;
- all eligible, relevant and former relevant children must have a **Personal Adviser**;
- the responsible local authority must assist a care leaver in higher education with **vacation accommodation** if required;
- the responsible local authority must assist a **former relevant child** with costs associated with **employment** to the extent that his or her welfare requires it;
- the responsible local authority must assist with the **costs of education and training** up to the end of the agreed programme;
- the responsible local authority must assist a **former relevant child** to the extent that his or her welfare requires it, either in kind or exceptionally in cash.

Who is affected by the new legislation?

2.6 The Children (Leaving Care) Act 2000 is implemented from 1 October 2001. The legislation applies to all children and young people aged 16 and over who have been looked after by a local authority for at least 13 weeks since their 14th birthday. Those 13 weeks can be continuous or made up of separate episodes of care, excluding short-term placements made by way of respite care⁶.

2.7 It applies whether they are in care because of a care order or are accommodated by a local authority in the exercise of its social services functions such as those under section 20 of the 1989 Act.

⁶ Regulation 3(2)

Definitions under the Children (Leaving Care) Act 2000

Eligible Children

2.8 An eligible child is one who is aged 16 or 17, has been looked after by the local authority for a period of 13 weeks since the age of 14, and remains looked after.

2.9 Categories of eligible children include :

- young people remanded into local authority care are regarded as eligible, even if they subsequently are not given a custodial sentence, if the period of remand is for 13 weeks or more.
- young people who are seeking asylum are covered by all the terms of the Act if they were looked after for the required 13 weeks.

Relevant Children

2.10 A relevant child is one who was previously an eligible child but who is no longer looked after and is under the age of 18. For the purposes of section 23A(3) of the 1989 Act, "regulation 4(2) describes an additional category of relevant children:

Any child aged 16 or 17 (not being subject to a care order) who:

- (a) at the time when he or she attained the age of 16 was detained or in hospital; and
- (b) had been accommodated by a local authority for a single period of at least 13 weeks or for periods amounting to in all to at least 13 weeks where:
 - (i) the single period or the first period of the aggregate period began after he or she reached the age of 14; and
 - (ii) the single period or the aggregate period ended immediately before such detention or admission.

Former Relevant Children

2.11 Former relevant children are those young people who have reached 18 but not 21 and were eligible and/or relevant prior to becoming 18. However, if someone is being helped with education or training most of the duties relating to a former relevant child continue to apply to the end of their agreed programme, even if that takes them past the age of 21.

The Responsible Local Authority

2.12 The responsible local authority is the one which last looked after an 'eligible' or 'relevant' child. Under the new legislation the local

authority will retain this responsibility wherever the child may be living in Wales or England. The aim of this is twofold:

- first, to reinforce the continuity of care which research suggests, along with stability and the maintenance of family links, may contribute to positive outcomes for care leavers, especially in relation to their self esteem and sense of identity; and
- second, to prevent disputes between local authorities over the issue of who is responsible for services.

2.13 If a child or young person moves to a different local authority area within England and Wales, funding can be transferred by the responsible local authority to the local authority in whose area the child or young person is living so they can provide the services under the Act, if that is the most convenient way of proceeding.

2.14 Such arrangements are also available as a possible solution in cases where a child or young person's relationship with their responsible authority breaks down. Under such circumstances the authority will be able to discharge its duties through another authority, though it will still keep ultimate responsibility.

2.15 However, it is essential that children and young people are provided with support services whilst new arrangements are being made and, where necessary, the funding transferred. In difficult cases this may mean use of the second authority's emergency services.

Who is not affected by this new legislation?

2.16 The Act is intended to help those children and young people who depend on the local authority in place of a family. The provisions of the new legislation are modelled on what good parents would normally expect to provide for their children. That is why, through regulations, the new provisions do not apply to children who are looked after by way of respite care, but who remain the responsibility of their parents or other carers.

2.17 Regulations also stipulate that a child who returns home successfully should cease to be a relevant child. This means that the child must have been settled for at least six months with a person falling within section 23(4) of the Act that is, with a parent or other person with parental responsibility, or who had a residence order in respect of the child or young person before they went into care.

Help for those not affected by the new legislation

2.18 The new duties in the 1989 Act will not apply to children and young people who left care before 1 October 2001 and there will continue to be care leavers who do not qualify for the new aftercare arrangements introduced in the 2000 Act or who return home

successfully and become ineligible . The powers and duties of local authorities⁷ cover all children and young people leaving a variety of forms of care when aged 16 or over; and continue until each young person reaches the age of 21. The new duty to provide vacation accommodation applies to all care leavers in full time further or higher education⁸.

⁷ Section 24 and 24A to 24C

⁸ Section 24B(5)

PERSONAL ADVISER

3.1 The 1989 Act as amended requires the responsible authority to arrange for each eligible and relevant child to have a personal adviser and to continue the appointment for young persons who are former relevant children. The appointment of a personal adviser is therefore a statutory requirement. This emphasises the importance of the role, which is considered to be pivotal to the success of the new arrangements.

3.2 The new arrangements reflect the belief that children and young people living in and leaving care should be able to identify someone as committed to their well being and continuing development on a long-term basis. The personal adviser will act as a mentor to the young person and will take steps to strike an appropriate balance in respect of what the child or young person wants and what a good parent would do.

The Functions of the Personal Adviser

To provide advice (including practical advice) and support

3.3 The extent to which the personal adviser becomes the main source of advice and support for the child or young person will clearly vary according to individual circumstances. Much will depend on the extent and strength of the child or young person's existing network of support. It should not be expected, for example, that a child or young person who has a well-established and trusting relationship with a carer should turn instead to the adviser for support. Indeed, for some children and young people their adviser may, in these terms, be a largely peripheral figure in their lives. For others, however, the adviser will be the first person to whom they turn and with whom they may develop a close, long-term relationship.

3.4 The aim should be for the adviser to build a network of support for the child or young person whose needs will inevitably change over time. Clarity about the nature and source of advice and support to be provided will be an essential element of the pathway plan and subsequent reviews. Whatever the degree of support and advice offered it is expected that the personal adviser should act as the child or young person's principal source of contact in any matter relating to the pathway plan.

To participate in the assessment and preparation of the pathway plan.

3.5 The personal adviser will play a key role in the assessment and pathway planning process although it is not envisaged that they will necessarily take responsibility for its conduct and management. Since the assessment and pathway plan will build on the child or young person's existing care plan, it is open to the social worker to continue to take responsibility. In this circumstance, the personal adviser is likely to play a negotiating role on behalf of the child or young person, ensuring that the plan is realistic and deliverable whilst meeting assessed needs. Whilst there is an element of advocacy in this, it would be wrong to construe the role primarily as that of an advocate. Moreover, the personal adviser's role is likely to change, particularly when the child ceases to be eligible and becomes a relevant child. It is likely that at this point the personal adviser will take on the responsibility for the maintenance and review of the pathway plan from the social worker.

To participate in reviews of the pathway plan.

3.6 The requirement that the personal adviser participates in these reviews ensures that the adviser is a constant presence who is likely to have a unique perspective on the child or young person's progress and future. It is expected that the adviser will take responsibility for agreeing with the child or young person and the local authority the revisions to the pathway plan, including expenditure to meet the child or young person's needs. In the cases of most relevant children and former relevant young people it is likely that the personal adviser will convene review meetings and take responsibility for communicating the outcomes to other agencies and individuals as necessary.

To liaise with the responsible authority in the implementation of the pathway plan.

3.7 The personal adviser is accountable to the responsible authority for the effective implementation of the plan. Monitoring progress is therefore a key function of the role both through direct contact with the child or young person and with those agencies and individuals identified in the plan as delivering a service. It should be noted that the responsible authority is required to arrange a review if, in the light of changed circumstances, the personal adviser considers that a review is necessary⁹.

⁹ Regulation 9(2)(b)

To co-ordinate the provision of services and to take reasonable steps to ensure that the child or young person makes use of such services

3.8 The range of services required to meet the child or young person's needs will be identified in the pathway plan and agreed by those responsible for the services. The role of the personal adviser in this context is to act as a broker in securing the collaboration of other agencies and individuals; to ensure that services are provided at the right time; and to make other agencies and individuals aware of each other's contribution. Fully engaging the child or young person in drawing up the pathway plan and in subsequent reviews will clearly assist the take up of services. The personal adviser may also have an important role in facilitating a child or young person's access by, for example, helping with travel arrangements and fares.

To keep informed about the child or young person's progress and wellbeing.

3.9 This is essential if the local authority is to properly fulfil its duty under the Act to safeguard and promote the child or young person's welfare. The adviser will need to monitor progress through regular contact with the young person and with those agencies and individuals identified in the pathway plan as supporting the child or young person.

To keep written records of contact with the child or young person.

3.10 Records provide the basis for demonstrating that the local authority is discharging its statutory duties and as a means of providing important management information about care leavers. They may also contain information which the child or young person themselves may find useful.

To keep in touch

3.11 The Act places a duty on the responsible authority to keep in touch with children and young people up to the age of 21 or beyond if in an agreed programme of education or training. Where they lose touch with a relevant child, the authority must immediately take reasonable steps to re-establish contact and to continue doing so until they succeed in making contact. Similarly, the local authority must take reasonable steps to keep in touch with a former relevant young person, wherever he or she might be living and, if they lose touch, to re-establish contact. This duty reflects the underlying philosophy of the Act that local authorities should treat care leavers in the same manner as a responsible parent by being proactive in expressing interest and concern.

3.12 In practice, it is the personal adviser who is likely to carry the responsibility for keeping in touch with the child or young person and taking action if they lose contact. The personal adviser's knowledge of the child or young person and their circumstances should enable them to judge the appropriate degree of contact and the extent to which the child or young person is likely to welcome contact. It is important that the child or young person's wishes are respected and that attempts by the personal adviser to maintain or re-establish contact are not perceived as harassment. Equally, it is important that the personal adviser continues to convey an interest in the child or young person's well being. In many cases, the level of contact will be specified in the pathway plan and agreed with the child or young person. Where it is not possible to establish such an understanding, the personal adviser will have to balance the risk of alienating the child or young person with the need to maintain contact.

Budget-holding

3.13 In order to avoid setting up conflicts of interest, the personal adviser should **not** also be the budget-holder.

Appointment, training and deployment

3.14 It is the responsibility of local authorities to appoint, manage, support and train people who they consider to be suitable as personal advisers. The wide range of functions to be carried out by the personal adviser and the key role that he or she may be expected to play in most cases have considerable implications for their appointment, training and deployment.

3.15 Given the history and circumstances of many children and young people living in and leaving care, personal advisers will generally require high levels of knowledge and skill to work effectively with them. Personal attributes which engender trust and confidence will be very important, given that in many cases the contact between adviser and child or young person is likely to be close and may continue over many years. For this reason it is imperative that appointment processes include a police check together with the check required by the Protection of Children Act 1999.

3.16 There is no prescribed professional or occupational qualification for the post of personal adviser. However, given the level of knowledge and skill required, it is likely that many personal advisers will have qualifications and/or extensive experience in working with children and young people as social workers, teachers or youth workers. Many specialist leaving care services both in the statutory and voluntary sector already have staff of this kind who are carrying out similar functions to those envisaged for the personal adviser and who have established effective, authoritative relationships with other agencies. It is anticipated that such services will provide an important source of

suitable people. Local authorities may wish to contract with voluntary organisations for the provision of personal advisers.

3.17 In making appointments there will be a need to ensure that the range of advisers is sufficiently wide to provide children and young people with a choice of adviser, bearing in mind the considerations of gender, sexuality and ethnic origin. It may also be the case that children and young people ask that a person who is already providing them with support e.g. a mentor/befriender, residential key worker, or foster carer become their personal adviser. These requests should always be considered seriously and the child or young person's wishes accommodated as far as possible. The local authority must be satisfied in every case that the person has the requisite abilities and the necessary availability. Individual local authorities or consortia of local authorities may wish to consider providing such a range of advisers to children and young people by the use of existing specialist services; by arrangements with voluntary organisations; and by developing networks of individual personal advisers.

3.18 It should be borne in mind that the personal adviser is not intended to supplant existing sources of support. There is no reason why a child or young person should not continue to derive support from a mentor or other significant person whilst also having a personal adviser provided the roles are clear and agreed with all involved, including the young person, as part of the pathway plan.

3.19 There are other considerations which affect both the appointment and deployment of personal advisers. The troubled history and circumstances of many of these children and young people suggests that in addition to being highly skilled, personal advisers will need to offer continuity of support as children and young people move on from care; to be accessible during the day and at other times in the event of crisis in the children or young people's lives; and to ensure that young people have access to appropriate help in their absence. All this points strongly to advisers working as members of teams or as part of a network. Such arrangements would also enable advisers to provide support and cover for each other.

3.20 Personal advisers will have requirements for training and development from local authorities. Given that personal advisers may be working across boundaries, common standards of training would help to ensure consistency of service to children and young people.

Young people being helped under sections 24A and 24B of the Children Act

3.21 Local authorities also have a duty to contact young people whom they have looked after but who are not eligible, relevant or former relevant children and therefore do not have a personal adviser. The

1989 Act ¹⁰says that it is the duty of a local authority which last looked after a young person who qualifies for advice and assistance under section 24(2)(a) to take such steps as they think appropriate to contact them at such times as they think appropriate, so that the local authority can discharge its functions under sections 24A and 24B.

¹⁰ Section 24(4)

ROLES AND RESPONSIBILITIES

The Role of the Local Authority

Best Practice from Research

4.1 A substantial body of research findings identifies clear aims for local authorities in developing best practice in helping care leavers. All local authorities should work to meet these aims, which are to:

- provide stable placements, continuity of carers and the maintenance, wherever possible, of positive links whilst children and young people are 'looked after';
- 'look after' children and young people until they are prepared and ready to leave care;
- promote and maintain relationships with carers and families, where possible, after young people leave care;
- prepare children and young people gradually to be ready to leave care, paying attention to practical self-care needs - health, budgeting, domestic skills - and personal and relationship dimensions;
- maximise the education, training and employment outcomes for children and young people leaving care;
- ensure young people leaving care have access to a range of accommodation and the support and skills to maintain themselves in their accommodation;
- ensure that there is a contingency provision to support care leavers in the event of a crisis, including arrangements for respite care;
- provide or enable ongoing personal support. This may include specialist leaving care scheme support, support by carers and social workers, and support by befrienders, mentors or volunteers;
- where children and young people leaving care are entitled to claim welfare benefits, ensure that they receive their full entitlements;

- involve children and young people in all assessment, planning, review and decision making arrangements for leaving care;
- inform children and young people leaving care of the available services - including the provision of accessible leaving care guides; and
- monitor and evaluate the outcomes above.

4.2 In local authorities which currently attempt to meet these aims and provide comprehensive leaving care services, the following elements are usually present:

- considerable level of awareness amongst members, senior managers and a range of practitioners of the key issues and messages from research in this area. In particular they will be aware of those factors which research suggests can lead to positive outcomes and best practice;
- a designated senior lead manager for leaving care services;
- a corporate and inter-agency framework for delivering services through formal planning structures. This includes local authority endorsement of leaving care policies and the development of formal joint working arrangements with relevant departments and other provider agencies both statutory and voluntary;
- a strategic response reflected in clearly written, comprehensive and accessible leaving care policies, procedures and practice guidance – including accessible guides for children and young people;
- a leaving care policy statement which is fully integrated into the local authority Children’s Services Plan;
- a model of service delivery appropriate to the numbers and diversity of children and young people leaving care, including language, ethnicity and any disability they may have, and to the geographical area in which they are situated; and
- a highly motivated and skilled workforce, trained in the specialist areas of knowledge required for the work.

Corporate parenting

4.3 Whether or not the local authority has parental responsibility (under a care order) it adopts, in effect, part of the role of the parent of a child or young person it is looking after and to whom it will provide subsequent advice and assistance. The legislation lays duties and, in some cases, powers on each local authority to provide this help until a young person reaches the age of 21, or in certain cases 24, as set out in Chapter 2.

4.4 In acting in this way, a local authority will wish to work in partnership with the child or young person's parents if possible. Similarly, if a child or young person has been fostered, the local authority will also need to work in partnership with the foster-carers.

Lead role of the Social Services Department

4.5 Although the responsibilities are laid on the local authorities as corporate bodies, the social services department is likely to play a leading role in discharging them. In so doing, it will need to liaise with many other agencies, both internally and externally – for example, with housing and education departments, health services, the youth justice service, the Benefits Agency, the employment service, Careers Wales and local employers. This does not mean that the social services department should take on duties more properly performed by these other agencies, but that it should guide and assist the young person and represent their interests in the way that a good parent would. Effective collaboration between local authority social services departments, together with education, health and housing in the assessment and provision of services, will be key to the success of the Act.

4.6 The 1989 Act recognises the need for interagency liaison, and section 27 gives a local authority (in effect the social services department) the right to request help in its discharge of these functions from any other local authority, local education authority, local housing authority, health authority, NHS Trust and any person authorised by the Assembly. Any such request must be complied with “if it is compatible with (the other agency's) own statutory or other duties and obligations and does not unduly prejudice the discharge of any of their functions”. With this reservation, therefore, any such request must be complied with as far as possible.

The Role of the Housing Department

4.7 Children and young people who have left care are over-represented amongst young homeless people. The welfare of these children and young people is clearly likely to be at serious risk without the provision of suitable accommodation.

4.8 The National Assembly has extended the homeless priority need categories under Section 189 of the Housing Act 1996 to include care leavers up to the age of 21. Local authorities now have a duty to provide housing for young care leavers in this group. Local authority housing services are required to assist social services departments in meeting their responsibilities to find accommodation for care leavers whether they are homeless or not.

4.9 Whilst the primary responsibility for meeting the needs of young homeless people rests with the local housing authority, it is essential that a corporate and multi-agency approach is adopted by the local authority to care leavers. Local authorities should develop a strategy in partnership with housing and support providers to provide a range of accommodation to meet the assessed needs of relevant children and other care leavers.

4.10 In helping Housing Departments to develop a strategy¹¹, social services will wish to seek the views of young people who have had first hand experience of the system. The strategy should be based on an assessment of need which takes into account:

- the diverse accommodation and support needs of care leavers
- the capacity to offer young people a degree of choice of accommodation
- existing and planned provision of safe, affordable accommodation
- gaps in provision
- priority setting
- the need for contingency arrangements.

4.11 Wherever possible the housing needs of care leavers should be addressed before they leave care and arrangements made for joint assessment between social services and housing authorities, as part of the multi-agency assessment on which an individual after-care plan or pathway plan should be based. It is important that local housing departments and social services departments have joint protocols in place for dealing with care leavers, to ensure that housing and social services each play a full role in providing support to these young people.

4.12 Because of the diverse needs of care leavers and the way in which these will change over time, local authorities are likely to require a range of accommodation options, which will need to be planned with the support of other organisations in the statutory, voluntary and private sectors. The options include:

- enabling children and young people to remain in the accommodation in which they lived whilst being looked after

¹¹ in accordance with Clause 16(2) of the Homelessness Bill

e.g. children's home or foster placement conversion to supported lodgings;

- supported lodgings;
- other transitional accommodation with varying degrees of support such as trainer flats, hostels;
- specialist accommodation for young people with particular support needs such as disabled young people, pregnant young women or single parents;
- foyers;
- self-contained accommodation with floating support;
- independent tenancies.

4.13 Local authorities should also note that they have powers¹² to provide accommodation in a community home for children and young people aged 16-20 in their area if this is necessary to safeguard or promote their welfare. The provision of accommodation under section 20 of the 1989 Act may be a desirable course of action if it is not possible to provide suitable accommodation in any other way for a young person who has left care. There is, of course, a duty to provide accommodation if a child is in need¹³ who has reached the age of 16 and whose welfare the local authority consider is likely to be seriously prejudiced if they do not provide accommodation and to provide suitable accommodation for relevant children unless they are satisfied that their welfare does not require it

The Role of the School

4.14 It is essential that every effort be made to enable a looked after child to fulfil his or her potential and to reduce the degree of disadvantage experienced by many of them. To this end, social services departments and other caring agencies will need to liaise closely with schools and to support them in promoting their welfare. For their part, schools should designate teachers to advocate for children who are looked after and liaise with other services.

4.15 Planning is important at a strategic and individual level to help children succeed at school and make successful transitions post-16. Schools should also ensure that every looked after child has a Personal Education Plan (PEP) which ensures access to services and support; contributes to stability; minimises disruption and broken schooling; signals particular and special needs; establishes clear goals and acts as

¹² section 20(5)

¹³ section 20(3)

a record of progress and achievement. The PEP should be sensitive to the diverse needs of children and should focus on the action that is required for them to fulfil their potential. It should always be an integral part of the care plan and a basis on which the pathway plan is developed

4.16 In its role as a good parent the social services department should ensure that the school is made fully aware of all relevant information regarding the child's abilities and interests and that the school receives the support and reinforcement that would be expected from a concerned parent. Such support should include supervising homework and attending meetings at school with teachers, headteachers and careers staff. (Note: under education legislation, 'parent' is defined to include the carer).

4.17 Where the child concerned has a statement of special educational needs, the social services department, voluntary organisation or person carrying on a children's home will often, in effect, be exercising the responsibilities normally exercised by parents in ensuring that the young person's special educational needs are appropriately identified and met. This will entail close liaison with the education department, including attendance at assessment meetings and at annual reviews and ensuring that the social services department liaises closely with the education department in order to discharge its duties under sections 5 and 6 of the Disabled Persons (Services, Consultation and Representation) Act 1986.

4.18 Like any other child, a child who is being looked after will be provided with opportunities to participate in educational business linked activities such as work experience and to receive careers education and guidance at school. The social services department or other caring agencies should ensure that this is received in good time, is appropriate and includes advice on the opportunities post 16, including possibilities of undertaking a course of further education. The carer should be involved in considering such advice and should discuss the available options with the child, assisting them to reach a considered decision in full knowledge of the short and long term advantages of any choice.

The Role of the Health Service

4.19 Health Authorities and appropriate successor health bodies have a duty to provide a range of health services free of charge to all, and young people leaving care are no exception. Service provision should be sensitive and appropriate to their specific needs. As a group, young people leaving care demonstrate a higher incidence of teenage pregnancy and parenting, mental ill-health, stress, loneliness and risk taking behaviours, than is the norm when compared with their peers. Planning services for this group is crucial to ensuring their needs are met. Health Authorities and appropriate successor health bodies should co-operate with local authorities and other agencies in planning and

providing integrated services and make available the range of resources necessary.

4.20 Young people leaving care have identified that their education on health matters was inadequate, particularly in preparing them to take responsibility for their own health. Health Authorities and appropriate successor health bodies should ensure the concerns expressed by young people themselves are addressed through their long term agreements with Trusts. Provision should include health education, the promotion of health, the prevention and recognition of ill health and advice on when and how to get support and help. An appropriate health professional should be made available specifically to offer such support and education to all young people preparing to leave care.

4.21 Young people leaving care should be encouraged to register with a General Practitioner and General Dental Practitioner. They should also be advised of the range of NHS services available, together with information on the process for accessing services. The health professionals should also ensure that the young person has named contacts of health professionals and organisations, should they choose to live in another area.

4.22 Health professionals are well placed to recognise early signs of stress or illness and to offer remedial help. To ensure professionals are alert to the health problems and concerns which may arise when living independently for the first time, health organisations and health educators should ensure staff are educated to understand the needs of young people leaving care.

The Role of the Youth Service

4.23 Good practice indicates that services should work together for the benefit of a young person leaving care and some authorities have developed protocols and practices to achieve this. The possible contribution of the youth service (both LEA and voluntary) should not be underestimated.

4.24 The relationship between the youth service and young people is special and unique and is crucially defined by its voluntary nature. Through creative use of activities and opportunities youth workers enhance social skills and capitalise the life experiences of young people. This is underpinned by the principles of participation and empowerment.

4.25 The youth service nurtures the creative energy of young people in order to maximise their potential and ability to manage their own lives in the following ways:

- it assists their personal and social development through informal education and engages them in lifelong learning;
- it supports other agencies in developing styles of work which are effective with young people;
- it enables young people to have a voice and influence in wider policy developments;
- it operates at the interface between the private worlds of young people and the aspirations of public policy.

4.26 Young people have to navigate their way through a bewildering array of organisations in order to access the services they require. The youth service like many other services is engaged primarily in education, employment and social welfare. The youth service interfaces with all these agencies.

4.27 Work often includes specific targeting of young people (e.g. leaving care, youth access participants, young mums), information work targeted specifically at young people, support for young people in becoming a tenant, on sexual health, on single parenthood.

Youth Services for Young People Generally

4.28 One arm of the youth service includes traditional centre based provision providing a range of informal education activities appropriate to young peoples needs and also the more recent developments of project based services and detached/outreach work.

4.29 This universal service has the common thread of open access, with the only limits on attendance being the young person's choice and the availability of services.

4.30 The range of activities that are included in this universal service are many and various and comprise general and specialist work with the common themes of raising young peoples self esteem, confidence and control over their environment. They encourage and enable young people to move from being passive consumers of services to become active participants in the decisions and actions that impact upon their lives.

Targeted Youth Work

4.31 The Youth Service has proved effective at targeting young people facing particular difficulties both through carefully planned interventions and through making critical moment interventions.

4.32 Interventions are usually made as a result of evidence that young people are in danger of making uninformed choices in some of the following areas:

- Achievement in School, College or workplace;
- Social conduct and behaviour;
- Healthy lifestyles.

4.33 Interventions may also arise from the perception that young people are in danger of not achieving a satisfactory lifestyle through:

- being the victims of discrimination through ethnicity, socio-economic group, sexual orientation or disability;
- being exposed to inappropriate peer or family norms;
- suffering homelessness as a result of abuse, poverty or inappropriate parenting;
- being placed in a caring role through family breakdown, family ill health or early pregnancy;
- emotional and behavioural difficulties;
- exclusion from school;
- offending behaviour.

4.34 Interventions range from:

- Brief meetings for example in information shops;
- more long term interventions through outreach and detached work;
- Extended interventions through project and club based work.

The Role of Careers Wales

4.35 Careers Wales provides the link between full time education and the worlds of work and further education. It is a prime source of contact for employers, training providers, teachers, those involved in higher and further education and others responsible for helping children and young people. It aims to ensure that children and young people are prepared to make an effective transition from school into the post 16 progression route of their choice. Information, advice and guidance is available so that children and young people understand all the options open to them, including both the short-term and the long-term prospects in any particular career, so they can make informed choices. It gives information to children and young people on employment and training opportunities and is the main placing agent with Youth Training (YT). Targeted provision is available to young people needing additional support.

4.36 Social services departments and other caring agencies may , as good parents need to ensure that all young people who are looked after do receive careers advice. Disabled children and young people should

also receive careers advice. It is important to ensure that they are not advised to take up an undemanding job unless their disability really does prevent them from embarking on a challenging career. Personal Advisers may have an important role in ensuring that children and young people are able to make best use of the services offered by Careers Wales.

The Role of the Youth Justice System

4.37 A minority of children and young people who are being or have been looked after will have committed criminal offences. It is important to note that a relevant or former relevant child continues to qualify for the aftercare duties in the Act even if convicted and sentenced to a community sentence or imprisonment. Some will be subject to a probation order, a supervision order or post custody release supervision, all of which will generally be supervised by the relevant Youth Offending Team (YOT). Some young people in their twenties may be supervised by the Probation Service.

4.38 The YOT and the Probation Service will be concerned to ensure, as far as possible, that these young people do not re-offend. In trying to achieve this aim, they will not only address the child or young person's offending behaviour and its consequence, but also their development into a self reliant adult who has "grown out" of offending. It is therefore important for each local authority to involve the YOT and the Probation Service in drawing up its written statement of policies on leaving care and aftercare services, and its easy to read guide to those services; and to cover their in both documents. It is also necessary for the social services department or other caring agency to closely involve the YOT or Probation Service where appropriate, when preparing one of these young people for leaving care or providing them with aftercare.

The Role of the Department for Work and Pensions

4.39 The Department for Work and Pensions (DWP), through the Benefits Agency, no longer has the primary income support role for relevant children, who can no longer claim Housing Benefit, or (with some exceptions: see Chapter 8) Income Support or Job Seeker's Allowance. However relevant children are still entitled to claim other benefits such as Disabled Living Allowance as appropriate.

4.40 For other care leavers – those aged 16 and 17 who do not become relevant children, and those aged 18 and over who become former relevant children, the DWP role is unchanged.

4.41 Local authority powers or duties to give assistance in cash or in kind are designed to meet the special needs of children and young people leaving care over and above the needs of other young people. They are not designed simply to duplicate the social security system,

which is why the making of these payments is at the discretion of the local authority.

4.42 However, local authorities should advise children and young people who are looked after, or have left care on the social security benefits they may be entitled to and the way in which they can claim them. This can be done by obtaining the relevant leaflets from the local Benefits Agency office, or material specially prepared for young people by youth organisations, and making them available to the young people concerned as a first step. This material should be made available in ethnic minority languages where appropriate. Regulations for awarding income support to 16 and 17 year olds are very stringent and are linked to the provision of Youth Training (YT) placements. Careers Wales is the main placing agent for Youth Training. Specialist advice is often required to ensure that young people receive their full entitlement and where advice is not readily available within a social services department, reference to an agency such as the Citizens' Advice Bureau should be considered.

4.43 If a child or young person has a disability, advice on benefits for disability should be available as a priority. If the local authority has a welfare rights officer, he or she should be able to give this advice. The services of an interpreter may be necessary if the disability involves problems in communicating.

4.44 Local authorities will wish to note that any payments made to a young person under sections 23C and 24A or 24B are not regarded as a part of his or her income or capital when calculating entitlement to Income Support, Housing Benefit, Council Tax Benefit or Working Families Tax Credit.

The Role of Registered Children's Homes

4.45 Where a child or young person is accommodated in a registered children's homes, it is the duty of the person carrying on the home (i.e. the owner) to "advise, assist and befriend him with a view to promoting his welfare when he ceases to be so accommodated"¹. New National Standards to be introduced under the Care Standards Act 2000 will expand on this duty. The person carrying on the home does not have any duty to provide aftercare once the child or young person has ceased to be accommodated in the home. Again, however, it is desirable to link the provision of care with that of aftercare. As a matter of good practice, the person carrying on the home should consider the provision of appropriate aftercare services for any child or young person ceasing to be accommodated in the home after reaching the age of 16. Social services departments of local authorities should therefore encourage the provision of such service by all registered children's homes within their local authority areas.

¹ Section 64(1)c

4.46 In addition, the person carrying on the home has a duty² to notify the local authority if the home is ceasing to accommodate a child or young person aged 16 or more. The local authority so informed, will be the local authority in whose area the child or young person proposes to live after ceasing to be accommodated in the registered children's home.

4.47 The person carrying on the home will need to inform the local authority as early as possible, i.e. as soon as it is known on what date the child or young person will cease to be accommodated by the home. This will alert the local authority to the fact that it may have a responsibility to provide aftercare for the child or young person under sections 24 and 24A-24D of the Act. The person carrying on the home should also keep the child or young person informed at all stages, by telling them as early as possible when they are likely to cease to be accommodated in the home, and by letting them know what provision for aftercare will be made and by which agency.

The Role of Foster Care Services

4.48 The majority of looked after children are in foster care. Foster care agencies and local authorities should ensure that their foster care services help to develop skills, competence and knowledge necessary for adult living by:

- providing clear written requirements of what is expected of foster carers in terms of preparing children and young people for leaving care;
- training and support for foster carers to enable them to provide effective support and guidance to a young person preparing to leave foster care;
- ensuring that foster carers understand that they need to provide all children in their care with age and developmentally appropriate opportunities for learning independence skills; and
- ensuring that each young person preparing to leave foster care is consulted about her/his future and encouraged to be actively involved in decision making processes and implementation of agreed plans in agreement with the Pathway Plan.

4.49 Many foster carers, especially those who have provided longer term foster care, continue in the role of the "supportive parent", providing advice, support, financial help etc long after the child or young

² Section 24C(2)

person has left their care. In such cases the foster carer may be involved in reviews of the pathway plan or may act as an advocate if the young person wishes. In some cases it may be appropriate for the foster carer to take on the role of personal adviser, where this is consistent with other demands upon them. See section 4 on the role and responsibilities of the personal adviser.

The Role of Voluntary Organisations

4.50 Where a child or young person of any age is accommodated by or on behalf of a voluntary organisation, it is the duty of that organisation “to advise, assist and befriend him with a view to promoting his welfare when he ceases to be so accommodated”¹. The duty of ensuring that this is done should fall to a designated senior member of staff within the voluntary organisation.

4.51 The voluntary organisation does not have a statutory duty to provide aftercare for the child or young person once he or she has ceased to be accommodated by the organisation or on its behalf. However, it is desirable to link the provision of care with that of aftercare. As a matter of good practice, the voluntary organisation should consider the provision of appropriate aftercare services for any child or young person ceasing to be accommodated by it, or on its behalf, after reaching the age of 16. Social services departments of local authorities should therefore encourage the provision of such service by all voluntary child care organisations within their local authority areas. Young people aged 16-20 who are, or who have been, cared for by a voluntary organisation should be made aware by that organisation of the statutory amenities open to them.

4.52 In addition, a voluntary organisation has a duty to inform the local authority in whose area the child or young person proposes to live if it is ceasing to accommodate a child or young person aged 16 or more¹⁴. The designated member of staff referred to above should make the notification.

4.53 The voluntary organisation will need to inform the local authority as early as possible i.e. as soon as it is known on what date the young person will cease to be accommodated by the organisation or on its behalf. This will alert the local authority to the fact that it may have a responsibility to provide after care for the young person¹⁵. The voluntary organisation should also keep the child or young person informed at all stages, by telling them as early as possible when they are likely to cease to be accommodated by the organisation and by letting them know what provision for aftercare will be made and by which agency.

¹ Section 61(1)C of the Act

¹⁴ Section 24C(2)A of the 1989 Act

¹⁵ under sections 24 and 24A-24D

Further Role of the Voluntary Sector

4.54 The other aspect of the voluntary sector's role lies in the aftercare services provided by it. Voluntary organisations are not under a duty to provide these services, but local authorities will wish to encourage them to provide them for children and young people whom the organisations concerned formerly cared for. In some cases, local authorities will also be able to "purchase" aftercare services from voluntary organisations to help young people whose care was not provided by those organisations. Local authorities are therefore encouraged to liaise with voluntary organisations in their areas to make use, where appropriate, of any aftercare services they may offer¹⁶.

4.55 These aftercare services may include: drop-in centres; counselling; advocacy for young care leavers – both individually and as a group; and various forms of accommodation, e.g. sheltered and half way housing, refuges for young people at risk, supported lodgings and continued foster care. The role of housing associations in providing suitable accommodation is particularly important. So, too, is the specialised information and advice that voluntary organisations can give to children and young people with a wide range of disabilities. It is important for local authorities and other caring agencies to put children and young people with disabilities in touch with the appropriate voluntary organisations in order to provide them with additional opportunities for involvement with particular self-help or interest group.

4.56 Voluntary organisations may also be able to provide personal advisers or even a local authority's entire leaving care service.

4.57 Local authorities will also wish to bear in mind the help that children and young people leaving care can obtain from local services providing housing advice, particularly where this is concerned with the prevention of homelessness, access to suitable accommodation and financial guidance. Specialist and detailed advice is provided by Shelter helpline (Shelterline 0808 800 4444) and advice and assistance is also available from local authority homelessness services if necessary.

¹⁶ see in particular section 17(5) of the Act

PREPARATION FOR LEAVING CARE

5.1 The principles underlying preparation for leaving care should reflect good child care practice generally, following the principles of the Children Act 1989 as amended.

5.2 It is of vital importance that young people are properly prepared for this step and are given access to support afterwards. Young people coming towards this stage will do so from a wide variety of backgrounds and circumstances, at various ages and with differing levels of support available to them from family and friends. All this implies the need for a very flexible service to meet such a wide range of potentially differing experiences and needs. The quality of preparation for leaving care, and of the aftercare subsequently provided, may profoundly affect the rest of a young person's life.

5.3 Services for children and young people must take account of the lengthy process of transition from childhood to adulthood, to reflect the gradual transition of a young person from dependence to independence. The support provided should be broadly, the support that a good parent might be expected to give.

5.4 Children and young people should be fully involved in discussions and plans for their future. Well before a child or young person leaves care, a continuing care plan should be formulated with them. In the case of an eligible child this should develop into his Pathway Plan (see Chapter 7). This should specify the type of help the child will receive and from whom. For young people who will qualify for advice and assistance only under section 24(1) this continuing care plan should incorporate contingency arrangements in the event of a breakdown in the young person's living arrangements after they have left care. Such arrangements might include, for example, the possibility of a return to a community home or to foster care.

5.5 As with the Pathway Plan, where it applies, parents should be invited to help formulate the continuing care plan (if they are not estranged from the child or young person). So, too, should foster carers if the child or young person is leaving a foster placement, whether local authority or private.

5.6 In helping children and young people to develop socially and culturally, carers must be prepared to take some risks and to take responsibility for doing so; to let children and young people take some risk, e.g. in attempting relationships that do not work; and to take

responsibility for supporting children and young people through breakdowns in relationships.

5.7 All preparation for leaving care and provision of aftercare must take account of the religious persuasion, racial origin, sexuality, cultural and linguistic background and other needs of the child or young person¹⁷.

5.8 Preparation for leaving care and the provision of aftercare must be planned in conjunction with all other interested agencies, e.g. education and housing authorities, health services, Careers Wales, Youth Offending Teams and, where appropriate, other local authorities. These agencies should be invited to contribute to a child or young person's continuing care plan and, as he or she reaches 16, to the Pathway Plan. In the case of individual care leavers who are disaffected, voluntary sector bodies with experience of working with such young people may need to be involved.

Provision of Information

5.9 As *Extending Entitlement*¹⁸ points out, the better informed that young people are, the better the life choices they are able to make. Care leavers are in particular danger of being "information poor" about the choices and opportunities available to young people. From September 2001, it is intended that all young people of school-leaving age in Wales should receive comprehensive information packs prepared by Canllaw Online and be able to access supporting telephone help-lines and a web-site. Local authorities should ensure that individual care leavers receive information packs for their own use and are made aware of the additional information support services available, including the services provided locally by local authorities and by voluntary organisations through information outlets aimed at young people.

Local Authority planning and policy on leaving care

5.10 Each local authority should provide a written statement of its philosophy and practice on the preparation of young people for leaving care and the provision of aftercare support. It is a requirement that each local authority must publish information about services provided by them under sections 23, 23B to 23D, 24A and 24B and take such steps as are reasonably practicable to ensure that those who might benefit from the services receive the relevant information. Such statements need to be placed within the framework of children's services planning required under the Children Act 1989 (Amendment) Children's Services Planning) Order 1996. This requires local authorities with social services responsibilities to review their services for children in need, consult with a range of specified bodies and publish plans¹⁹. The

¹⁷ Section 22(5)C

¹⁸ National Assembly for Wales, September 2000

¹⁹ Para 1A of Schedule 2 to the 1989 Act

accompanying guidance suggested that these plans should undergo a major review every three years and it would be appropriate to review the statement of leaving care policy at the same time.

5.11 Planning and the formulation of policy statements require consultation with other agencies and also need to be informed by the views of young people who are, or have been, cared for in those ways referred to in Paragraph 19B(1) 23A(2) or section 24(1) of Schedule 2. There should be a formal means of ensuring that the local authority continues to take their views into account, both when the statement of policy is being revised and at other times.

5.12 Where appropriate, the views of the parent or carers of these young people should be sought. There may be no formal mechanism for seeking these views. However, a local authority should consider obtaining a sample of views from parents and foster carers whenever a statement or plan is prepared or revised.

5.13 Policy statements and local plans should be drafted so as to be easily comprehensible to young people and to their parents and carers. The local authority will need to provide translations in relevant ethnic minority languages. It will also need to consider how to provide versions that can be understood by young people with communication difficulties.

5.14 In addition, each local authority should provide an easy to read guide to its services for children and young people when they leave care. Like the children's services plan this should include a brief guide to services available from other agencies. The guide should be informed by the views of children and young people who are being, or have been, cared for, and their parents and foster carers. The local authority will need to provide translations of the guide in relevant ethnic minority languages. It will also need to consider how to provide the guide in a form that can be understood by children and young people with communication problems. For instance, a large print, Braille or tape version may be helpful for blind or visually-impaired children and young people. A sign language video of the guide may be appropriate for hearing-impaired children and young people, or advice and information could be provided by workers trained in the needs of, and communication with, hearing-impaired young people.

5.15 Each local authority should nominate a designated officer in the social services department, or sufficiently senior rank, to ensure that the authority fulfils the responsibilities set out above. In fulfilling his responsibilities, the designated officer may need to persuade the authority that it is legitimate to use staff time both to carry out aftercare work and to train staff to carry out this work properly.

The Nature of Preparation for Leaving Care

5.16 Preparation for leaving care must start well before a child or young person ceases to be looked after or accommodated¹. In the case of someone who will become a relevant child support and assistance will continue until well after he has done so, and where a young person qualifies for advice and assistance only under Section 24(2) it is likely that it will do so. Preparation for this process should be incorporated in the care plan for children and young people as soon as they start to be looked after, accommodated or privately fostered. The relevant social services department, voluntary organisation or registered children's home will play a leading role in preparing young people for the time when they leave care, but other agencies will need to be involved. Schools will need to be consulted about the long-term educational and training needs of a young person; and the relevant health services may need to be involved if the child or young person is disabled.

5.17 Thus, preparation should be regarded as an integral part of the care process. A stable care relationship is, in its turn, an important basis on which to plan the preparation of a young person for leaving care.

5.18 There are three broad aspects to preparation for leaving care:

- enabling young people to build and maintain relationships with others, (both general and sexual relationships);
- enabling young people to develop their self-esteem;
- teaching practical and financial skills and knowledge.

5.19 Each of these is considered in more detail below. Social services departments, voluntary organisations and children's homes should ensure that social workers, residential staff and foster carers are trained so that they can help young people to be properly prepared for leaving care.

Building and Maintaining Relationships With Others:

General

5.20 The capacity to form satisfying relationships and achieve interdependence with others is crucial to the future well-being of the child or young person. With such a capacity, he or she is much more likely to cope with the transition to adulthood and the special difficulties associated with leaving care. It is crucial therefore, that the experience of being cared for provides both the opportunity for such a personal development and the attention that is required when special help is needed. This experience should be planned so as to cover the following points:

¹ Section 19A and section 61(1)C of the Act

- Changes in care placement should be kept to the minimum consistent with the child or young person's welfare. This will provide continuity of care and of relationships, thereby showing children and young people how to relate to others.
- Social workers, residential staff and foster carers, as well as other children and young people who are being cared for, will therefore be able to help a child or young person to relate to other people.
- A child or young person's friends should not all come from the care system since, if they do, he or she may be very lonely when they leave care. It is well worth encouraging young people who are being cared for to make friends with other children and young people outside the care system, e.g. through school or local youth clubs.
- Children and young people who are being cared for should also be encouraged to develop friendships with suitable adults outside the care system who can provide role models. Volunteer adult befrienders who have been carefully vetted through a volunteer befriending scheme and who can stay in touch with a child or young person after he has left care can play a very important role here. The befriender will need to be "matched" with the child or young person, e.g. he should preferably be from the same cultural, linguistic, racial and religious background. It is desirable for the child or young person to decide who is to act as his befriender. The befriender should be prepared to give time to make contribution to reviews and on other occasions, if the young person so wishes²⁰.
- The foster carers of a fostered child or young person can also be encouraged to continue to take an interest in them even when the fostering placement has ended.
- A child or young person's parents (and his relatives generally) should also be encouraged to stay in touch with them unless this would not be "reasonably practicable or consistent with his welfare".
- Children and young people from ethnic minorities will need to have contact with adults and young people from their own cultural backgrounds and may find it helpful to be put in touch with youth clubs or other voluntary organisations set up for people from their cultures.

²⁰ See also Chapter 7 of Volume 3 of the Children Act 1989 Regulations and Guidance – "Independent Visitors"

- Children and young people with disabilities may have particular needs, and it may be useful to refer them to suitable materials, and to voluntary organisations of and for people with disabilities, to support them in finding friends and developing social skills.

Sexual Relationships

5.21 The experience of being cared for should also include the sexual education of the child or young person. This may be provided by the child or young person's school, but if it is not, the social services department or other caring agency responsible for the child or young person should provide sexual education. This is absolutely vital, since sexuality will be one of the most potent forces affecting any young person in the transition from childhood to adulthood.

5.22 Sexual education will need to cover practical issues such as contraception. However, it must also cover the emotional aspects of sexuality, such as the part that sexuality plays in the child or young person's sense of identity; the emotional implications of entering into a sexual relationship with another person; and the need to treat sexual partners with consideration and not as objects to be used. The emotional and practical implications of becoming a parent also need to be explained in some detail.

5.23 Those responsible for the sexual education of children and young people will need to bear in mind the particular needs of different young people: the fact that young people with mental or physical disabilities have sexual needs should be acknowledged, for instance. Children and young people who have been abused, or have been in touch with abused young people, may need special counselling if they are not to regard sexual feelings as a matter for shame or to regard sexual relationships as impersonal and exploitative. The needs and concerns of gay young men and women must also be recognised and approached sympathetically.

Developing Self-Esteem

5.24 Many children and young people who are being, or have been cared for have described feelings of shame about being cared for. These are frequently compounded by misunderstandings on the part of others, e.g. that most children and young people being cared for have committed criminal offences, or that there is something wrong with them, or that their parents are inadequate and unable to cope. It is particularly important to encourage children and young people, from the day they begin to be cared for, to value themselves, to regard their experience of being cared for without embarrassment and to be able to explain calmly to others why they are being cared for and how they feel about it.

5.25 In doing this, it is particularly helpful if children and young people are told as much as possible about their family background and about all aspects of their cultural and individual identity, e.g. race, language, culture, sex, gender, religion and any physical or mental disability. It is also helpful for children and young people to understand how they came to be cared for. A child or young person's individual identity and cultural background should be presented in a positive light and not as something about which to feel defensive. The use of life-story books may be helpful in achieving this end, but local authorities and other caring agencies will need to note that children and young people should be enabled to accept themselves emotionally and not simply intellectually.

5.26 Some children and young people may need considerable counselling before they do come to accept themselves. Children and young people who have been rejected by their parents may need a lot of help before they can accept, emotionally, that this is no reflection on their own worth. Young people with disabilities may also require a lot of counselling to enable them to accept themselves and to develop a sense of self-esteem. Gay young men and women may require very sympathetic carers to enable them to accept their sexuality and to develop their own self-esteem. Children and young people from ethnic minorities may need help – preferably from someone with the same background – to enable them to take a pride in their racial, cultural, linguistic and religious background.

5.27 If necessary the local authority or other caring agency may also act as an advocate for all children and young people leaving care in dealing with departments, organisations and people who may display prejudice.

Practical and Financial Skills and Knowledge

5.28 Some children and young people who are being cared for do not have any opportunity of learning such skills. It may therefore be necessary to change the regime at the homes concerned to give them that opportunity. Children and young people who are being cared for should – like any other young people – start to learn these skills at a basic level when entering their teens and should be well advanced in them by the time they leave care.

5.29 Children and young people with disabilities may need additional specific training and rehabilitation programmes to enable them to acquire these skills and to promote their independence. The nature of the programme will depend on the nature of the disability, e.g. sight replacement or sight enhancement techniques for visually-impaired young people. In addition, young people with communication difficulties, e.g. those who are hearing-impaired or speech-impaired, may need

interpreters to facilitate their acquisition of these skills through sign language and also to improve their prospects at job interviews.

ASSESSMENT OF NEED

6.1 The responsible authority is required to carry out a needs assessment for each eligible child with a view to determining what advice, assistance and support they should provide while they are looking after and when they have ceased to look after them¹. The needs assessment will form the basis for preparing the Pathway Plan. The same provision applies to a relevant child for whom this has not already been done while he or she was being looked after.²

6.2 Each local authority must prepare a written statement setting out how the needs of eligible and relevant children are to be assessed³. For each case, the statement must include information about:

- ❖ who will be responsible for co-ordinating and taking forward the assessment;
- ❖ the timetable for the assessment; who is to be consulted for the assessment;
- ❖ how the outcome of the assessment is to be recorded;
- ❖ what the child can do if he is unhappy with any part of the process or the outcome of the assessment.

6.3 The authority must make sure that the child and those people whom it consults as part of the assessment process have a copy of the statement.

6.4 The responsible authority should take all reasonable steps to make sure that it seeks out and takes account of the views and wishes of the young person for the assessment, the preparation of the pathway plan, and the review of the plan⁴. Clearly, the further the young person can be involved in the process the more successful it will be. Where these processes involve meetings then the responsible authority should take reasonable steps to make sure that the young person can attend and take part. Such steps might include scheduling meetings at a time convenient for the young person, or paying reasonable travel and subsistence costs. If the young person has any special needs or disability, such as visual impairment, the responsible authority should make sure that information is presented in the most useful way for them.

¹ Section 19B(4)

² Section 23B(6)

³ Regulation 5

⁴ Regulation 6

Timing

6.5 The responsible authority must complete the needs assessment within 3 months of a young person becoming an eligible or a relevant child whether he or she does so on turning 16 or later. Any preparatory work can be undertaken ahead of that date but assessment should not be completed until the young person has reached their 16th birthday. When it puts together the timetable for a young person's assessment the authority should bear in mind any considerations such as forthcoming exams, and take all reasonable steps to avoid disrupting the young person's preparation for them.

6.6 The responsible authority must keep a written record of the information obtained during an assessment, of the deliberations of any meeting held in connection with any aspect of an assessment; and the outcome of the assessment.²¹

What should be addressed?

6.7 The essential issues which the responsible authority should address during an assessment²² are:

- the young person's health and development;
- his or her needs for education, training or employment;
- the support available from family and other relationships;
- financial needs;
- the extent to which the young person possesses the practical and other skills necessary for independent living; and
- his or her needs for care, support and accommodation.

6.8 Individual cases may need more specialist assessment in other areas such as disability, or the young person's sense of identity, self-esteem, parenting skills. The needs assessment to be carried out under the 1989 Act as amended may be carried out at the same time as an assessment carried out under any other enactment²³. This is intended to streamline assessments into a single process wherever practicable, so that a child is not subject to a whole succession of overlapping assessments.

²¹ Regulation 7(3)

²² Regulation 7(4)

²³ Section 23(B)4

Who should be involved?

6.9 A flexible and creative approach which actively engages with the young person will help ensure that the eventual plan is realistic and likely to be met. The views and wishes of the young person should be central to the decision on who to involve. This does not amount to giving them the right of veto, but if they have strong objections to their parents taking part, for example, the authority should balance the desirability of involving them against the risk of alienating the young person and possibly losing their co-operation.

6.10 The personal adviser should always be involved in the assessment of the young person's needs and preparation of the pathway plan. The responsible authority shall, unless it is not reasonably practicable to do so, seek and take into account the views of:

- the child's parents, or any person who is not a parent but has parental responsibility (where, for example, a residence order has been made);
- any person who cares for them on a day to day basis;
- a representative of their school, college or Careers Wales (such as a class teacher, or someone of their choosing);
- an independent visitor;
- GP;
- any other person whose views the responsible authority or the young person consider may be relevant².

6.11 An eligible child who qualifies for the leaving care provision will already have a Care Plan, which has been reviewed regularly and updated as part of the process of assessment, planning intervention and review for children who are looked after. The Pathway Plan should build upon work done for the Care Plan, taking account of information already gathered and arrangements made as part of the care planning process. Where Assessment and Action Records (AAR) have been completed (the majority of eligible children should qualify for having an AAR completed), these will provide a solid foundation for this work.

6.12 The needs assessment to inform the Pathway Plan should be based on the three domains within the Framework for the Assessment of Children in Need and their Families. As the child's developmental dimensions are the same in the Assessment Framework and the Looking After Children System and an eligible child is a looked after

² Regulation 7(5)

child, the starting point for assessing the young person's developmental needs should be as set out in the Looking After Children System. The Assessment and Action Records should provide a comprehensive picture of the child's developmental needs and the agreed actions to address these. The Pathway Plan will need to take into account of this information taking account of how needs and actions to address these may change when the child is no longer looked after. In addition, the assessment should also include the two additional domains within the Assessment Framework, i.e. Parenting Capacity and Family and Environmental Factors. The dimensions within the Parenting Capacity domain should be used to assess current carers with whom the young person is placed as well as parents. Social workers will find it helpful to refer to the Assessment Framework for guidance in terms of taking an assessment in respect of parenting capacity, family and environmental factors.

6.13 Social workers will then need to assemble all of this information and analyse it in order to produce a Pathway Plan. In due course, this approach will be incorporated within the Integrated Children's System.

6.14 The Pathway Plan is a separate plan to the Care Plan, but should complement it. It should draw on relevant information from assessments carried out as part of the care planning process and include relevant actions cited within the Care Plan. Those involved in this process should avoid duplicating assessments already carried out, as this is likely to draw an adverse reaction from the young person and is not a sensible deployment of resources. Whilst the child remains looked after, the Care Plan should be used to address the child's needs while cared for by the local authority. The Pathway Plan is the forward plan for the young person and should address those issues relevant to his or her future life when he or she ceases to be looked after, including the transition process. Whilst a child remains looked after it is important that the processes for making and reviewing both care plans and pathway plans are integrated as part of a coherent approach to assessment, planning intervention and review for the child/young person. Once the young person ceases to be looked after, the Pathway Plan, which should incorporate relevant parts of the Care Plan and build upon these, will provide the framework for future work with the young person.

6.15 For eligible children who are themselves parents, formulation of the Pathway Plan should take account of any assessment undertaken on each child of theirs.

6.16 When an eligible child ceases to be looked after and becomes a relevant child, the assessment, planning and review process should take account of this. As these are not static processes, assessment of the young person's needs will continue, with changes to the Pathway Plans being agreed at reviews, based on progress made since the last review and an assessment of the young person's needs, taking account

of any changes in the young person's life since the last review. For relevant children, who are no longer looked after, the basis for the assessment should be a core assessment as set out in the Assessment Framework and taking into account the matters to be covered as set out in Regulation 7²⁴. This should take into account relevant information from assessments and plans made when the young person was looked after.

6.17 For relevant children who are themselves parents, formulation of the Pathway Plan should take account of any assessments undertaken on each child of theirs.

6.18 The relationship between the Looking After Children system, the Framework for the Assessment of Children in Need, and the Assessment of Needs and Pathway Plans is outlined in *Figure 1*.

²⁴The Children (Leaving Care)(Wales) Regulations 2001

Figure 1. *Looking After Children* ,The Assessment Framework, and the Assessment of Needs and Pathway Plans

Looking After Children System	Framework for the Assessment of Children in Need (Domains)	Children (Leaving Care) Act Regulations	
Dimensions	Child's Developmental Needs	Needs Assessment	Pathway Planning
Health	Health	Health and development	Health needs, including health promotion and mental health needs, how they are to be met
Education	Education	Education, training. Employment	A detailed plan for education or training, or assistance in employment
Emotional and behavioural development including identity	Emotional and behavioural development including identity	Health and development	Health needs, health promotion, mental health needs, how they are to be met
Identity	Identity		
Family and social relationships	Family and social relationships	Family and other relationships	Support to develop and sustain family and social relationships Nature and level of personal support
Social presentation	Social presentation		
Self-Care Skills	Self-Care Skills	Practical and other skills necessary for independent living	Programme to develop practical and other skills to live independently
	Parenting capacity		
	Basic care, ensuring safety,	Support available from family	Family and social relationships
	Emotional warmth	Support to sustain other relationships	Nature and level of personal support
	Stimulation, guidance and boundaries,		Contingency plans
	Stability	Family and environmental factors	
	Family history and functioning	Support available from family and other social relationships	Support to maintain family and social relationships
	wider family		
	Housing	Care, support, accommodation	Details of accommodations and appropriate support
	Employment	Education, training and employment	Assistance in employment
	Income	Financial needs	Financial support
	Family's social integration	Support available from family and other social relationships	Support to develop and sustain family and other social relationships
	Community resources	Support available from within the community	Community resources to provide support

PATHWAY PLANS

7.1 The responsible authority must complete the needs assessment within 3 months of a young person becoming an eligible or a relevant child whether he or she does so on turning 16 or later. The responsible authority must prepare a Pathway Plan for eligible and relevant children, as soon as possible after completing the needs assessment.

Purpose

7.2 The Pathway Plan should be pivotal to the process whereby children and young people map out their future, articulating their aspirations and identifying interim goals along the way to realising their ambitions. It will also play a critical part in making the new arrangements contained within the Act work. Each child or young person will be involved in drawing up their own plan, setting out their own goals and identifying with their personal adviser how the local authority will help them. The personal adviser will have a key role both in relation to providing and identifying support and advice. The pathway planning process will be where arrangements for continuing support and contact will be agreed.

7.3 The authority should work to ensure that the Plan is owned by the child or young person and is able to respond to their changing needs and ambitions. It should look ahead at least as far as the young person's 21st birthday and will be in place beyond that where the young person is in a programme of education or training which takes them past that age. For children looked after the Pathway Plan will complement the Care Plan.

7.4 The Pathway Plan is a separate plan to the Care Plan, but should draw on relevant information from assessments carried out as part of the care planning process and include relevant actions cited within the Care Plan. Those involved in this process should avoid duplicating assessments already carried out, as this is likely to draw an adverse reaction from the young person and is not a sensible deployment of resources. Whilst the child remains looked after the Care Plan should be used to address the child's needs while cared for by the local authority. The Pathway Plan is the forward plan for the young person and should address those issues relevant to his/her future life when he/she ceases to be looked after. Whilst a child remains looked after it is important that the processes for making and reviewing both plans are integrated as part of a coherent approach to assessment, planning intervention and review for the child/young person. Once the young person ceases to be looked after the Pathway Plan, which should incorporate relevant parts of the Care Plan and build upon these, will

provide the framework for future work with the young person. The Pathway Plan will, however, extend until the young person is at least 21.

7.5 The Plan must be recorded in writing. The responsible authority must keep a copy and provide one for the young person in his or her first language and should be written in a way in which he/she understands. A copy must be provided for the young person's personal adviser and the authority should consider whether anyone else should have a copy of all or part of the Plan. If another person or agency (such as a Housing Authority or a school) is identified as playing a role in delivering part of the Plan, they should have a copy at least of the part which relates to their contribution, subject to the young person giving their consent to this. The authority must seek and get the young person's consent as to who should have a copy of their Pathway Plan.

The Content of the Pathway Plan.

7.6 The Pathway Plan must cover at least the topics listed in Schedule 1 to the Regulations. Each of those topics must set out how the responsible authority plans to meet the needs identified through the assessment, and the timetable for the actions required.

Personal Support

7.7 Positive pathway planning, involving all the potential supports that are available to young people, both formal and informal, can identify the areas in which young people are likely to need personal support and present clear arrangements as to who will meet those needs. Although the personal adviser will have a central link role in being a focus for support and advice, and in liaising with the local authority on the implementation of the plan, they also have a role in co-ordinating the provision of services and in encouraging the young person to make use of these. It is very likely that there will also be other people able to provide the young person with personal support. This may include current or past carers; family members; mentors or befrienders; specialist leaving care project workers. The Pathway Plan should be explicit in setting out the objectives and actions needed to achieve these, this should include who is responsible for achieving each action and time-scale for achieving it.

7.8 Personal support should also include practical issues such as making sure that the child or young person has been issued with a National Insurance Number .

Accommodation

7.9 Young people living in and leaving care are a diverse group whose needs will vary according to their care experience, ethnicity, gender, sexuality, contact with their families, degree of preparedness for leaving

and any disability they may have. It follows that their accommodation needs will be equally diverse.

7.10 Local authorities will need to bear in mind the range of accommodation they may need to meet when they consider how they are going to meet their duty to provide accommodation for eligible and relevant children. The development of accommodation resources will require formal agreements with statutory and voluntary housing providers to plan services, ensure access to a range of tenancies and partnerships or joint ventures to establish a range of accommodation options (see Chapter 8).

7.11 Local authorities should take steps to make sure that young people have the best chance to succeed in their accommodation. They should:

- avoid moving young people who are settled unless it is unavoidable or offers clear advantages;
- assess young people's needs and prepare them for any move;
- ensure that they have advice on their housing rights and various housing options;
- enable them to have a choice in the type of accommodation, subject to its availability;
- set up a package of support to go with the accommodation;
- have a clear financial plan for the accommodation;
- have a contingency plan in case the proposed accommodation breaks down

7.12 In particular local authorities should bear in mind that young people who have been fostered may wish to remain in their foster home. Where young people have left care, this may mean converting the arrangement to supported lodgings or other funding arrangements.

Education and Training

7.13 Pathway planning for care leavers must build upon the foundation of the educational progress made while the young people were looked after. It will need to take account of the young person's Personal Education Plan (PEP) and should include a continuing assessment of the young persons progress, needs and actions required to meet those needs. In due course, the introduction of the Integrated Children's System will help avoid duplication of work.

7.14 The Pathway Plan should:

- reflect the needs and potential of each individual which will be identified through the needs assessment;
- enable the young person to make the most of their educational opportunities.
- provide for the personal adviser to take a continuing interest in their educational progress, to encourage them and be ready to intervene as necessary in resolving any problems which may arise.
- reflect the need to keep in contact with the school or college in the same way that a parent would normally expect to do, such as attending parents' events
- cover any remedial education needed
- Where a young person has a Statement of Special Educational Needs (SEN) the Pathway Plan should take into account any provision specified by the Statement and also the Transitional Plan produced after the child's 14th birthday.

7.15 Some children and young people may need special help or encouragement with education. Many children and young people have left care without qualification but have effectively returned to school in order to obtain qualifications or training. Local authorities may wish to consider advising those who have left school without qualification that it is not too late for them to remedy this situation and they may wish to provide advice on finance for educational and training courses. The personal adviser might support the young person by attending meetings at the school to discuss an appropriate programme of study. The social services department may also need to liaise with the education department, which has responsibility for further education.

Employment

7.16 Where relevant, the Pathway Plan should set how the responsible authority will assist the child or young person in employment or seeking employment¹. Pathway planning for employment will be greatly assisted by the work already carried out in regard to education and training outlined above. In addition, specific attention should be given to:

¹ Paragraph 4 of Schedule 1

- gathering information about a young person's achievements and potential;
- carrying out an assessment of young people's capabilities as far as employment is concerned;
- identifying what work needs to be done to increase a young person's employability;
- exploring and opening up employment opportunities for young people;
- developing links with local employers; and
- identifying the different sources of support for young people.

7.17 The responsible authority should utilise existing sources of information to develop the Pathway Plan such as Record of Achievement, Progress File and Personal Career Plans agreed between the young person and the Careers Wales Adviser.

Family and Social Relationships

7.18 Research shows that, wherever it proves possible, young people's best interests will be served by efforts to maintain or create links with their families and friends while they are looked after. Even if relationships with a parent have irretrievably broken down, other members of a young person's extended family may be able to offer some support.

7.19 Pathway planning should therefore explore young people's sources of informal support and their ability to make and sustain such relationships. This should include an assessment of the potential for young people to live with, or close to such supports, on leaving care.

7.20 Pathway planning should also assess the potential for substitute carers to support young people once they have moved on, where the young people want such support and the carers agree to provide it.

7.21 Specialist leaving care schemes can have an important role to play in helping care leavers combat social isolation and strengthening their resistance to exploitation by others. The Pathway Plan should cover any planned contribution from such schemes. This might cover issues such as forming new links and relationships, for example through attending groups supported by leaving care schemes to facilitate social contacts and guidance on social skills, or linking young people into local youth and leisure provision. Specialist leaving care schemes may also

provide specialist expertise to complement those of the personal adviser where a young person needs help in managing social relationships.

Practical and other skills

7.22 Pathway planning should be holistic in its approach, attaching equal importance to practical, emotional and inter-personal skills. Many young people leave care without adequate preparation in these skills and it is known that those leaving care with incomplete skills tend to fare far worse. The Pathway Plan should assess and agree a plan in respect of self care skills, practical skills and inter-personal skills. These include:

Self-care skills

- eating a balanced diet
- health education, including personal hygiene.
- sexual education, including contraception and preparation for parenthood.

Practical skills

- how to shop for, prepare and cook food
- household budgeting, including the matching of expenditure to income, the regular payment of bills and avoidance of the excessive use of credit.
- laundry, sewing and mending and other housekeeping skills.
- how to carry out basic household jobs such as mending fuses (which will involve basic electrical and other knowledge).
- safety in the home and first aid.
- applying for, and being interviewed for, a job.
- the rights and responsibilities of being an employee.
- applying for a course of education or training.
- applying for housing and locating and maintaining it.
- registering with a doctor and dentist.
- knowledge of emergency services (fire, police, ambulance).
- finding and using community services and resources.
- contacting the social services department and other caring agencies.
- contacting organisations and groups set up to help young people who are, or have been, in care.
- the role of agencies such as the Citizen's Advice Bureau, local councillors and MPs.
- how to write a letter (a) of complaint; (b) to obtain advice.

Interpersonal skills

- ◆ formal and informal relationships

Identity

- knowledge of and links with family and community
- sexuality
- cultural knowledge skills for young people from ethnic minority communities

7.23 Particular attention may also be necessary to meet the special needs of young people with learning or physical disabilities.

Financial Support

7.24 See Chapter 8.

Health Needs

7.25 It is especially important the young people are helped to take responsibility for their own health care. Pathway planning the health needs of care leavers should be based on the guidance contained in Promoting the Health of Looked After Children (Wales). Pathway Planning should:

- involve a holistic health assessment and the maintenance of detailed health records will provide the platform for pathway plans to promote a healthy lifestyle;
- ensure appropriate use of primary health care services;
- plan access to specialist health and therapeutic services where necessary;
- promote leisure interests;
- note where a young person is entitled to free prescriptions, free dental treatment (for all under 18's), free NHS sight tests and vouchers for glasses for those who are in full time education;
- provide and help to complete HC1 form to access the NHS Low Income Scheme, where appropriate;
- pay attention to the need for young people to have accessible information on healthy living, sexual health, sexuality, and any specialist needs of learning and physically disabled young people as well as the health, dietary and cultural needs of young people from minority ethnic communities.

Contingency planning

7.26 Most children and young people experience difficulties and the occasional crisis during their journey to adulthood, but they are usually able to return home and often have a wide network of support to help them get back on their feet. Young people leaving care, whose own lives have not been easy, may lack these supports and yet be expected to cope with major changes in their lives, often at a younger age than other young people.

7.27 It is therefore very important that potential crises are foreseen and contingency arrangements built into the pathway planning process. Such arrangements need to be holistic, capable of responding to difficulties in any of the core areas of young people's lives - social relationships, accommodation, finance and employment - since, for example, loss of a job or the breakdown of an important relationship may stimulate crises in other areas of young people's lives.

7.28 They also need to be flexible and sensitive. Young people may find it difficult to admit failure or to acknowledge the need for extra help. Contingency planning should therefore acknowledge the right of young people to try to live independently where this is feasible but also have arrangements in place that make it easy to return for subsequent support.

Other contents

7.29 The Pathway Plan must record key information such the name, age and contact details of the child or young person, the personal adviser and those of any other people who will be actively involved in delivering aspects of the Plan.

7.30 It should also note the manner in which the responsible authority proposes to meet the needs of the child; the date by which any action required to implement any aspect of the plan will be carried out by the responsible authority and note the date due for review.

Review of the Pathway Plan

7.31 The responsible authority should arrange a review if the child or young person or personal adviser asks for one; or at least every six months.

7.32 The responsible authority should seek and take account of the views of the same people as were involved in the assessment, so far as it considers this to be appropriate. This means that those involved in the review should be the personal adviser, the case holder (if different), the social worker (if applicable) and the child or young person. It may also be appropriate for other people also to attend if, for example, they

are contributing to one of the elements in the Pathway Plan or if they played an important role at the needs assessment.

7.33 Clearly, it is most desirable that the child or young person should also be involved. If a relevant child or former relevant young person needs to travel for this purpose, the responsible authority should cover reasonable travel and subsistence. If a relevant child or former relevant young person cannot or will not discuss face to face, the responsible authority should try to find an acceptable alternative way of reviewing their Plan with them, such as by telephone or by letter. If none of this is possible the responsible authority must review the Plan without the young person's help.

7.34 The responsible authority conducting a review must, so far as reasonably practicable in collaboration with the child or young person, consider whether there is any need to change any of the elements of the Pathway Plan prescribed in the Schedule¹.

7.35 The purpose of regular review is to check that the goals and milestones are still right for the young person, and that they are being met. It will make sure that levels of support, both financial and other, are adequate and are being delivered according to plan. It will take account of any unexpected developments and will revise the Plan accordingly. For example, a young person might do better in exams than expected and wish to undertake higher education, which would then need to be built into the revised Plan. Conversely, the responsible authority might become aware that the young person was abusing funds supplied for a specific purpose. Under such circumstances they would wish to make every effort to persuade the young person to comply with the Plan, or, if there were good reasons why this was not possible, to revise the Plan so that he could work with it. The final sanction would be for the responsible authority to withdraw that particular item of support and revise the Plan accordingly.

7.36 The results of the review must be recorded in writing²⁵ and the responsible authority and the child or young person should each have a copy. Other copies should be available as set out for the Plan itself.

¹ Regulation 9(4)

²⁵ Regulation 9(5)

SUPPORT AND RESOURCES

Introduction

8.1 When a young person leaves care they will need different forms of support to help them to play a full and productive part in society. The varying forms of support fall broadly in three categories:

- Financial
- Personal
- Accommodation

New Financial Arrangements

8.2 The new financial arrangements are intended to simplify support for care leavers.

8.3 Financial arrangements for **eligible children** – that is, those who remain looked after – are not changed by this new legislation.

8.4 Former relevant children – that is, those aged 18 and over who have left care – will also continue to receive their principal support from the same sources as they did before this legislation was enacted. However they will also be able to call on assistance from their responsible authority²⁶.

8.5 Relevant children will receive their support from their responsible authority. They will no longer be eligible to claim Income Support, Job Seeker's Allowance or Housing Benefit. Levels of support will be agreed and set out in the Pathway Plan. For each child or young person the responsible authority will have to consider and agree with the young person how their support is to be delivered. In some cases the young person will be able to budget for themselves. In such cases the council might agree to provide them with cash with which to support themselves – for rent, bills, general living expenses and so on. In other cases the young person might not be ready for much independence and the council might provide them with pocket money and handle the rest of their expenses on their behalf. Other young people will fall somewhere on a line between the two extremes. The aim in each case must be to foster independence and to help the young person to learn to handle money responsibly, so that they are able to cope on their own when they cease to be a relevant child at 18.

8.6 Lone parents and disabled children are the exception in that they are still able to claim Income Support or Job Seeker's Allowance. This is

²⁶ Section 23C and 24B(5)

because they have special needs, recognised by the benefits system in advance of the 2000 Act. There are special premiums on Income Support and Job Seekers Allowance which apply to these groups. In every other respect their financial arrangements are the same as those for other relevant children. When agreeing the level of support to be provided the local authority will take into account the sums available through the benefits system.

8.7 The Act introduces new financial arrangements affecting *relevant children* and makes clear that while a young person is a *relevant child* his responsible authority will normally be his primary source of income²⁷. The access which he would previously have had to Income Support, Jobseeker's Allowance and Housing Benefit is removed by section 6. This new income will cover accommodation and maintenance, and other expenses such as travel and leisure costs.

8.8 Each young person will have a different set of needs and different capacity to manage a budget. Some may have sources of income of their own, such as employment (whether full or part-time). This means that in each case the responsible authority will have to agree with the young person his personal support package and how it is to be managed. The details will be recorded in the Pathway Plan.

Transparent criteria

8.9 It is important that young people are clear about the funding duties owed to them by their responsible authority, and about what the authority would normally expect to provide funds for. It is also self-evident that the authority operates within limited resources and that there will from time to time be competing demands on those resources from different children, and that they may not always be able fully to meet all those demands.

8.10 Authorities should therefore produce a written schedule of the areas where they would normally provide funding. They should also be clear about how they would normally treat young people's own funds when deciding on the support to be provided. The Children (Leaving Care) Social Security Benefits Regulations 2001 come into force on 1 October 2001 and prescribe the categories of cases where section 6 of the Children (Leaving Care) Act 2000 does not apply. For the purposes of assessing entitlement to Income Support and Jobseekers Allowance these regulations provide that any payments made under the Children (Leaving Care) Act to lone parents or sick and disabled care leavers will be ignored.

8.11 Accommodation and maintenance are essentials which must always be provided unless the child's welfare does not require it. The responsible authority must provide assistance, which may be in cash, to

²⁷ Section 23B(8)

meet the relevant child's needs in relation to education, training and employment as set out in his Pathway Plan²⁸. Below, that, however, all other areas need to be set out in priority order. These need not be absolute: when the Pathway Plan is being negotiated a young person and their personal adviser may argue for different priorities for different cases, linked to the findings of the needs assessment.

8.12 Items to be considered a priority for funding would include:

- travel costs for eg education
- educational materials/special equipment
- other educational costs
- costs associated with special needs (such as a disability or pregnancy)
- costs of child care
- clothing
- contact with family or other significant relationships
- cultural/religious needs
- hobbies/holidays/recreational and sporting activities

8.13 This list is not intended to be exhaustive.

8.14 This information should be available to all interested parties and should be explained clearly to the young people themselves.

Access to financial support

8.15 These arrangements have been put in place in response to evidence that care leavers are especially vulnerable to social exclusion. One aspect of social exclusion is being outside normal financial management arrangements – bank accounts and so on. Responsible authorities should therefore make every effort to help care leavers to open and manage bank accounts and, as far as possible, should channel assistance through them. This will be especially helpful where a young person is living in a different area from his responsible authority.

8.16 The extent to which this is feasible will vary from case to case. For the most able it should be applicable to all the support from the responsible authority. For the less able, authorities may need themselves to handle payments such as rent on behalf of the young person. In extreme cases they may need to deal with all financial matters and simply supply the young person with pocket money. Young people who demonstrate an inability to manage money might be given travel tickets, for example, rather than funds to buy them. Authorities should aim to minimise the amount of support provided as cash in hand but at the same time recognise that there will be occasions where this is

²⁸ Regulation 11(1)

the most appropriate course, and they will need to have systems in place – possibly linked to their out of hours service – to provide it.

8.17 Children and young people do not have to be living in their responsible authority's area in order to receive their financial support. The responsible authority will continue to be the source of support for its relevant children wherever they move in the country. Depending on where and how far they move, and their relationship with their authority, it may be most sensible for the support to be administered by the authority in whose area they are living. However in the case of someone who is managing money competently and has their own bank account there may be no need to transfer funds through a second authority. In such a case the responsible authority would be able to continue to provide support even if it lost touch with the young person. In such a case, however, they would not be able to give support beyond the basic amounts for accommodation and maintenance since the rest will be linked to the Pathway Plan. If they are not in touch with the young person the reviews of the Plan would not be able to deal in enough detail with the agreed goals to allow the authority to continue providing resources for them.

Leaving Care Grants

8.18 Many local authorities operate a system of leaving care grants. For relevant and former relevant children, the Pathway Plan should cover the help which the responsible authority is to provide when they leave care, such as the resources needed to set up home.

Sanctions

8.19 A relevant child has an absolute right that accommodation and maintenance must be provided by his responsible authority so long as the authority is satisfied his or her welfare requires it. This duty on the responsible authority is not qualified by any requirements on the young person.

8.20 However other support will normally be linked to the Pathway Plan. It will be given for specific purposes and the reviews of the Plan will make sure that this is working as intended. If this is not the case, the Plan may need to be revised to reflect the new situation.

8.21 This is based again on the good parent model. A good parent would not make a child homeless or cease to feed them, if they behaved badly. However he might apply sanctions such as loss of privileges or would withdraw funding if it was being abused.

Emergency assistance

8.22 If a relevant (or eligible) child turns up in another authority's area and needs help, the second authority should provide short-term assistance under section 17 of the Children Act 1989

8.23 The second authority should make immediate contact with the responsible authority to make whatever arrangements are necessary, including financial support, to avoid the young person being put at risk. The two authorities should agree, with the young person, on next steps which might be for the young person to return to his responsible authority, or to stay in the new authority's area, or to move somewhere different again. In either of the last two cases the responsible authority may wish to make arrangements with the new authority about handling day to day issues through them and transferring to them the resources dedicated to delivering the young person's Pathway Plan.

Minimum standards

8.24 The responsible authority should always use its best efforts to ensure that the package of support for any individual young person is the one which will best meet their needs, wants, circumstances and abilities. Since the package will normally include help linked to specific areas, such as education, and since the responsible authority will not be bound by the DSS rules limiting accommodation options for this group of young people, the value of the package should generally be well above the level which would have been supplied through the benefits system. These minimum standards are intended to protect young people against the possibility that they might be offered inadequate assistance. They are not to be seen as the norm.

8.25 If, despite all the best efforts of the authority and the personal adviser, a young person refuses to co-operate with the Plan, the responsible authority is under no obligation to provide resources beyond those for accommodation and maintenance. However no young person should receive a package for their accommodation and maintenance – whether paid directly to them or handled on their behalf by the responsible authority – which comes to less than they would have received if they had been entitled to claim Income Support or Job Seeker's Allowance, and Housing Benefit (or equivalent successor benefits).

Exceptions

8.26 Lone parents and disabled young people who meet the criteria described in Schedule 1B of the Income Support (General) Regulations 1987 will still be eligible to claim Income Support or Job Seeker's Allowance. The responsible authority will simply take this into account

when deciding with the young person what additional support will be provided through the Pathway Plan.

Disputes

8.27 If the young person has a complaint about financial matters the responsible authority must invoke the full complaints procedure set out in the Representations Procedure (Children) Regulations 1991.

Systems

8.28 Local authority administrative and financial systems will need to be flexible and responsive to the needs of young people. There should be absolute clarity about when payments will be made and how and the finance systems must deliver to ensure that young people have security and hardship is not caused. There must be arrangements for loss or theft of money.

Financial Assistance for Care Leavers qualifying for advice and assistance under section 24(2)

8.29 For care leavers who do not become relevant children but who qualify for advice and assistance under section 24(2) the primary income-support role remains with the Department for Work and Pensions . However local authorities may also give financial assistance to these young people on account of their particular needs over and above of those of other young people.

8.30 Where a local authority has either a duty or a power to advise or befriend young people who have left care²⁹, it may also give assistance which may be in kind or, exceptional circumstances, in cash³⁰.

8.31 Local authorities are encouraged to be pro-active in advising young people of the circumstances in which assistance can be provided and to take into account the intention that the reference to the provision of financial assistance in “exceptional circumstances”³¹ refers to the individual young person rather than to the general policy of the authority. It will be for the authority to decide in each case whether the provisions of financial assistance would be appropriate, but the presumption should be that such assistance should be provided where this is necessary to protect the young person’s welfare and it cannot be made available by any other agency. Local authorities are encouraged to be flexible in deciding what leaving care grants can be given for and to consider a young person’s wishes about the way in which any grant given should be spent.

²⁹ Section 24(1)(B)

³⁰ Sections 24A(4) and (5)

³¹ Section 24A(5)

8.32 In addition to the general powers to provide assistance under section 24A(4), local authorities have a specific power to provide assistance to these care leavers where this is connected with the young person's employment, education, or training³². It should be noted that the power to provide any such financial assistance or grant provided under section 24B(2) where this is connected to a course of education or training applies to a person up to the age of 24.

8.33 It is important that young people, residential and field social workers, parents and foster-parents should be aware of the assistance which the local authority can provide. This can be achieved through the provision of a clear statement of policy on financial assistance, which should be incorporated in the published statement of the authority's services³³ and in the easy to read guide to those services. Young people with disabilities may be particularly in need of financial assistance, especially if they have communications problems that make it difficult for them to apply to other agencies, such as voluntary organisations, for help.

8.34 It should be noted that assistance provided under sections 24, 24A and 24B is disregarded for the purpose of calculating entitlement to Income Support, Housing Benefit, Job Seeker's Allowance Community Charge Benefit or Working Family Tax Credit. It is also disregarded in assessing the maintenance grant of a student on a designated course.

8.35 The responsible authority must provide vacation accommodation, or the means to secure it³⁴, to any care leaver qualifying for advice and assistance under section 24(1), who is between the ages of 16 and 24, who is in higher education or in residential further education and who needs it.

Accommodation and Personal Support for Relevant Children

³² Sections 24B(1) and (2)

³³ Sections 24A and B

³⁴ Section 24 B(5)

Accommodation

8.36 When a child or young person leaves local authority provided accommodation, it may not be possible for them to return to their family: they may have none, or they may be estranged. Local authorities have a duty to meet the needs of:

- **relevant children** where the Act requires the responsible local authority to support them by providing them with or maintaining them in suitable accommodation unless they are satisfied that their welfare does not require it³⁵; and
- **former relevant young people** where the local authority is required to assist them to the extent that their welfare requires it³⁶.

8.37 Regulation 11 explains the requirement to provide support under Section 23C(8)(c); defines the meaning of “suitable accommodation” at Section 24B(5); and defines higher and further education for the purposes of Section 5.

8.38 Chapter 3 sets out the role of the Housing Department in meeting local authorities’ duties to accommodate young people leaving care.

8.39 The local authority is required to take account of an eligible or relevant child or young person’s need for accommodation when carrying out an assessment of needs under the Act³⁷. Schedule 1 of the regulations requires the pathway plan to contain details of the accommodation which the young person is to occupy and to specify the financial support to be provided to meet the need for accommodation. The assessment and pathway planning process is considered in Chapters 6 and 7.

8.40 In relation to a relevant young person, the accommodation agreed in the pathway plan must be suitable accommodation as defined in the regulations. The regulations³⁸ set out the meaning of suitable accommodation as accommodation -

- (a) which so far as reasonably practicable is suitable for the child in the light of his identified needs, including his health needs;
- (b) in respect of which the responsible authority has satisfied itself as to the character and suitability of the landlord or other provider;
- (c) in respect of which the responsible authority has so far as reasonably practicable taken into account the child’s-

³⁵ Section 23B(8)(b)

³⁶ Section 23C(4)

³⁷ Regulation 7(4)(f)

³⁸ Regulation 11(2)

- (i) wishes and feelings;
- (ii) his educational, training or employment needs

8.41 The assessment should therefore determine the type of accommodation, where ideally it should be located and the degree of support required. The pathway plan will specify the particular accommodation which, as agreed with the young person, most closely matches the assessment requirement and their wishes. As soon as the particular accommodation is identified the responsible authority must satisfy regulation 11(2) (b) by carrying out appropriate checks and taking up references of those persons coming into direct contact with the child as a result of providing accommodation.

8.42 Whilst regulation 11 does not prohibit the use of certain types of accommodation, as a general rule it would not be sensible for 16 and 17 year olds to live independently and to carry the responsibility of sustaining their own tenancy without appropriate support. Similarly, bed and breakfast accommodation would not be regarded as suitable although very occasionally its use may be justified as a short-term emergency measure. The development of a multi-agency accommodation strategy should be the means whereby recourse to bed and breakfast provision or other unsuitable accommodation becomes unnecessary. The strategy should aim to develop provision in such a way as to permit young people to return to more supported accommodation in the event of crisis.

8.43 Even with the help offered through the personal adviser it is likely that some young people will not succeed in their early attempts at living independently. The responsible authority should be prepared to handle this failure and to allow for subsequent attempts. It is good practice for local authorities to enter into agreements on the support arrangements to be provided where other landlords or support providers are involved.

Vacation accommodation

8.44 The Act provides for any care leaver, irrespective of whether they are a former relevant young person, to receive assistance with accommodation during vacations in full-time further or higher education. The local authority must be satisfied that the young person needs accommodation because their term-time accommodation is not available. The assistance may take the form of either providing the young person with suitable accommodation or paying them enough to secure suitable accommodation themselves.

8.45 These provisions apply to every vacation and are intended to ensure that the young person is not homeless during that time. An assessment of whether there is likely to be a need for this assistance should be undertaken when the young person is making a decision about which course to pursue and when the pathway plan is being reviewed to establish an appropriate package of student support. The

requirement to assist, if necessary, with vacation accommodation lasts for as long as the young person continues on the course which has been agreed as part of their pathway plan.

Personal Support

8.46 In addition to the support required to help young people maintain settled accommodation, other forms of personal support comparable to that provided by most families should also be available. For example, care leavers who enter the armed forces may find themselves with nowhere to go when they are on leave, although they may have the funds to support themselves. Pathway planning for such young people should address this issue. Given the range of support needs which may have to be met, it is important that services are provided in a flexible and responsive way. Typical examples of the way in which support may be delivered include drop-in centres, out of hours and outreach support, mentoring and befriending schemes and programmes of life skills training. Specialist support services will be required for some young people. The nature, extent and source of support are matters for agreement and inclusion in the after-care or pathway plan.

8.47 Regulation 11 applies to relevant children and states that for the purposes of section 23B(8)(c) the responsible local authority must provide assistance, including financial assistance, which may in exceptional circumstances be in cash, in order to meet the child's needs in relation to education, training or employment as provided for in his or her pathway plan. The intention here is not that the local authority should take on all the costs associated with the young person's education, training or employment but that it stands ready to assist with those expenses which cannot be met through other means. Relevant young people will be eligible for Education Maintenance Allowances (where these are payable) in the same way that other young people on low incomes are eligible; and they should also apply if necessary for college access funds.

“Passported” access to National Health Services

8.48 Currently young people under 18 may not normally receive income support or income based job seeker's allowance but they may do so at 16 if they have previously been in the care of a local authority. Receipt of these benefits is a “passport” to help with health costs. The new arrangements removes the entitlement to relevant children and young people (ie those aged 16 or 17, who are eligible and have left local authority care) to Income Support thus removing the right to “passported help. Current legislation is being amended to ensure that young people in Wales are not adversely affected.

8.49 16 and 17 year olds are entitled to an NHS sight test and voucher for glasses if they are in full time education or on Income Support. The National Assembly will amend current legislation to ensure that Relevant

children and young people receive help with optical costs even if they are not in full time education.

8.50 NHS dental treatment is free of charge for all 16 and 17 year olds whether or not they are in full time education.

8.51 The National Health Service (Charges for Drugs and Appliances) (Wales) Regulations 2001 provides that, from 1 April 2001, no prescription charge will be payable by **any person under the age of 25** for any prescription for drugs and appliances, where these have been dispensed by those contracted to provide pharmacy services by one of the 5 Health Authorities in Wales.

Care leavers qualifying for advice and assistance under section 24

8.52 Section 24(1) states that someone qualifies for advice and assistance under this part of the legislation if they are under 21 and have, after the age of 16, ceased to be looked after, accommodated or fostered.

8.53 Section 24(2) defines “looked after, accommodated or fostered” as:

- (a) looked after by a local authority;
- (b) accommodated by or on behalf of a voluntary organisation;
- (c) accommodated in a children’s home;
- (d) accommodated by any health authority, Special Health Authority, Primary Care Trust or local education authority, or in any residential care home, nursing home or mental nursing home, or in any accommodation provided by an NHS Trust (provided that he was accommodated for at least 3 months); or
- (e) privately fostered.

8.54 Section 24(3) states that subsection 24(2)(d) applies even if the 3 month period began before the young person reached the age of 16.

8.55 Section 24(4) provides that in the case of a young person formerly looked after by a local authority, the local authority which last looked after them must take such steps as they consider appropriate to keep in touch in order to discharge their functions under sections 24A and 24B.

8.56 Section 24(5) sets out which local authority is responsible for providing aftercare services under section 24A and 24B to a qualifying young person. In the case of a young person formerly looked after by a local authority, the relevant authority is the one which last looked after them. In the case of someone qualifying for advice and assistance under any of the other provisions at section 24(2) the relevant is the authority in whose area the person has asked for help.

8.57 These responsibilities may be a duty or a power, according to the form of care that the young person has left (see sections 24A(2) and (3) below).

8.58 Sections 24A(2) and (3): Where a local authority knows that a person described in section 24(2) is in their area, they have:

- (a) a duty to advise and befriend him if he was formerly looked after by a local authority or accommodated by or on behalf of a voluntary organisation; and
- (b) a power to advise and befriend him in all other cases, provided that in both cases (a) and (b):
 - the authority considers that he needs help; and
 - in the case of a child who was not looked after by a local authority, the person who formerly looked after him does not have the necessary facilities for advising and befriending him.

8.59 Sections 24A(4) and (5): If a local authority has a duty or a power to advise and befriend someone, they may also give him assistance. This assistance may be in kind or, in exceptional circumstances, in cash.

8.60 Section 24B: A local authority also has a power to give assistance to anyone who “qualifies for advice and assistance” and who was formerly looked after by the local authority (section 24(2)(a)) in the following ways:

- by contributing to expenses incurred by him in living near the place where he is, or will be, employed, or seeking employment, or in receipt of education or training;
- by making a grant to enable him to meet expenses connected with his education or training.

8.61 Section 24B(3): If a local authority is making a contribution or grant under section 24B(2) to meet expenses connected with education or training, it may continue to do so until the young person reaches the age of 24. It may also disregard any interruption in his attendance on the course if he resumes it as soon as is reasonably practicable (section 24B(4)).

8.62 Section 24B(5): This section introduces a new duty on councils to provide care leavers in Higher Education, or pursuing such residential FE courses, with vacation accommodation or the means to secure it, should this be needed.

8.63 Section 24A(6): Assistance given by a local authority under section 24A or 24B may be given unconditionally or may be repayable in part or in whole. However, no-one shall be liable to repay any assistance at any time when in receipt of income support or family credit. Before giving any assistance or imposing any conditions about repayment, the local authority shall take into account the means of the young person concerned and of each of his parents.

8.64 Section 24C(1): If a local authority has been advising and befriending a young person under section 24A or 24B and becomes aware that he proposes to live, or does live, in the area of another local authority, it must inform the other local authority.

8.65 Section 24C(2): If a young person ceases, after reaching the age of 16, to be accommodated:

- (a) by a voluntary organisation or in a children's home; or
 - (b) by any Health Authority, Special Health Authority, Primary Care Trust or local education authority; or
 - (c) in any residential care home, nursing home or mental nursing home, or any accommodation provided by an NHS Trust;
- then the organisation, authority or person carrying on the home (as appropriate) must inform the local authority in whose area the young person proposes to live.

8.66 Section 24C(3): sections 24C(2)(b) and (c) only apply if the accommodation has been provided for a consecutive period of at least 3 months.

SPECIFIC CIRCUMSTANCES

9.1 The specific needs of a particular group of care leavers will need to be taken into account in preparing them for leaving care and in providing the necessary after care services.

Young People with Disabilities

9.2 Children and young people with disabilities are, for the purpose of this guidance, people who are “blind, deaf, or dumb, or (suffer) from mental disorder of any kind or (are) substantially and permanently handicapped by illness, injury or congenital deformity”³⁹

9.3 Children and young people with disabilities may well have particular needs over and above the needs of other young people who are being cared for. It is essential to ensure that these needs are met when preparing these young people for leaving care and subsequently, providing aftercare. At the same time, care must be taken to ensure that these young people do not fail to achieve their full potential as a result of under-expectation on the part of those caring for them.

9.4 The following paragraphs refer specifically to the responsibilities of local authorities (particularly social services departments). However, they also apply to voluntary organisations and registered children’s homes, which have a duty to prepare young people whom they are caring for, for the time when they leave care, and may also provide aftercare for them.

9.5 Social services departments should take account of any transition plan drawn up under the SEN Code of Practice and they will need to take any steps necessary to ensure that the views of these young people about their needs, and the way in which these can be met, are taken into account. This may necessitate the use of skilled appropriate communicators to enable better communication to take place between disabled young people and the various agencies.

9.6 Social services departments have a duty to assist local education authorities with the provision of services for any young person who is subject to a statement of special educational needs⁴⁰

9.7 Social services departments will also need to liaise with housing authorities over the housing needs of young people with disabilities. They should ask the relevant housing authority to consider the particular needs of any young person with a disability who is leaving care.

³⁹ Section 17(11) of the Children Act 1989

⁴⁰ Section 322 of the Education Act 1996

9.8 In discharging these responsibilities, local authorities will need to take account of their powers and duties under other Acts of Parliament, as set out below. These powers and duties are not, of course, limited to young people who are being looked after by local authorities. Voluntary organisations and children's homes may therefore consider what help the local authority can give, under these Acts, to young people whom they themselves are preparing for leaving care or providing with aftercare.

9.9 Each local authority has a duty to provide various welfare services to any person living within its area if this is necessary in order to meet the needs of that person⁴¹.

9.10 The Disabled Persons (Services, Consultation and Representation) Act 1986 is relevant since it is designed to ensure a smooth transition from full-time education to adult life for a young person who is subject to a "statement of special educational needs"⁴². Its effect is to require the relevant education department to obtain the view of the social services department as to whether such a young person is disabled. This is done at the first annual review of the statement of special educational needs, or the first reassessment of the young person's educational needs, following the young person's 14th birthday. If the social services department does consider that the young person is disabled, it must assess their needs, before they leave full-time education, to decide what welfare services it has a duty to provide. (See the relevant sections of the 1986 Act and the Disability Discrimination Act 1995 for details).

9.11 Local authorities should provide communication support for all young people who require it. This could take the form, for instance, of text telephones or interpreters.

9.12 The Carers and Disabled Children Act 2000 introduces direct payments for disabled 16 and 17 year olds so that they have more choice and flexibility in the way they receive a service from the council or receive a direct payment which is the equivalent of the reasonable cost of securing the provisions of service. Direct payments can play a useful part in preparing a disabled 16 or 17 year old for the responsibilities of adulthood. After the age of 18 direct payments can continue under the Community Care (Direct Payments) Act 1996.

9.13 When a child is being looked after by a local authority and placed in accommodation which provides education on the premises, the local authority is required to inform the appropriate education department when the child leaves that accommodation⁴³.

⁴¹ Section 2(1) of the Chronically Sick and Disabled Persons Act 1970

⁴² Sections 5 and 6

⁴³ Section 28(3)

9.14 In deciding the young person's future needs, the social services department should continue to liaise with the education department, which is responsible for providing adequate facilities for further education and which needs to consider the needs of those over compulsory school age who have learning difficulties.⁴⁴

9.15 Specific health requirements may also continue into adulthood. The transition from child to adult health services is not always easily made by a young person, who may well require help and support from the local authority, acting as a "good parent". In providing this help and support, local authorities should, of course, liaise closely with health services.

9.16 It is important to note that the needs of children and young people with disabilities will not suddenly and fundamentally cease when they do leave care. Liaison between the various agencies concerned with a young person's welfare should continue after they have left care. The community care or adult services division of the Social Services Department should be included in the pathway planning process to ensure that disabled young people's special needs are met and that there is a smooth transition from children's to adult's services.

⁴⁴ Learning and Skills Act 2000 and Further and Higher Education Act 1992

Care leavers aged 18-21

10.1 The Children Act 1989 as amended by the Children (Leaving Care) Act 2000 requires the responsible authority to continue to provide various forms of assistance to care leavers from the age of 18, if they have previously been *eligible* or *relevant* children. They are described in the Act as **former relevant children**⁴⁵.

10.2 These duties run until the young person reaches the age of 21 except for the duty to assist with education and training, which carries on to the end of the programme agreed and set out in the Pathway Plan.

10.3 This also gives local authorities a power to assist with the expenses associated with education and training up to the age of 24⁴⁶. For the most part this will apply to young people who do not qualify as former relevant children. However, if a young person who had been a former relevant child decided after the age of 21 that they wished after all to take up educational opportunities, the local authority which had been their responsible authority would be able at its discretion to provide assistance until that young person reached the age of 24, though it would not be under a duty to do so.

Duties

10.4 The responsible authority will continue:

- ◆ the appointment of a Young Person's Adviser⁴⁷
- ◆ to review and revise the Pathway Plan regularly⁴⁸
- ◆ to keep in touch⁴⁹

10.5 Responsible authorities' duty to provide accommodation and maintenance for relevant children ends when they reach 18. However they have duties to provide:

- general assistance⁵⁰
- assistance with the expenses associated with employment⁵¹

⁴⁵ Section 23C

⁴⁶ Section 24B(2)

⁴⁷ 23C(3)(a)

⁴⁸ 23C(3)(b)

⁴⁹ 23C(2) (a) and (b)

⁵⁰ 23C(4) ©

⁵¹ 23C(4)(a)

- assistance with the expenses associated with education and training⁵²
- vacation accommodation (or the funds to secure it) to care leavers in Higher Education or in residential Further Education⁵³

10.6 Local housing authorities have a duty to secure accommodation for homeless care leavers up to the age of 21, under the Housing Act 1996 as amended by the Priority Need Order 2001. They should work with other agencies such as Registered Social Landlords (RSLs) to ensure that this accommodation is available with necessary support .

10.7 Each of the duties in this group is dependent on the young person's needing the assistance. It will normally be linked to the Pathway Plan and to the young person's educational or welfare needs.

10.8 The duty to provide vacation accommodation applies to all care leavers aged 16 and over, not just to *former relevant children*.

The personal adviser

10.9 A former relevant young person will continue to need a personal adviser until they are at least 21, and possibly for longer if they are still being helped with education or training.

10.10 The functions of the personal adviser will be the same for this older group as for those aged 16-17 except for those functions (needs assessment and preparation of the Pathway Plan) which only apply for eligible or relevant children.

The Pathway Plan

10.11 These young people will continue to have a Pathway Plan which will cover the same topics and fulfil the same function as described in Chapter 7. Since this group will normally be significantly more mature, confident and independent than the younger children, responsible authorities should be sensitive to their increasing need to take control in matters such as who should be consulted when the Plan is to be reviewed, and what the Plan is to cover. Where the responsible authority is continuing to provide assistance the Plan will need to be clear what that assistance consists of and what goals it supports. Where appropriate the responsible authority will still wish to encourage young people to be ambitious for their futures, as a parent would be, while being ready to step aside where someone shows that they are capable of taking responsibility for their own life.

⁵² 23C(4)(b)

⁵³ 24B(5)

10.12 The Pathway Plan must still be reviewed and revised as necessary at least every six months. This duty continues to apply until the young person reaches 21 and ceases to be a former relevant child, even if the responsible authority has lost contact with the young person. Under such circumstances they will not be able to do more than record what steps they have taken to try to get in touch.

10.13 As for eligible and relevant children, the purpose of regular review is to check that the goals and milestones are still right for the young person, and that they are being met. It will make sure that any assistance due from the responsible authority, whether financial and other, is being delivered according to plan. It will take account of any unexpected developments and will revise the Plan accordingly. For example, a young person might do better in exams than expected and wish to undertake higher education, which would then need to be built into the revised Plan. Conversely, the responsible authority might become aware that the young person was abusing funds supplied for a specific purpose. Under such circumstances they would wish to make every effort to persuade the young person to comply with the Plan, or, if there were good reasons why this was not possible, to revise the Plan so that he could work with it. The final sanction would be for the responsible authority to withdraw that particular item of support and revise the Plan accordingly.

Keeping in touch

10.14 The responsible authority must still keep in touch with the young person. This contact should take place at least once every six months, linked to the review of the Pathway Plan. Normally this task will fall to the personal adviser.

10.15 The responsible authority must be sensitive to the needs and wishes of the young person on keeping in touch. It is important to remember that these care leavers have reached the age of majority and are adults. They have a right to privacy if they wish it. This means that the responsible authority must not insist on a face to face meeting against the young person's wishes, although this would be the preferred means of contact. If this means that the young person has to travel the authority should meet reasonable travel and subsistence costs.

10.16 However, if the young person prefers it, contact may be made by other means such as telephone or in extreme cases even by letter. Contact may also be as brief as the young person wishes. In this as in the rest of the provisions of the amendments made by the Children (Leaving Care) Act the responsible authority should take the good parent as its model: it should be patient and must persevere with keeping in touch even if the young person seems to be unresponsive, while respecting the young person's right to be unresponsive.

General assistance

10.17 The responsible authority does not have a primary income-support role for this group. Former relevant young people should derive their income from the same sources as their peers – through employment, student loans, welfare benefits and so on.

10.18 However the same considerations continue to apply to this group's special needs as set out in paragraph et seq of Volume 3 of *The Children Act 1989 Guidance and Regulations*. The power described there to provide assistance in kind or in cash is a duty under this Act in respect of former relevant children.

10.19 In the same way that the Benefits Agency disregards payments made to young people under Section 24 of the Children Act 1989, it will also disregard payments made under section 23C. Assistance from the responsible authority will therefore not affect a young person's benefits claim.

Assistance with employment

10.20 Local authorities have a duty to provide assistance to former relevant children with the expenses associated with employment. This provision covers contributions towards the cost of accommodation which enables the young person to live near the place where he is employed or seeking employment.

Assistance with education and training

10.21 Local authorities have a duty to assist former relevant young people with the expenses associated with education and training. Unlike the other duties which cease when the young person reached 21, this duty runs until the young person has completed the programme of education and training agreed with the responsible authority and set out in the Pathway Plan. Given that the Plan must be reviewed and revised at least every six months, there is scope to take account of a former relevant child's educational achievement should this qualify them, say, to undertake postgraduate work. The responsible authority would not be expected to provide accommodation and maintenance under such circumstances: the prime funding must come from whatever mainstream sources would be available to support anyone else. However, should the young person's welfare or educational or training needs require it, the responsible authority would be under a duty to provide assistance such as travel or equipment costs, as well as contributing to the expenses incurred by the young person in living near the place where he is, or will be, receiving education or training.

10.22 In addition, authorities are under a duty to provide vacation accommodation, or funds to secure it, to all care leavers in Higher Education who need it. The duty also extends to Further Education

courses which require a student to live away from home. The duty applies in relation to all vacations within a course but not any time immediately preceding the first term or after the final term.

Representation and Complaints

11.1 Regulation 13 deals with the matter of representations and complaints.

11.2 Section 24D(1) of the Children Act 1989 (as amended by the 2000 Act) states

“Every local authority shall establish a procedure for considering any representations (including complaints) made to them by:

- (a) a relevant child for the purposes of section 23A or a young person falling within section 23C;*
- (b) a person qualifying for advice and assistance; or*
- (c) a person falling within section 24B(2), about the discharge of their functions under this Part [of the Act] in relation to him”.*

11.3 This allows young people to complain if they consider that the local authority has not given them adequate preparation for leaving care, or adequate aftercare. It enables them to make a complaint even if they have left the care of the local authority or another agency. (The general complaints procedure specified at section 26(3) of the Act only applies to a young person who is a ‘child’, ie under 18 years of age).

11.4 As this guidance was being prepared, the National Assembly for Wales was undertaking a consultation exercise on complaints procedures for looked after children. Views have been sought on the recommendations of the North Wales Child Abuse Tribunal of Inquiry in relation to the appointment of a children’s complaints officer, amongst whose duties should be to ensure that:

“recourse to an independent advocacy service is available to any complainant or affected child who wishes to have it”

11.5 The National Assembly considers that this is good practice. Local authorities should allow children and young people access to an advocacy service at any or all stages of the complaints process, whether to help them to formulate their complaint in the first place or to present their case at any stage of the proceedings.

Annex A

Who is affected?

<p>1. Eligible children</p>	<ul style="list-style-type: none"> Children aged 16 and 17 who have been looked after for at least 13 weeks since the age of 14 and who are still looked-after
<p>2. Relevant children</p>	<ul style="list-style-type: none"> Children aged 16 and 17 who are eligible and who have left care
<p>3. Former relevant children</p>	<ul style="list-style-type: none"> Young people aged 18-21 who have been either eligible or relevant children, or both. If at the age of 21 the young person is still being helped by the responsible authority with education or training, they remain a <i>former relevant child</i> to the end of the agreed programme of education or training even if that takes them past the age of 21.
<p>Qualifying children and young people over 16</p>	<ul style="list-style-type: none"> Any child or young person (including those who do not fall into any of the three categories above) aged under 21 (under 24 if in education or training) who ceases to be looked after or accommodated in a variety of other settings, or privately fostered, after the age of 16
<p>The responsible authority</p>	<ul style="list-style-type: none"> The local authority which last looked after the child or young person

Who gets what?

<p>Eligible children</p>	<ul style="list-style-type: none"> • All the provisions of the looked-after system: • Personal Adviser : Section 19C • Needs Assessment : Section 19B(4) • Pathway Plan : Section 19B(4)and(5)
<p>Relevant children</p>	<ul style="list-style-type: none"> • Personal Adviser : Section 23B(2) • Needs Assessment :Section 23B(3) • Pathway Plan : Section 23B(3)and(4) • Accommodation and maintenance : Section 23B(8) • Assistance to achieve the goals (eg educational goals) agreed and set out in the Pathway Plan : Section 23B(8) • The responsible authority must keep in touch : Section 23B(11)
<p>Former relevant children</p>	<ul style="list-style-type: none"> • The responsible authority must keep in touch : Section 23C(2) • Personal Adviser : Section 23C(3) • Pathway Plan : Section 23C(3) • Assistance with employment : Section 23C(4)(a) • Assistance with education and training : Section 23(4)(b) and (7) • Assistance in general : Section 23C(4)(c): • Vacation accommodation for higher education or residential further education if needed : Section 23C(9)
<p>Qualifying children and young people over 16</p>	<ul style="list-style-type: none"> • The same benefits as under section 24 before amendment : Sections 24A and 24B • The responsible authority must keep in touch as they think appropriate in order to discharge their functions under sections 24A and 24B: Section 24(4)

	<ul style="list-style-type: none">• Care leavers are entitled to assistance with education and training up to the age of 24 Section 24B (3):• Care leavers are entitled to vacation accommodation for Higher Education courses or residential Further Education courses if necessary : Section 24B(5).
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Annex B

The Children First programme

Children First is the National Assembly's programme to improve the well-being and educational attainment of all children in need, including those looked after by local authorities, and to protect them from abuse and neglect.

The legislation on care leavers is supported by the objective as a funding priority under the Children First Programme:

To ensure that young persons leaving care, as they enter adulthood, are not isolated and participate socially and economically as citizens.

Sub objectives and key indicators, set out in guidance⁵⁴ are:

- **To maximise the number of young people leaving care on or after their 16th birthday who have ready access to primary healthcare at the age of 19.**
Key indicator: Percentage of these young people registered with a GP.
- **To maximise the number of young people leaving care on or after their 16th birthday who are still in touch with the social services department, or a known and approved contact, at the age of 19.**
Key indicator: Percentage of these young people in contact with a known and approved person at age 19.
- **To minimise the number of young people leaving care on or after their 16th birthday who are homeless at age 19.**
Key indicator: Percentage of these young people homeless at the age of 19.
- **To maximise the number of young people leaving care on or after their 16th birthday who are engaged in education, training or employment at the age of 19.**
Key Indicator: Percentage of those young people who were engaged in education, training or employment at the age of 19.
- **To ensure that young people, on their 16th birthday, continue to receive effective support.**

⁵⁴ The Children First Programme in Wales: Guidance for 2001-02, February 2001

Key indicator: Percentage of young people in care on their 16th birthday who have a suitable plan for their continuing care.

Children First and the new arrangements for care leavers will contribute to National Assembly objectives to combat social exclusion, improve health, tackle substance misuse and homelessness.

Other National Assembly Initiatives

Wider policy and practice guidance which informs the promotion and safeguarding of children and young people's welfare is contained within "Working Together to Safeguard Children – A guide to inter-agency working to safeguard and promote the welfare of children"⁵⁵ and the "Framework for the Assessment of Children in Need and their Families"⁵⁶.

Other initiatives and developments which will impact upon arrangements for care leavers are listed below:

*Children and Young People : A Framework for Partnership*⁵⁷;

*Extending Entitlement: Supporting Young People in Wales (a report by the Policy Unit)*⁵⁸;

*Supporting People (a consultation paper on housing and allied support for vulnerable people)*⁵⁹;

*Tackling Substance Misuse in Wales: A Partnership Approach*⁶⁰,

*Better Health Better Wales*⁶¹;

*Child and Adolescent Mental Health Services: Everybody's Business (a consultation)*⁶²;

*Funding of Youth Offending Teams (a consultation)*⁶³;



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⁵⁷ National Assembly for Wales, ISBN 0 75041, November 2000.

⁵⁸ National Assembly for Wales, ISBN 07504 2466 4, September 2000.

⁵⁹ National Assembly for Wales, January 2001.

⁶⁰ National Assembly for Wales, ISBN 07504 2438 9, April 2000.

⁶¹ Welsh Office, October 1998.

⁶² National Assembly for Wales, June 2000

⁶³ Youth Justice Board, February 2001.